
TO: CITY MANAGER **DATE:** 2019 June 05

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06
Reference: LLA#19-01

SUBJECT: LIQUOR LICENCE APPLICATION #19-01
CACTUS CLUB CAFÉ
6090 SILVER DRIVE

PURPOSE: To provide Council with a recommendation regarding the subject food primary liquor licence.

RECOMMENDATIONS:

1. **THAT** Council authorize staff to gather public input regarding a request for a new food primary liquor licence for Cactus Club Café, which is proposed to be located at 6090 Silver Drive, (see Sketches #1 and #2 *attached*), as described in Section 3.0 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, Mr. Randall Olafson, Randall Olafson Consultants Ltd., #200-11575 Bridgeport Road, Richmond, BC, V6X 1T5.

REPORT**1.0 POLICY FRAMEWORK**

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

A Connected Community

- Social connection - Enhance social connections throughout Burnaby.
- Partnership - Work collaboratively with businesses, educational institutions, associations, other communities, and governments.

A Dynamic Community

- Economic opportunity - Foster an environment that attracts new and supports existing jobs, businesses and industries.
- Community development - Manage change by balancing economic development with environmental protection and maintaining a sense of belonging.

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2.0 BACKGROUND INFORMATION

- 2.1 This department has received a liquor licence application (LLA) for a food primary liquor licence for Cactus Club Café (Cactus Club) which is proposed to be located at 6090 Silver Drive, within the Station Square development. The Cactus Club Café, currently located nearby at 4653 Kingsway, will continue to operate until such a time that their lease agreement for that location ceases.
- 2.2 Cactus Club is requesting that the permitted hours of liquor service at the subject site be from 9:00 a.m. to 1:30 a.m. daily. It is noted that at their current Kingsway location, Cactus Club holds a food primary liquor licence which permits the service of liquor from 9:00 a.m. to 1:30 a.m. Monday through Saturday, and 9:00 a.m. to 12:00 a.m. Sunday.
- 2.3 The subject site is proposed to have 217 seats inside the restaurant and 76 seats on the patio for a total of 293 seats. The approved seating capacity for Cactus Club Café at their current Kingsway location is 113 seats inside the restaurant and 22 seats on the patio for a total of 135 seats.
- 2.4 The subject site is proposed to include a patio that fronts onto Kingsborough Street and a lounge that fronts onto Silver Drive. The perimeter of the patio incorporates a sliding glass weather barrier system, and the east face of the lounge incorporates a NanaWall system, which is a folding, clear glass, acoustical, two panel door system.
- 2.5 The Liquor and Cannabis Regulation Branch (LCRB), as part of their assessment process for food primary liquor licence applications, requests that local government provide comment on applications seeking hours of liquor service past midnight. LCRB regulations also state that if the local government opts to provide comment, they must gather public input for the community in the vicinity of the establishment.
- 2.6 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 food primary establishments past 12:00 a.m. if the establishment has, or proposes to have, a patio. The LCRB was advised of these adopted recommendations.

3.0 NEIGHBOURHOOD CONTEXT

On 2012 July 30, Council granted Final Adoption to Rezoning Reference #04-09 for the Master Plan and detailed Phase I development plan for the Station Square site within the Metro Downtown area of the Metrotown Downtown Plan area. The Master Plan concept established development guidelines for the redevelopment of the Station Square site to include five high-rise residential apartment towers over low-rise and street level office, retail, and restaurant uses. The subject site is located on the ground floor within Phase II of the Station Square development, approved under Rezoning Reference #12-42, which includes a proposed “High Street” concept

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along Silver Drive with ground-level, engaging, street-oriented retail and restaurant uses. This phase of development also realizes the proposed "City Plaza - City Room" at the corner of Silver Drive and Kingsborough Street, which is one of the larger public open space plazas within Station Square, complete with specialized landscaping, outdoor seating, public art and restaurant patios.

To the north, west and south of the proposed subject restaurant, different phases of the Station Square Development are proposed. To the east, are the Metropolis at Metrotown Shopping Centre, and the Sears development site (Rezoning Reference #13-07).

