
TO: ACTING CITY MANAGER **DATE:** 2021 May 05

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06
Reference: LLA#20-04

SUBJECT: LIQUOR LICENCE APPLICATION #20-04
VIP Cinemas
#31-06 – 1920 Willingdon Avenue (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, 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; to the applicant, Edna Lizotte, Rising Tide Consultants, 1620 – 1130 West Pender Street, Vancouver, BC V6E 4A4; and to the respondents to the public input process, as described in Section 4.0 of this report.

REPORT**1.0 BACKGROUND INFORMATION**

- 1.1 This Department has received an application for a new liquor primary licence at #31-06 – 1920 Willingdon Avenue (Sketch #1 *attached*).
- 1.2 On 2021 April 26, Council granted Final Adoption to Rezoning Reference #19-14 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 licence applications, requests that local government provide comment on applications for new liquor primary licences. If local government opts to provide comment, the LCRB requires that local government gather public input from 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 licence applications. Based on the adopted guidelines, City comment is provided on applications seeking to establish a new liquor primary facility that requires

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rezoning. The Liquor Control and Licensing Branch (now the LCRB) was advised of these adopted recommendations.

2.0 POLICY SECTION

The subject liquor licence application aligns with the following City policies: Corporate Strategic Plan (2017), Official Community Plan (1998), Economic Development Strategy (2007), Social Sustainability Strategy (2011), and Brentwood Town Centre Community Plan (1996).

3.0 NEIGHBOURHOOD CONTEXT

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 (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 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 southwest of the site. The Brentwood SkyTrain Station is located to the immediate south, along Lougheed Highway, with an auto dealership further south.

4.0 SUBJECT APPLICATION

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) 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, includes retail uses, offices, cafés, restaurants, and a civic public plaza.

The proposed facility includes a lobby, concession area, five movie theatres, a lounge/dining area, and an outdoor terrace. The permitted licensed person capacity (including staff) would be 466. Proposed hours of liquor service are 11:00 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 would be required to cease at midnight, seven days a week.

In order to permit the proposed liquor licence establishment, the inclusion of the C3f District zoning designation, and compliance with Council-adopted guidelines, is required.

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Rezoning Reference #19-14 was initiated to fulfil this requirement and Council granted Final Adoption to this rezoning application on 2021 April 26. The following, as reported previously in a report to Council regarding Rezoning Reference #19-14, is an assessment of the proposal’s consistency with pertinent Council adopted guidelines:

4.1.1 *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 Loughheed 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 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.

▪ *Schools and care facilities*

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).

▪ *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.

4.1.2 *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 venue. The interior licensed area is proposed to be extended onto the adjacent outdoor

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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 11:00 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, the outdoor terrace adjacent the lounge/dining area would be required to be closed at midnight, seven days a week. The above closing hours are considered appropriate, given its location within a Town Centre.

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 maximum permitted licensed person capacity for the establishment would be 466 (including staff). As a prerequisite of Rezoning Reference #19-14, a Section 219 Covenant has been deposited in the Land Title Office to ensure that the licensed person capacity and above described hours would be maintained.

4.1.3 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.

4.1.4 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 the underground parking is provided via Halifax Street, Alpha Avenue, Loughheed 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).

4.1.5 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 establishments. It is also noted that the above guidelines are to be used in the context of surrounding land uses and density of

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development, such that applications for liquor primary facilities in a Town Centre context would be considered differently from those in a single family area.

4.2 The LCRB, as part of its assessment process for liquor primary licence applications, requests that local government provide comments on the following:

4.2.1 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 4.1, 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 submitted in association with a preceding rezoning application. Use of the outdoor terrace would be required 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.

4.2.2 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.

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.

4.2.3 The view of residents and a description of the method used to gather views

The Public Hearing process for Rezoning Reference #19-14, held on 2020 December 15, was utilized to satisfy the required public input process, including written notice to residents/tenants and property owners within 30 m (98.4 ft.) of the subject site, and advertisement in two consecutive local newspaper publications. Two emails were received in opposition. One respondent raised concerns about a new liquor store at this

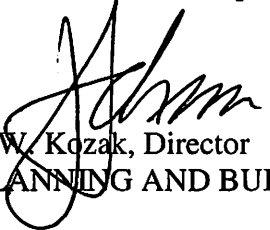
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location, given that there are two liquor stores in the area; it is noted that the subject application is for a liquor primary licence, not a liquor store. The second respondent raised concerns that the 2 am liquor service closure is not suitable for the character of the neighbourhood and that inebriated people and other patrons would create noise. As indicated above, the subject liquor primary licence is considered supportable in this Town Centre context, and noise impacts were considered in Section 4.2.1. There were no speakers at the Public Hearing for Rezoning Reference #19-14.

5.0 CONCLUSION

Based on the information presented above, and that there was not significant public opposition received for Rezoning Reference #19-14, the proposed liquor primary licence is considered supportable. Staff therefore recommend that Council support a new liquor primary licence at the subject site.

