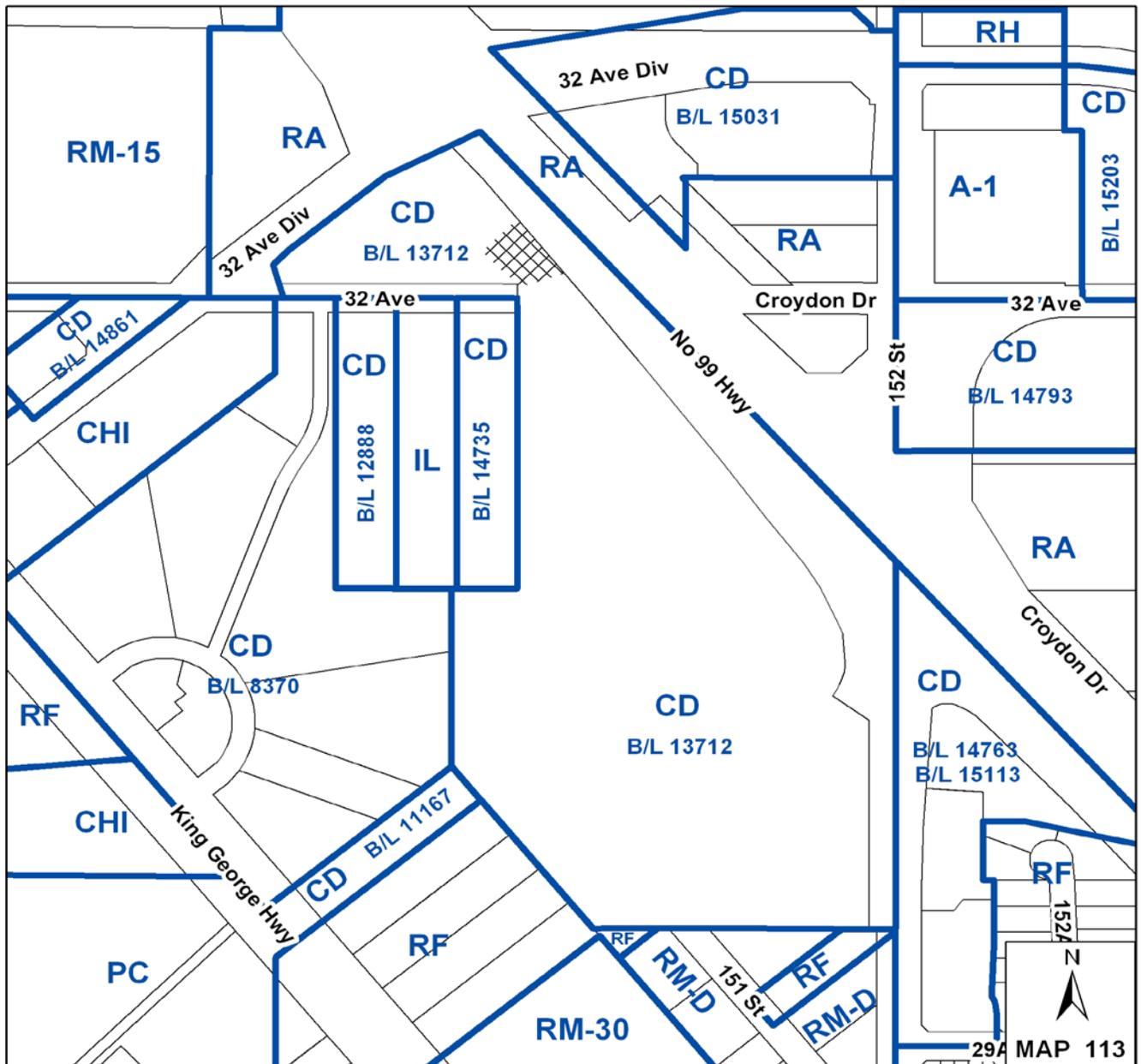


<b>Proposal:</b>	Amend the Food Primary Liquor License to extend the hours of operation for a new Cactus Club restaurant.		
<b>Recommendation:</b>	Approval to Proceed		
<b>Location:</b>	3033 - 152 Street	<b>Zoning:</b>	CD (By-law No. 13712)
<b>OCP Designation:</b>	Commercial	<b>Owner:</b>	585656 B.C. Ltd.
<b>NCP Designation:</b>	Commercial		



## PROJECT TIMELINE

Completed Application Submission Date: September 19, 2006  
Planning Report Date: October 30, 2006.