4.0 SUBJECT APPLICATION

4.1 The subject application involves a request for a food primary liquor licence for Cactus Club, which is proposed to be located at 6090 Silver Drive, within the Station Square development with requested hours of liquor service from 9:00 a.m. to 1:30 a.m. daily. It is noted that these hours are similar to those at the current location on Kingsway with the exception that Sunday hours are requested to be 1.5 hours later. It is also noted that on 2019 April 08, Council approved a recommendation to support LLA18-04 for Earl's Restaurant located within the same development at 6070 Silver Drive. LLA18-04 approved liquor service hours from 9:00 a.m. to 1:30 a.m. within the interior of the establishment, patio operating hours until 12:00 midnight on Sunday through Thursday and 1:30 a.m. on Friday and Saturday, and the registration of a Section 219 Covenant, to ensure compliance with the conditions. Therefore, should the subject application proceed, similar hours would be appropriate. Specifically, the subject application would be subject to the registration of a Section 219 Covenant permitting liquor service hours of the establishment from 9:00 a.m. to 1:30 a.m. daily, but requiring the sliding glass weather barrier system on the patio and the NanaWall folding glass door system for the lounge be closed at 12:00 midnight on Sunday through Thursday and 1:30 a.m. on Friday and Saturday. In addition, it is proposed that the applicant be required to confirm that when the sliding glass weather barrier system on the patio and the NanaWall system for the lounge are open past 10:00 p.m., the sound system on the patio and the speakers located in the lounge near Silver Avenue be lowered at 10:00 p.m. to comply with Burnaby Noise or Sound Abatement Bylaw 1979, Amendment Bylaw No. 1, 1995. It should also be noted that the entire proposed subject restaurant would be subject to the requirements of the Noise or Sound Abatement Bylaw.

4.2 The LCRB, as part of their assessment process of applications for new food primary liquor licences, requests that local government provide comments on the following criteria:

(a) The impact of noise on nearby residents

The subject establishment is located on the corner of Silver Drive, the High Street of the Station Square Master Plan, and Kingsborough Street, a neighbourhood street with

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opportunities for “people places” on adjoining sidewalks, in the Metro Downtown neighbourhood of the Council-adopted Metrotown Downtown Community Plan. The Master Plan proposes a mixed-use concept with commercial uses at-grade, office uses on the second and third storeys, and five residential towers ranging in height from 35 to 57 storeys. Silver Avenue is described as both a “shopping street” and “restaurant row” with excellent solar orientation for patios and suspended lighting across the street to give a festive quality at night. The design of Kingsborough is centered on access. Therefore, while the subject establishment is located near residential uses, the urban design is intended to create a more animated and vibrant area than a typical residential street, and the central location of the proposed subject restaurant is expected to be lively. It is also noted that the restaurant’s proximity to major roads (Kingsway) and the SkyTrain line along Central Boulevard would provide ambient traffic noise to the north and south.

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

It is not anticipated that approving the application would result in negative impacts to the community as the proposed restaurant would be located on the corner of Silver Drive, which is considered the ‘central nervous system’ of the development where restaurants are envisioned as an integral part of the vibrancy of the area. Kingsborough, while considered a neighbourhood street, is intended to be people oriented with good sun exposure and visibility. Further, the location of Cactus Club on Silver Drive would contribute to the realization of Metrotown as a significant and vibrant Downtown area. The subject site is also accessible by all forms of transportation. Bus service is readily available along Kingsway and the Metrotown and Patterson SkyTrain stations are within an appropriate walking distance. As such, the proposed subject establishment is generally well suited to the surrounding context.

(a) Whether the amendment will result in the service area being operated in a manner that is contrary to primary purpose

It is not anticipated that the proposed liquor service hours would result in the subject restaurant being operated in a manner that is contrary to its primary purpose, particularly given that the proposed liquor service hours are very similar to the existing liquor service hours permitted for the Cactus Club Café located at 4653 Kingsway.

The Planning and Building Department has solicited comments on this application from relevant City Departments, including the RCMP Burnaby Detachment. No City Departments have expressed any objections to the proposed liquor service hours for the subject proposed restaurant.

LCRB regulations state that if local government provides comment, they must gather public input from the community in the vicinity of the proposed 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 property owners and occupants within 30 metres of the site, inviting written comments


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be sent to the Planning Department; notification in two consecutive issues of the local newspaper; and the placement of a sign at the site.

