

TO: CITY MANAGER
FROM: DIRECTOR PLANNING AND BUILDING
SUBJECT: REZONING REFERENCE #98-40

1998 December 07

ADDRESS: 4320 DOMINION STREET

LEGAL: LOT A EXCEPT: THE EAST 569.29 FT., AND PORTIONS IN PLAN LMP 32853, D.L. 70, GROUP 1, NWD PLAN 9892

FROM: CD Comprehensive Development District (based on C3 General Commercial District guidelines)

TO: "Amended" CD Comprehensive Development District (based on C3d General Commercial District guidelines and in accordance with the Development Plan entitled "Burnaby Casino" prepared by Marshall Fisher Architects)

APPLICANT: Gateway Casinos Inc.
210 - 4240 Manor Street
Burnaby, B.C. V5G 1R2
(Attention: Mr. Dave Gadhia)

PURPOSE: To seek Council authorization to forward this rezoning application and the proposed text amendments to the Zoning Bylaw regarding parking requirements for Casinos with slot machines (Gaming Houses) to a Public Hearing on 1999 January 26.

RECOMMENDATIONS:

1. **THAT** the Rezoning Bylaw covering this rezoning request be given First Reading and advanced to a Public Hearing on 1999 January 26 at 7:30 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 approval of the Ministry of Transportation and Highways to the rezoning application.

- c) The granting of a 219 Covenant to relate the number of operating slot machines to the provision of off-street parking as outlined in Section 3.8 of this report.
 - d) The securing of an appropriate lease arrangement for required additional off-street parking as outlined in Section 3.8 of this report.
3. **THAT** Council authorize the City solicitor to amend the Zoning Bylaw Sections as summarized in Section 3.5 of this report and that the amendment Bylaw be given First Reading and advanced to a Public Hearing on 1999 January 26 at 7:30 p.m.
4. **THAT** a copy of this report be sent to Mr. Dave Gadhia, the subject Rezoning Applicant, #210 - 420 Manor Street, Burnaby, B.C. ,V5G 1R2 and to Mr. Derrick Luu, the applicant of Rezoning Reference #98-33, 8016 Elliott Street, Vancouver, B.C. V5S 2P2, which involves a proposed charitable casino with slot machines located at 4488 Halifax Street.

R E P O R T

1.0 **REZONING PURPOSE:**

The purpose of the proposed rezoning bylaw amendment is to permit the addition of 300 slot machines to the recently approved charity casino.

2.0 **BACKGROUND:**

- 2.1 The subject site forms part of the Clarion Hotel Villa complex which was rezoned in the early 1970's to accommodate an expansion of the hotel which includes the subject parking structure and a 21 storey hotel tower. At that time, the lands were rezoned to the CD Comprehensive Development District utilizing the C3 Commercial District to permit the hotel use.
- 2.2 On 1997 May 05, Council gave Final Adoption to Rezoning Reference #24/96, which included the establishment of a charitable casino within a portion of the existing office/parking structure located on the subject site (see attached sketch). On 1998 May 04, Council gave Final Adoption to a subsequent rezoning application (Rezoning Reference #48/97) on the subject site to permit an expansion of the floor area of the previously approved charitable casino. This casino facility is currently under construction and is expected to be completed early in 1999.
- 2.3 On 1998 April 06, Council approved an amendment to the Burnaby Zoning Bylaw creating an additional class of gaming establishment which would include slot machines, called a

Gaming House, and to make provision for this land use only in a zoning district having a C3d designation, subject to such use being included as part of a Comprehensive Development Plan. This text amendment enables the City to effectively regulate the presence of slot machines in Burnaby. Casinos with slot machines (Gaming Houses) could be approved only after due consideration of an application for Comprehensive Development rezoning which would require submitting the matter to a Public Hearing.

- 2.4 On 1998 November 16 Council considered the subject rezoning request to install 300 slot machines within the previously approved charity casino. On that occasion Council adopted the following recommendation:

"**THAT** Council authorize staff to work with the applicant towards the preparation of a parking study as outlined in Section 4.4 of this report and a plan of development which is suitable for presentation to a Public Hearing, on the understanding that a more detailed report will be submitted at a later date."

- 2.5 The Planning Department has now received and reviewed two independent parking studies, one from the subject applicant's consultant and one from the consultant hired by the Halifax Street casino applicant who is also pursuing Council approval to his proposed Gaming House through the rezoning process. While the two studies do not provide an exhaustive examination of casino parking, staff have gained sufficient information to make appropriate recommendations on this matter.

- 2.6 The applicant has also submitted a plan of development suitable for presentation to a Public Hearing.

3.0 GENERAL COMMENTS:

- 3.1 The proposed 300 slot machines are intended to be set up within the previously approved casino facility which will occupy a total gross floor area of approximately 2,225 m² (23,950 sq. ft.) on the second level portion of the existing parking structure/office building. The actual gaming area will occupy approximately 1,486 m² (16,000 sq. ft.) of which a portion will be allocated to the slot machines. The balance of the floor area will be used for offices, storage and count rooms related to the operation of the casino.
- 3.2 With reference to required off-street parking, the current zoning bylaw regulations regard charitable casinos as public assembly areas which require 1 parking space for each 9 m² (96.88 sq. ft.) of floor area used for gaming activities. Additional areas used for offices and related casino operations require 1 parking space for each 46 m² (495.16 sq. ft.) of gross floor area.

