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**TO:** CITY MANAGER **DATE:** 2008 May 06

**FROM:** DIRECTOR PLANNING & BUILDING **FILE:** 46000 06  
*Reference:* LLA #08-03

**SUBJECT:** LIQUOR LICENCE APPLICATION #08-03  
CACTUS CLUB CAFE  
7320 Market Crossing (see *attached* sketch #1)  
Marine Way Market Shopping Centre

**PURPOSE:** To provide Council with a recommendation on the subject liquor licence for later closing hours of liquor sale within the 80-seat outdoor patio area.

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**RECOMMENDATIONS:**

1. **THAT** Council support the request for 1:00 a.m. (Monday to Wednesday) and 1:30 a.m. (Thursday to Saturday) closing hours of liquor sale within the 80-seat patio area at the subject food primary establishment, as described in Section 3.0 of this report.
2. **THAT** a copy of this report be forwarded to the General Manager, Liquor Control and Licensing Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8; and to the applicant, Mr. Randall Olafson, 200 – 11575 Bridgeport Road, Richmond, BC, V6X 1T5.

**REPORT****1.0 BCKGROUND INFORMATION**

- 1.1 This Department has received an application to amend the existing food primary licence for the Cactus Club Café at 7320 Market Crossing to permit later closing hours of liquor sale from Monday to Sunday within both the interior and outdoor patio seating areas of the restaurant.
- 1.2 The Liquor Control and Licensing Branch (LCLB), as part of their assessment process of food primary liquor licence applications, requests that local government provide comment on applications to amend the operating hours of a food primary licence establishment past 12:00 midnight. LCLB regulations also state that if the amendment to the licence may affect nearby residents, local government must gather the view of the residents.
- 1.3 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 to amend the hours of liquor sale in food primary licenced establishments past 12:00 midnight if:

- a) The proposed hours of liquor sale are later than 2:00 a.m.; or
- b) The establishment has, or proposes to have, a patio.

On 2003 December 09, Council adopted a further recommendation that the City provide comment on applications to amend the hours of liquor sale in food primary licenced establishments past 12:00 midnight if:

- a) The establishment has, or proposes to have, patron participation entertainment past 12:00 midnight.

The LCLB was advised of these adopted recommendations. This report provides comment on this application based on the above guidelines.

**2.0 PROPERTY CONTEXT**

The subject restaurant at 7320 Market Crossing is located on the southeast corner of Byrne Road and Marine Way, within the Marine Way Market Shopping Centre (see attached Sketch #1). The new restaurant (The Cactus Club Café) opened on 2008 May 06. It was developed as part of the comprehensive plan of development for the retail shopping centre to serve businesses, employees and the travelling public in the Big Bend area.

**3.0 SUBJECT APPLICATION**

3.1 The Cactus Club Café has 261 seats, including a 80-seat covered outdoor patio area on the west side of the building fronting the intersection of Byrne Road and Marine Way. The restaurant holds a food primary liquor licence. Permitted hours of liquor sale within both the interior and patio seating areas of the restaurant are currently 9:00 a.m. to 12:00 midnight, Monday to Sunday.

3.2 This application is requesting an amendment to the existing food primary licence for the Cactus Club Café to permit later closing hours of liquor sale from Monday to Sunday within both the interior and patio seating areas of the restaurant. The proposed closing hours of liquor sale are as follows:

- a) 11:00 a.m. to 1:00 a.m. Monday to Wednesday
- b) 11:00 a.m. to 1:30 a.m. Thursday to Saturday

No change is requested to the closing hour of liquor sale on Sunday (12:00 midnight), the number of seats, or the floor area (including patio size) of the establishment.

3.3 The proposed extended hours of liquor sale within the interior seating area of the restaurant is consistent with Council adopted guidelines and does not require comment from the City to the LCLB. As such, approval of the proposed extended hours of liquor sale within the restaurant interior up to 1:30 a.m. would be determined by the LCLB. With regard to the proposed 1:00 a.m. (Monday to Wednesday) and 1:30 a.m. (Thursday

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to Saturday) closing hours of liquor sales within the 80-seat patio area, staff note that the subject patio is architecturally covered and screened such that no adjacent commercial or industrial uses would be impacted by noise emanating from the patio. Any noise from the subject patio would also be expected to dissipate into the ambient noise generated by traffic on Byrne Road and Marine Way.

In addition, the subject site is predominantly surrounded by industrial and commercial uses. The nearest residences are over 500 m away on the south side of Marine Drive and are not considered to be impacted by the proposed extended hours. As such, the gathering of input from residents is not required.

3.4 In response to this application, input has been solicited from relevant City Departments, including the RCMP Burnaby Detachment. The RCMP do not oppose the proposed change in closing hours for liquor sales.

