



Proposal: Amend Food Primary Liquor License to extend hours of operation for an existing restaurant.

Recommendation: Approval to Proceed

Location: 9522 - 120 Street

Zoning: C-8

OCP Designation: Commercial

LAP Designation: Commercial

Owners: Southmount Holdings
Ltd. et al

PROJECT TIMELINE

Completed Application Submission Date:	July 19, 2004
Planning Report Date:	October 18, 2004

The applicant is proposing:

- to amend the food primary liquor license

in order to extend the hours of operation for an existing restaurant at 9522 - 120 Street.

The Planning & Development Department recommends that:

1. Council approve the proposed amendment to the food primary liquor license to proceed to Public Notification:

- (a) to amend the hours of operation for the food primary liquor license for the Twilite Zone Restaurant from 10:00 a.m. to 12:00 a.m. Monday through Sunday to 11:00 a.m. to 1:00 a.m. Monday through Sunday.

REFERRALS

Engineering:	No concerns (Appendix II).
Parks, Recreation & Culture:	No concerns (Appendix IV).
By-law Enforcement Section:	No concerns with amending hours. Do not support patron participation (Appendix III).
Surrey RCMP:	No concerns with amending hours. Do not support patron participation.

SITE CHARACTERISTICS

- **Existing Land Use** Commercial shopping centre, with Twilite Zone Restaurant as a tenant.
- **East:** Donegal's Pub and mixed Commercial uses, zoned C-8, vacant property zoned C-8, both designated Commercial.
- **South:** Mixed use commercial centre, zoned C-8, designated Commercial.
- **West:** Across Scott Road mixed use commercial and office (Municipality of Delta).
- **North:** Across 96 Avenue, gas station zoned CG-2, retail store zoned C-8, both designated Commercial, apartment building, zoned RM-45, designated Multiple Residential.

PLAN AND POLICY COMPLIANCE

OCP Designation:	Complies.
LAP Designation:	Complies.

DEVELOPMENT CONSIDERATIONS

- The subject site is located within the Scott Town Plaza located at the southeast corner of 120 Street and 96 Avenue.
- 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. In addition, the applicant has installed a Development Proposal Sign on the property to identify the proposed change to the current food primary liquor license.
- If Council approves the application to proceed, the property owners and tenants within 100 metres (300 ft.) of the site will be advised about the proposal and given an opportunity to express in writing, any associated

comments or concerns.

Proposed Amendments to Food Primary Liquor License

- The subject establishment, Twilite Zone Restaurant, has a food primary liquor license that permits the establishment to operate between 10:00 a.m. to 12:00 a.m. Monday through Sunday. The applicant proposes to amend the operating hours to 11:00 a.m. to 1:00 a.m. seven days per week.
- On February 23, 2004, Council adopted the following as a policy for considering operating hours for liquor primary establishments in the City (Corporate Report No. L003):
 - Sunday through Thursday 11:00 a.m. to no later than 1:00 a.m.
 - Friday and Saturday 11:00 a.m. to no later than 2:00 a.m.
 - Where special circumstances exist, operating hours may be further restricted.
- Although the subject establishment is a restaurant (i.e. food primary), it is reasonable to consider the hours of operation which are used as a guide for liquor primary establishments. However, the subject restaurant is located to the west of Donegal's Pub (12054 - 96 Avenue) which currently has the following hours of operation:

11:00 a.m. to 1:00 a.m. Monday through Saturday
11:00 a.m. to 12:00 a.m. Sunday
- In compliance with the current Council policy, Donegal's Pub could apply to amend their liquor primary license to include a 1:00 a.m. closing on Sunday. Planning staff can, therefore, support the request from the Twilite Zone Restaurant to close at 1:00 a.m. on Sunday.
- The applicant originally included a request to amend the food primary license to permit patron participation. The City does not have a policy with regards to this requested amendment. The RCMP and By-law Enforcement & Licensing did not support this request, and the applicant has subsequently withdrawn this request.

Potential for Noise

- The requested amendment to the hours of operation are not expected to be an issue because the restaurant is located in an existing shopping centre.

Impact on the Community

- It is not expected that the proposed amendment to hours of operation will impact the community.
- The hours requested comply with both the guidelines approved by City Council for liquor primary establishments.

Operation of the Establishment.

- There is no indication that the amendment to the hours of operation will result in the establishment being operated in a manner that is contrary to its primary purpose of serving food.
- The capacity of the eating establishment and the licensed 139 seats will remain unchanged.

PRE-NOTIFICATION

In accordance with Council policy, a development proposal sign was erected on the property. One telephone call was received by staff expressing concern about the limited choices available on the restaurant menu and that the owners are attempting to circumvent the process associated with liquor primary licenses.

(City staff attended the site and reviewed the lunch and dinner menus and the concern expressed is unfounded. The menu includes a number of salads, sandwiches, burgers, as well as a wide assortment of South Pacific entrees.)

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. Engineering Summary
- Appendix III. By-law Enforcement
- Appendix IV. Parks, Recreation & Culture Comments
- Appendix V. RCMP Comments

INFORMATION AVAILABLE ON FILE

- Corporate Report No. R209, approved on September 29, 2003
- Corporate Report No. L003, approved on February 23, 2004

Murray Dinwoodie
General Manager
Planning and Development

LAP/kms

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APPENDIX I

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Paxton & Associates
Address: #250 - 3580 Monctor Street
Richmond, B.C. V7E 3A4
Tel: 604-274-3032

2. Properties involved in the Application

- (a) Civic Address: 9522 - 120 Street
- (b) Civic Address: 9522 - 120 Street
Owner: Southmount Holdings Ltd. and Rosemount Holdings Ltd.
PID: 008-710-031
Lot D Except Part Subdivided by Plan 22412, Section 31 Township 2 New
Westminster District Plan 20245

3.

- (a) Proceed with Public Notification for the hours of operation amendment.