3.3 In reference to the current parking situation regarding the subject casino, a total of 677 off-street parking stalls are owned by the Clarion Hotel Villa which includes 597 spaces within the parking structure in which the casino is to be located plus an additional 80 surface stalls located on the hotel site located on the north side of Dominion Street. The hotel also leases adjacent land (4431 Dominion Street) from the Ministry of Transportation and Highways which includes an additional 154 spaces that are used by the hotel. Based on the current parking bylaw requirements, the existing hotel requires 486 parking spaces and the approved casino 178 spaces which together, require a total of 664 spaces. This leaves a surplus of 13 spaces but does not include the 154 spaces located on the adjacent lands leased from the Ministry of Transportation and Highways.

3.4 The applicant's consultant provides a parking demand/supply analysis of the proposed casino and existing hotel operations in order to predict whether there will be adequate parking if and when the casino opens. The consultant suggests that the peak demand for parking on the hotel lot and within the existing parking structure will be less than the number of parking spaces required pursuant to the prevailing Burnaby Bylaw regulations. Thus, it is suggested that the available parking is more than adequate to meet the needs of the hotel and casino and that the recommended parking standards would not necessarily be applicable.

While this proposition may have some merit and could be further explored in more detail, Council is advised that this matter should be regarded as a separate topic which would require further review and a separate rezoning application to amend the current CD zoning of the Clarion Hotel Villa site.

3.5 The Planning Department has reviewed the information contained in the two casino parking studies which examine existing casino operations, parking demand, bylaw regulations in other jurisdictions of Canada and the Province. Based on this information and a further review of Burnaby's Bylaw regulations, the Planning Department concludes that slot machines located in charitable casinos will generate additional patronage and related demand for off-street parking in excess of the number required under the current Bylaw regulations. It is therefore recommended that the Zoning Bylaw be amended to provide additional parking to meet the needs of charitable casinos with slot machines. The Burnaby Zoning Bylaw should be amended as reflected in italics as outlined below:

"Section 800.4 Required Off-Street Parking Spaces:

USE	REQUIRED PARKING SPACES
(13) Places of Public Assembly, including..... <i>Gaming Houses</i>	1 parking space for each 9 m ² (96.88 sq. ft.) of floor area in areas without fixed seats which are used or intended to be used for Public assembly, excluding playing surfaces <i>plus 1 parking space for each 3 slot machines in Gaming Houses.</i> "

3.6 This additional parking requirement is considered to be sufficient to meet the needs of the additional patronage generated by casinos with slot machines. This number also reflects the conclusions drawn from the two consultant parking studies and while it may not be quite as rigorous as one consultant concludes, is a standard that is well within the range that has been recommended in both studies. This regulation can be evaluated and reviewed in due course once the Gaming House(s) have been operating for a period of time.

3.7 Based on the foregoing recommended revised parking regulations, the subject Gaming House will now be required to provide a total of 265 off-street parking spaces which is based on a gaming area of approximately 16,000 square feet plus 300 slot machines. This will be 87 more parking spaces than the 178 spaces required by the previously approved casino.

3.8 It is important to note that the additional parking will require the allocation of the existing 13 surplus spaces currently available in the parking structure to the casino. An additional 74 off-street parking spaces are still required. These additional 74 spaces could be provided on the existing parking areas at 4431 Dominion Street leased by the hotel from the Ministry of Transportation and Highways which includes 154 spaces which are also surplus to the requirements of the hotel and the previously approved casino. However, in view of the tenure of the existing lease agreement with the MOH, which could terminate the parking use on short notice, the use of these parking spaces for the casino must be recognized on a conditional basis. As such, if the required 74 parking spaces were to be terminated, the casino would be required to remove a number of slot machines to maintain the prevailing parking bylaw requirements. For example, if the 74 parking spaces were to be terminated, this could result in the removal of 222 slot machines.

In view of this situation, it will be necessary for the applicant to grant a 219 Covenant to relate the number of slot machines within the casino to the ongoing availability of the 74 parking spaces located at 4431 Dominion Street or a suitable legally qualified equivalent

under the Zoning Bylaw. This situation should also be specifically identified and controlled through the Gaming House Business License.

- 3.9 The subject rezoning application and the proposed Zoning bylaw text amendments can be processed concurrently and advanced to a Public Hearing on 1999 January 29.
- 3.10 The applicant will be required to obtain the necessary agreements from the Clarion Villa Hotel and the MOTH regarding the allocation of required parking spaces within the parking structure and at 4431 Dominion Street.
- 3.11 All services have been provided by the applicant to serve the site.
- 3.12 The subject rezoning requires the approval of the Ministry of Transportation and Highways.
- 3.13 The applicant will require the approval of the B. C. Gaming Commission in order to operate the proposed Gaming House facility.
- 3.14 All of the required security provisions outlined in the previous rezoning application and suitable plan of development will continue to apply to this gaming house proposal.