3.5 Given that the proposed extended hours would not result in any anticipated off-site noise impacts, it is recommended that Council support the request to extend the closing hours of liquor sale within the 80-seat patio area of the subject restaurant as follows:

- a) 11:00 a.m. to 1:00 a.m. Monday to Wednesday
- b) 11:00 a.m. to 1:30 a.m. Thursday to Saturday

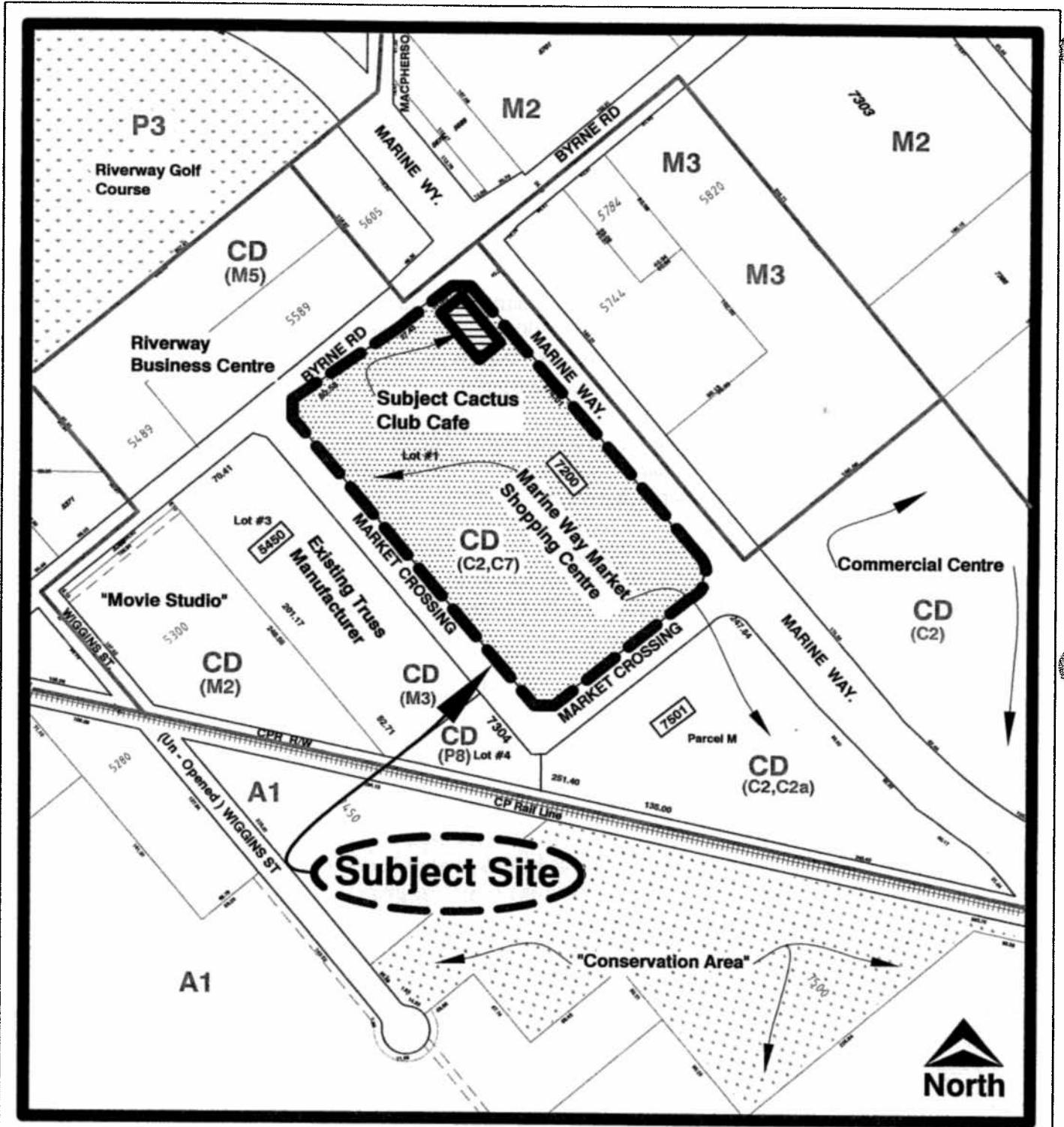
#### 4.0 CONCLUSION

The request for a 1:00 a.m. (Monday to Wednesday), and 1:30 a.m. (Thursday to Saturday) closing hour of liquor sale within the interior seating area of the restaurant is consistent with Council policy and does not require specific comment to the LCLB on this aspect. Based on the considerations noted in this report, it is recommended that Council support the request to extend the proposed closing hours of liquor sale for the 80-seat patio area, and that the LCLB be so advised.

  
B. Luksun  
for Director Planning & Building

ZM:gk  
Attach

cc Officer-in-Charge, RCMP, Burnaby Detachment  
Director Engineering, Environmental Services Division



**Planning and Building Department**

Scale: N.T.S.

Drawn By: J.P.C.

Date: May 2008

**Liquor Licence Application # 08 -- 03**  
 7320 Market Crossing  
 (Cactus Club Cafe)

Sketch # 1