## PROPOSAL

The applicant is proposing a Food Primary Liquor License Amendment for an extension of hours of liquor service past midnight for a new Cactus Club restaurant at the South Pointe Exchange Shopping Centre (Phase II).

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the following proposed food primary liquor license amendment to proceed to Public Notification:
  - (a) The extension of hours from 12:00 a.m. to 1:00 a.m. Monday through Thursday and from 12:00 a.m. to 1:30 a.m. Friday to Saturday.

## REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as identified in the attached (Appendix IV).

Surrey RCMP: No comment since the restaurant has not opened yet.

Surrey By-laws & Licensing Services: No concerns. An application for a business license has been submitted and is under review.

## SITE CHARACTERISTICS

- **Existing Land Use** South Pointe Exchange large format shopping centre with a variety of businesses.
- **Significant Site Attributes** Adjacent (south side) to Highway No. 99.
- **North and East:** Across Highway No. 99 and 152 Street intersection are properties zoned RA, designated Suburban in the OCP.
- **South:** Across 32 Avenue is a commercial building for mini-storage, zoned CD, designated Commercial in the OCP.
- **West:** Retail buildings under construction, within Phase II (the Boulevard of the South Pointe Exchange Shopping Centre), zoned CD, designated Commercial in the OCP.

### PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Designation: Complies.

### DEVELOPMENT CONSIDERATIONS

- The subject site at 3033 152 Street, is located adjacent to Highway No. 99 and forms part of the South Pointe Exchange Shopping Centre. The portion of the South Pointe Exchange Centre north of 32 Avenue, known as The Boulevard, was recently approved under Development Permit No. 7905-0268-00 for development of additional commercial units to expand the commercial complex, including additional retail units and a restaurant.
- Cactus Club is one of the tenants of The Boulevard, and the building is under construction. Cactus Club Restaurants operate in British Columbia and Alberta. This is their first Surrey location.
- The subject building is located adjacent to Highway No. 99, and immediately fronting 32 Avenue at the entrance to South Pointe Exchange Centre.
- Based on the Building Permit submission, the "Occupant Load" or maximum capacity for the restaurant is 298 persons, as approved in the Development Permit. This includes the outdoor patio area, which would operate with the same hours as the indoor portion of the restaurant.
- In accordance with the process adopted by Council on September 29, 2003 (Corporate Report No. R209), an application to amend the hours of operation for a liquor licensed establishment proceeds through a process similar to a Development Variance Permit application. A Development Proposal sign is required to be installed on the property to identify the proposed changes to operating hours. Although there is no formal Council Policy on extension of hours for liquor service in Food Primary establishments, the same requirements are applied as with a Liquor Primary establishment.

### Proposed Amendments to the Standard Food Primary Liquor License

- The subject establishment, Cactus Club Restaurant, has applied to the Liquor Control and Licensing Branch of British Columbia (LCLB) for a Food Primary Liquor License that would permit the establishment to operate during the standard permitted hours (between 10:00 a.m. and 12:00 a.m. Monday through Sunday) and additionally to amend the standard permitted hours to the following:
  - Monday to Wednesday 11:00 a.m. to 1:00 a.m.
  - Thursday to Saturday 11:00 a.m. to 1:30 a.m.
  - Sunday 11:00 a.m. to 12:00 a.m.

- This application differs from the standard amendment to the food primary license in that this is a new location (under construction and scheduled to open in December 2006) and as such the issuance of a Food Primary Liquor License and approval for an extension of hours for liquor service are being considered concurrently by the LCLB.
- As noted above, although the subject establishment is a restaurant, (i.e. food primary), it is reasonable to consider the City policy for permitted maximum hours of operation for liquor primary establishments in the City of Surrey as a guide to evaluate extension of hours of liquor service for Food Primary establishments. The policy was adopted on February 23, 2004 under Corporate Report No. L003, and stipulates the following hours:
  - Sunday to Thursday 11:00 a.m. to 1:00 a.m.
  - Friday and Saturday 11:00 a.m. to 2:00 a.m.