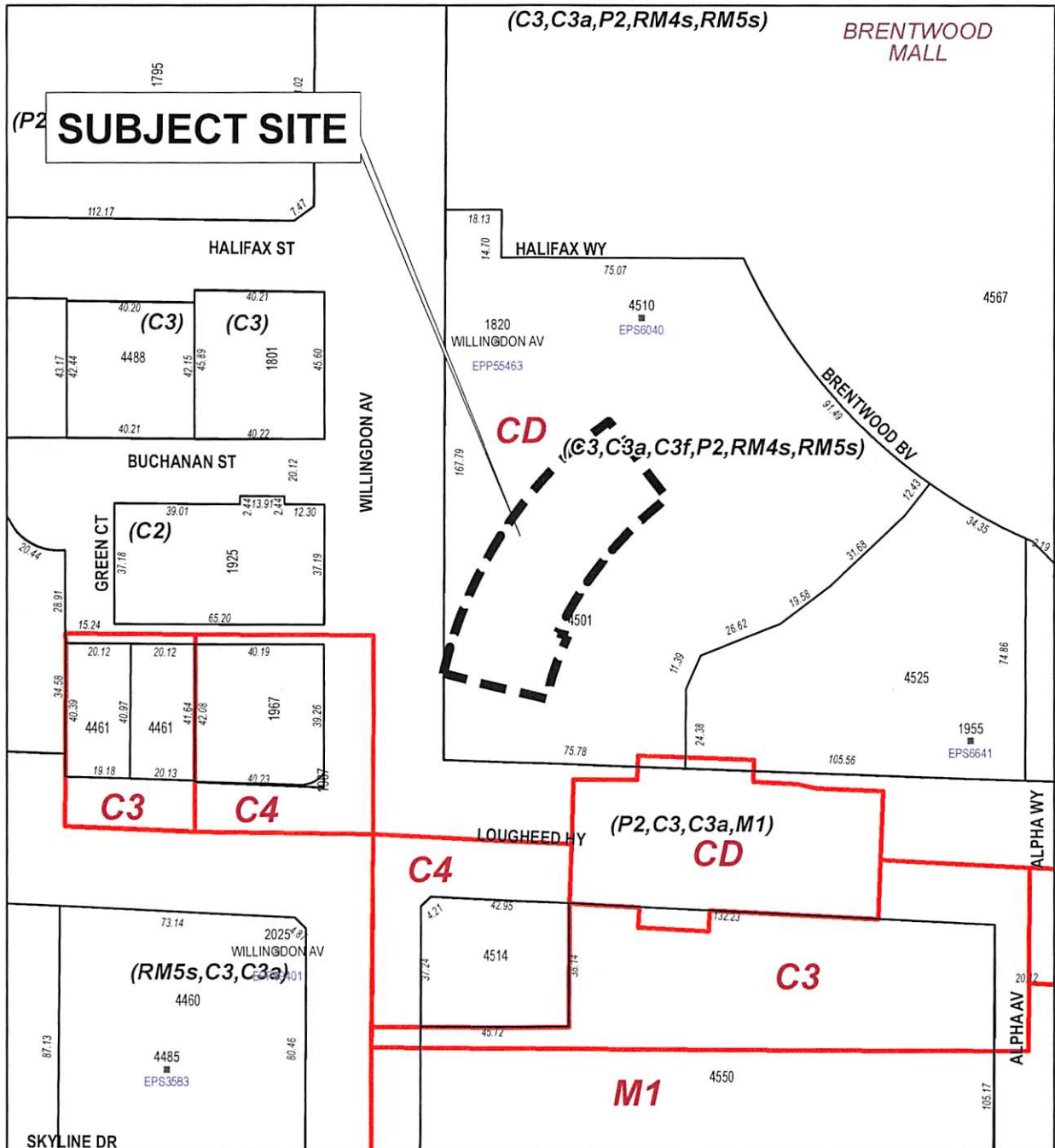
Staff also recommend that a copy of this report be forwarded to the General Manager, Liquor and Cannabis Regulation Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8; the applicant, Edna Lizotte, Rising Tide Consultants, 1620 – 1130 West Pender Street, Vancouver, BC V6E 4A4; and to the respondents to the public input process, as described in Section 4.0 of this report.




E. W. Kozak, Director
PLANNING AND BUILDING

LS:jz

Attachment

cc: Officer-in-Charge, RCMP, Burnaby Detachment
Chief Licence Inspector
City Solicitor
City Clerk



	<p>PLANNING & BUILDING DEPARTMENT</p> 
<p>Date: APR 27 2021</p>	<p>LIQUOR LICENSE APPLICATION #20-04 #31-06 - 1920 WILLINGDON AVENUE</p>
<p>scale: 1:2,000</p>	
<p>Drawn By: RW</p>	

 Subject Site