5.0 CONCLUSION

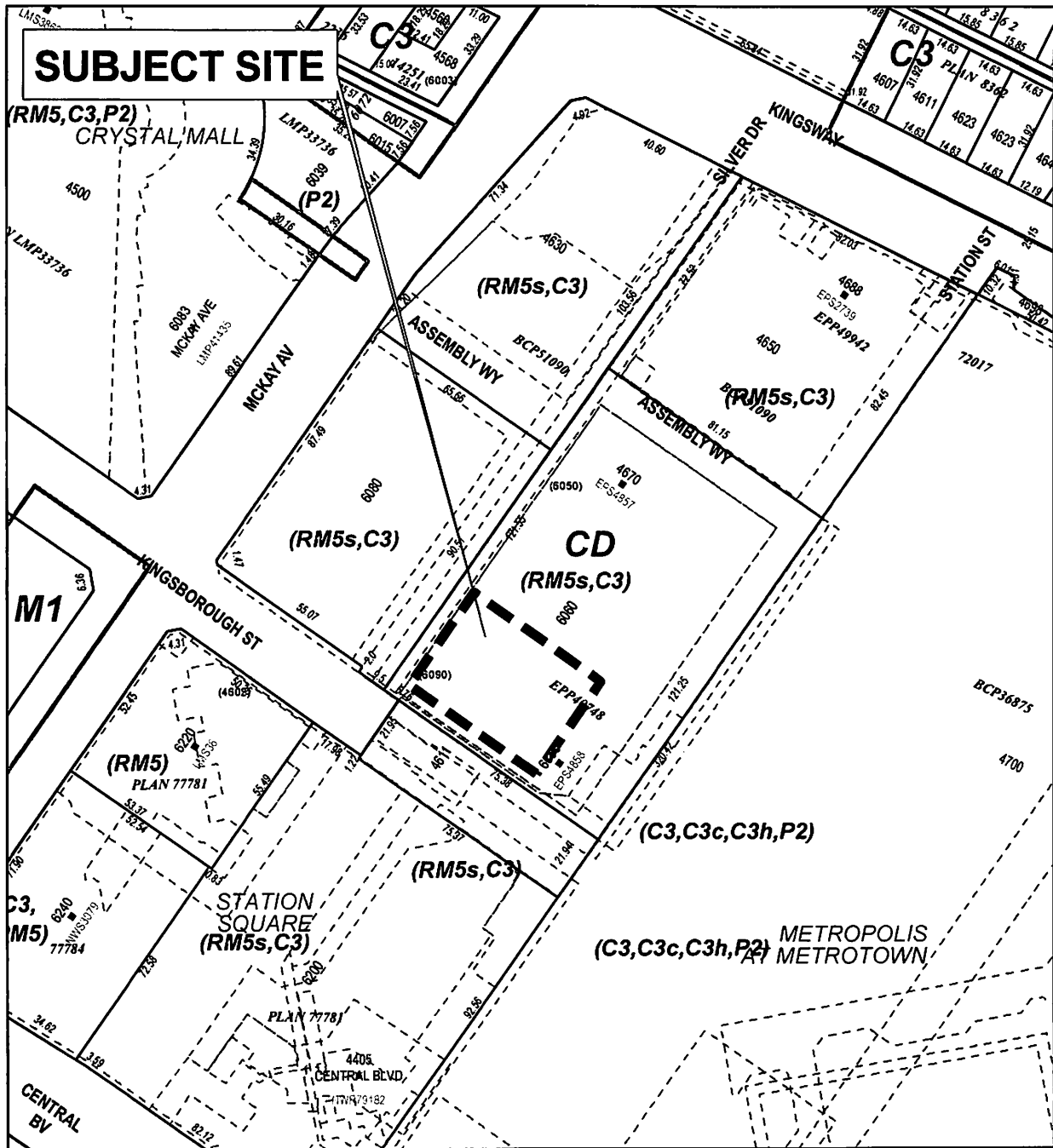
Based on the information presented above, staff recommend that Council support the requested new food primary liquor licence for the subject establishment proposed for 6090 Silver Drive, as discussed in Section 4.0 of this report, subject to staff gathering public input. Once this input has been gathered 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, Mr. Randall Olafson, Randall Olafson Consultants Ltd., #200-11575 Bridgeport Road, Richmond, BC, V6X 1T5.