#### Cactus Club Proposed Hours

- The hours proposed by the applicant are within the City policy, with the exception of the closing hours for Thursdays, where the applicant requests a 1:30 a.m. closing, while the policy permits closing at 1:00 a.m.
- A survey of the existing food primary liquor licenses was undertaken as a basis for the evaluation of this request. Specific restaurant and pub hours in the immediate vicinity include:

Milestone's restaurant (3085 152 Street, to the south east, and also within the South Pointe Exchange Centre):

- 9:00 a.m. to 12:00 a.m. daily

Black Forest Restaurant and Pub (3140 King George Highway, to the south):

- 10:00 a.m. to 2:00 a.m. Monday to Saturday
- 10:00 a.m. to 1:00 a.m. Sunday

(The Restaurant and Pub have identical hours. This is an older establishment which preceded the current Liquor License process).

The Keg restaurant (15180 - 32 Avenue, to the east)

- 4:30 p.m. to 10:00 p.m. Sunday to Thursday
- 4:30 p.m. to 11:00 p.m. Friday and Saturday

- With the exception of the Black Forest Restaurant, which is licensed as a Pub, the hours proposed by the applicant exceed the range of hours for liquor service in other restaurants in the immediate area of 32 Avenue and 152 Street.
- Operational hours are affected by clientele demand. In this case, the applicant believes there is interest in the south surrey area for an extension of hours.

- Randall Olafson Consultants on behalf of Cactus Club Restaurants has submitted correspondence outlining the rationale for extended hours of operation at this location (Appendix V). The main points are:
  - The chain has a good track record with 17 locations in western Canada;
  - Cactus Club provides an upscale dining environment;
  - This location is well situated far from noise sensitive land uses
  - The proposed hours of operation for the Cactus Club Restaurant are in keeping with the established pattern of this chain at their other locations; and
  - Cactus Club has strict policies and procedures to deal with incidents that might arise as a result of liquor service.
  - The applicant is willing to reduce the closing hours on Friday and Saturday from 2:00 a.m. to 1:30 a.m. to compensate for the ½ hour later closing time proposed for Thursday.

### Evaluation

- The LCLB requires that Council consider a specific list of criteria when an amendment to an existing (or pending, in this case) license is proposed, which includes the following:

#### *Potential for Noise*

- The requested amendment to the hours of operation is not expected to result in noise due to the location of the building within a shopping centre and immediately adjacent to Highway 99.
- The site is distant from the closest residential uses, which are located west of 32 Avenue Diversion.
- The nearest residential properties (Ponderosa and Sandhurst Townhouses) are approximately 180 metres (590 feet) away, measured from the restaurant building to the property line of the residential zone. The two land uses are separated by 32 Avenue Diversion, numerous buildings, and boulevard as well as on-site landscaping, and are not expected to be affected.
- The outdoor patio that was approved as part of the Development Permit for this site is located at the south of the building, immediately adjacent to 32 Avenue and Highway No. 99.

#### *Impact on the Community*

- It is not expected that the proposed amendment will have any impact on the community due to the proposed location and surrounding adjacencies.

### PRE-NOTIFICATION

Pre-Notification letters were not sent as part of this application. Council Resolution R03-2634 requires that Public Notification be undertaken by Legislative Services when a patio is proposed to be operated within 100 metres (property line to property line) of a residential zone. This is the case with the current application, as the restaurant is on a very large property.

Staff received no comments or concerns from the public as a result of the Development Proposal sign posted on the property on October 16, 2006.

### CONCLUSION

The Planning and Development Department is in support of the closing hours being limited to the following:

- Monday to Thursday            11:00 a.m. to 1:00 a.m.
- Friday & Saturday            11:00 a.m. to 1:30 a.m.
- Sunday                            11:00 a.m. to 12:00 a.m.

The above-mentioned closing hours of liquor service as per the City Policy can be supported due to the proposed location in a shopping centre, which is not expected to impact the surrounding community. However, the applicant's request to extend the closing hours on Thursday to 1:30 a.m. is not supported. The City Policy should be adhered to in all cases to ensure consistency in hours of liquor service.

### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Contour Map
Appendix III.	Site Plan
Appendix IV.	Engineering Summary
Appendix V.	Applicant's Extension of Hours Request Letter
Appendix VI.	Development Permit No. 7905-0268-00

How Yin Leung  
Acting General Manager  
Planning and Development

TB/kms

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CONTOUR MAP FOR SUBJECT SITE