4.0 DEVELOPMENT PROPOSAL:

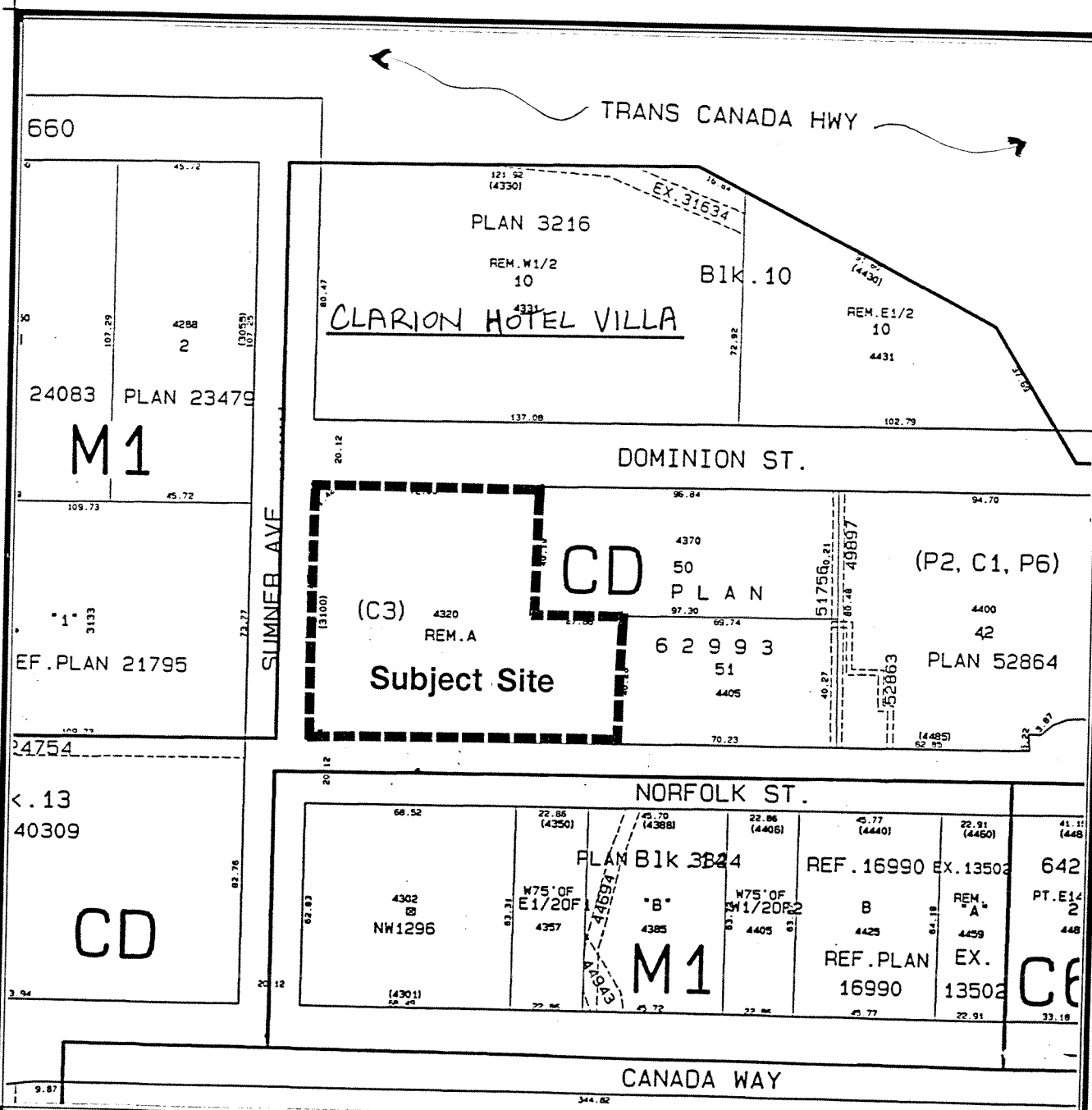
- 4.1 Net Site Area (south side Dominion Street): - 6,988 m² (75,220 sq. ft.)
 - 4.2 Casino Facility Floor Area (Gaming)
Including 300 Slots - 1,486 m² (16,000 sq. ft.)
 - 4.3 Parking Required for Gaming House:
- 1,486 m² @ 1 space per 9 m²
= 165 space plus 1 space
per 3 slot machines = 100
- Total: 265 spaces



D. G. Stenson
Director Planning and Building

PS/ds
Attach.

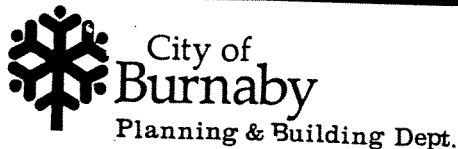
cc: Director Engineering
RCMP
City Solicitor
City Clerk



Date:
DEC. 1998

Scale:
1:2000

Drawn By:
J.P.C.



Rezoning Reference 98-40

Sketch # 1