E.W. Kozak, Director
PLANNING AND BUILDING

KL:rh

Attachments

cc: Director Finance
Director Parks, Recreation and Cultural Services
Director Engineering
Officer-in-Charge, RCMP, Burnaby Detachment
Chief Licence Inspector
City Solicitor
City Clerk



PLANNING & BUILDING DEPARTMENT



DATE:
APR 16 2019

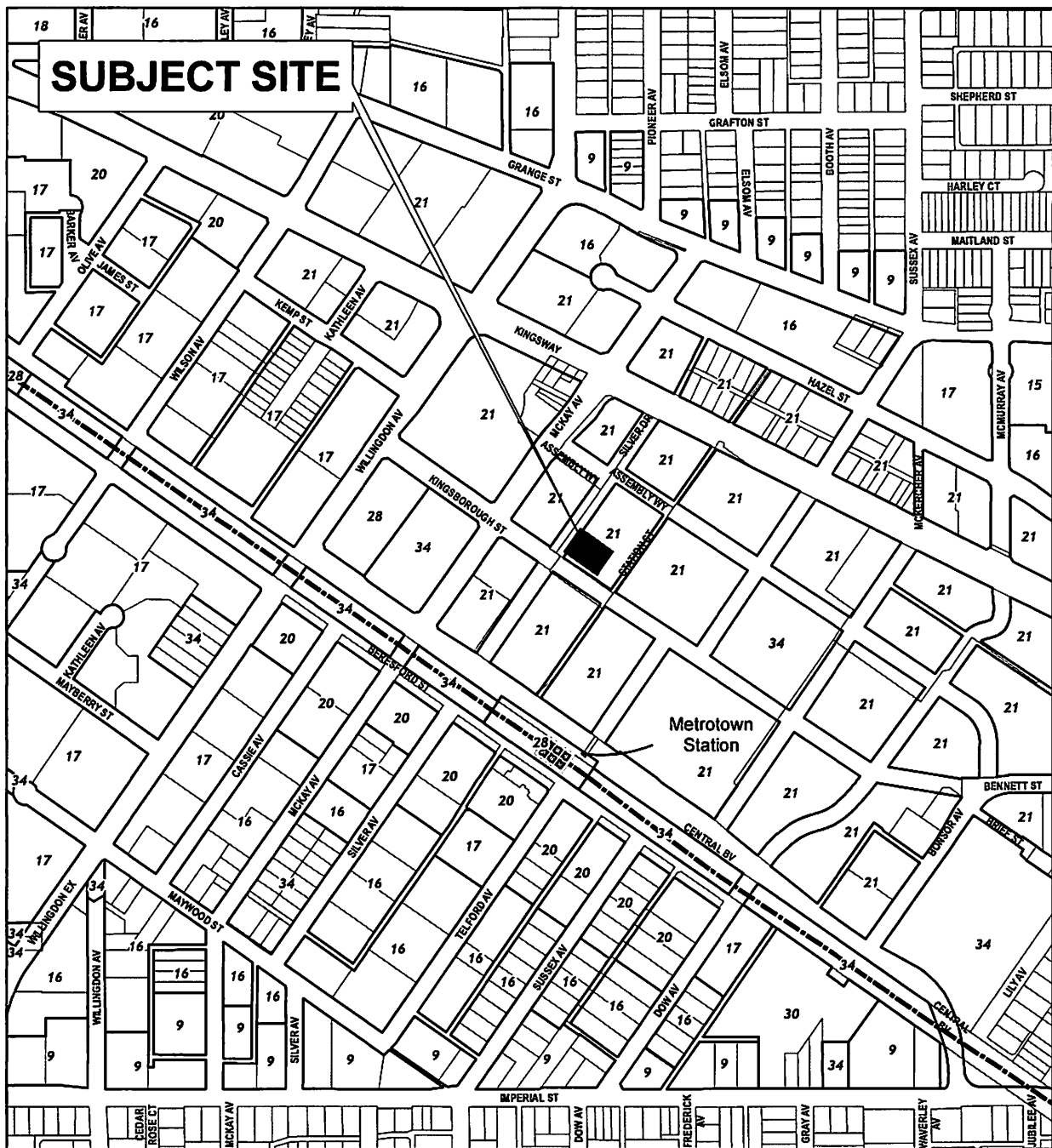
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LIQUOR LICENSE APPLICATION #19-01
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 Subject Site

Sketch #1



- 9** Medium Density Residential (RM3s)
- 15** High Density Residential (RM5)
- 16** High Density Residential (RM4s)
- 17** High Density Residential (RM5s)
- 18** High Density Mixed Use (RM4s/C2)
- 19** High Density Mixed Use (RM4s/C3)

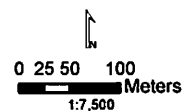
- 20** High Density Mixed Use (RM5s/C2)
- 21** High Density Mixed Use (RM5s/C3)
- 28** Institutional
- 30** Public School (P3)
- 34** Park and Public Use (P3)



Planning and Building Dept

Printed on April 16, 2019

Metrotown Plan



Sketch #2