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MANAGER'S REPORT NO.	22
COUNCIL MEETING	94/04/05

TO: CITY MANAGER 1994 MARCH 30

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: PROPOSED CLASS "A" OUTDOOR SEATING AREA  
 BLUE BUTTON CLUB  
 5505 KINGSWAY (SEE ATTACHED SKETCH)  
 LIQUOR LICENCE APPLICATION #7/93

PURPOSE: To provide Council with a recommendation on an application for liquor licensed outdoor patio seating.

**RECOMMENDATIONS:**

1. THAT Council give favourable consideration to the request to establish a Class "A" licensed outdoor seating area in connection with the Blue Button Club.
2. THAT a copy of this report and Council's resolution be forwarded to the General Manager, Liquor Control & Licensing Branch, 1019 Wharf Street, Victoria, B.C. V8V 1X4 and the applicants, Bob Waisman and Gus Moustakas, Blue Button Club, 5505 Kingsway, Burnaby, B.C. V5H 2G3.

**REPORT**

**1.0 BACKGROUND INFORMATION:**

- 1.1 In June 1988 the Liquor Control & Licensing Branch informed this Department that applications for outdoor patio seating for Class "A", "B", "D" and "F" establishments must be approved by local government.

On 1988 October 03 Council resolved that applications for outdoor patio seating in connection with Class "A", Class "D" and Class "F" liquor licenses be forwarded to Council for their consideration.

- 1.2 On 1992 July 13 Council received another report on processing procedures for liquor licence applications, including a recommendation for a public input policy requirement for licensed outdoor patios, in response to an earlier request by Council. The report outlined a public input process to be utilized for

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licensed outdoor patios, with the process to be required only if there is residential land use within 70 meters (230 feet) of the proposed outdoor patio area. Council adopted the recommendations at that time requiring the public input process.

- 1.3 On 1993 December 20 Council received a report regarding the subject application to permit the Class "A" liquor licensed outdoor seating area. The report advised that no objections were raised to the application by City staff, including the R.C.M.P., Burnaby Detachment. The report also noted that the patio is proposed to be oriented toward Kingsway and is therefore considered to be sufficiently separated from the residential neighbourhood to the north by the building. The potential noise impact from the patio should also be significantly reduced by the ambient traffic noise on Kingsway.

As no serious concerns were raised regarding the proposed outdoor licensed patio for the Blue Button Club, it was recommended that the application be required to deposit sufficient monies to conduct the required public input process. Council adopted the recommendation at that time and requested that the responses be differentiated between residential and non-residential.

## 2.0 GENERAL DISCUSSION:

- 2.1 The Blue Button Club is a private club, with a Class "A" liquor license, which was given favourable consideration on 1991 August 06 (Liquor Licence Application #5/91). Council approval was based on the establishment having a maximum seating capacity of 130 seats, with the hours of operation being 11:00 a.m. to 12:00 midnight, Monday to Thursday; 11:00 a.m. to 12:30 a.m. Friday and Saturday and 11:00 a.m. to 10:00 p.m. on Sundays.
- 2.2 The proposed Class "A" liquor licensed outdoor seating would be located in front of the club, oriented to Kingsway. The outdoor patio area already physically exists and was used by the previous Mando's Restaurant, which had a Class "B" liquor license. The Liquor Control & Licensing Branch regulations for Class "A" liquor licence outdoor patios state that the patio patron capacity is restricted to 25% of the inside capacity of the licensed establishment and that the indoor capacity is reduced by the outdoor patio capacity when the outdoor patio seating is in use, with no overall increase in seating capacity for the establishment. The applicant is applying for a patio seating capacity of 30 seats. The operating hours would be the same as that permitted for inside the club.

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2.3 On 1994 February 10, Burnaby's Consultant for public input on liquor licence applications, Cinnamon, Jang, Willoughby & Company sent a notification letter and public information response sheet to owners and occupants within 70 meters (230 feet) of the subject property, notifying them of this application and inviting responses to be mailed in to the Consultant by 1994 March 04. In addition, the applicant posted a sign on the property containing the same basic information and inviting comments from the public to the consultant.

Total number of addresses surveyed	33
Less: Information packages returned by post office as premises were vacant	(4)
Number of potential responses to be received	29
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Total number of responses received	<u>9</u>
Number of responses in favour of proposed licensed outdoor seating area	4
Number of responses opposed to proposed licensed outdoor seating area	<u>5</u>
Total number of responses received	9
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Of the positive responses, 3 were from businesses and 1 was from a resident.  
 Of the negative responses, 4 were from businesses and 1 was from a resident.

2.4 On 1994 February 22, our Consultant received six statements from individuals claiming to live on Denbigh Avenue who were in favour of a licensed patio at the Blue Button Club. Of the respondents, one had previously submitted a public information response sheet (included in total above), which indicated opposition to the proposal. When contacted, the resident indicated he had changed his mind due to new information provided by someone coming to the door. The other five respondents were all unable to be confirmed by our Consultant as residents of the area, as none of the five individuals were listed with directory assistance at their stated addresses. Three of the five individuals indicated that they resided at 2 addresses within the survey area, for which no official survey response was received by the Consultant. The handwriting on the envelopes, which were hand delivered, was all identical. **123**

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In light of the above information, the validity of the above "unofficial" responses is questionable and the Consultant therefore did not include these responses in the tabulation above, with the exception of the one resident who changed his mind and this was able to be verified by the Consultant.

- 2.5 The most significant impression from this survey of resident and business reaction to this proposal is one of ambivalence. The response to the mail out to addresses within 70 meters of the property and a sign on the property inviting comments was quite weak. When one included the individual who changed his mind to a positive response, the overall response was almost even. In light of the general tendency for people to make the effort to make a negative response to a development more than making the effort to respond positively to a development, this is not considered to be a strong negative response.

It is also noted that of the five remaining negative responses, four provided reasons but only one can be considered to be directly related to the proposal. Two objected to parking problems in the area and one objected to the private club concept, neither of which are affected by this application. As previously noted, the private club and the outdoor seating area are already in existence, therefore parking does not change with this proposal.

**3.0 CONCLUSION:**

- 3.1 In light of the lack of significant public opposition to the proposed licensed outdoor patio; the location of the patio oriented toward Kingsway and sufficiently separated from the residential neighbourhood to the north by the building; and the lack of objections raised by other City staff, including the R.C.M.P., this Department recommends that Council give favourable consideration to this liquor licence application.

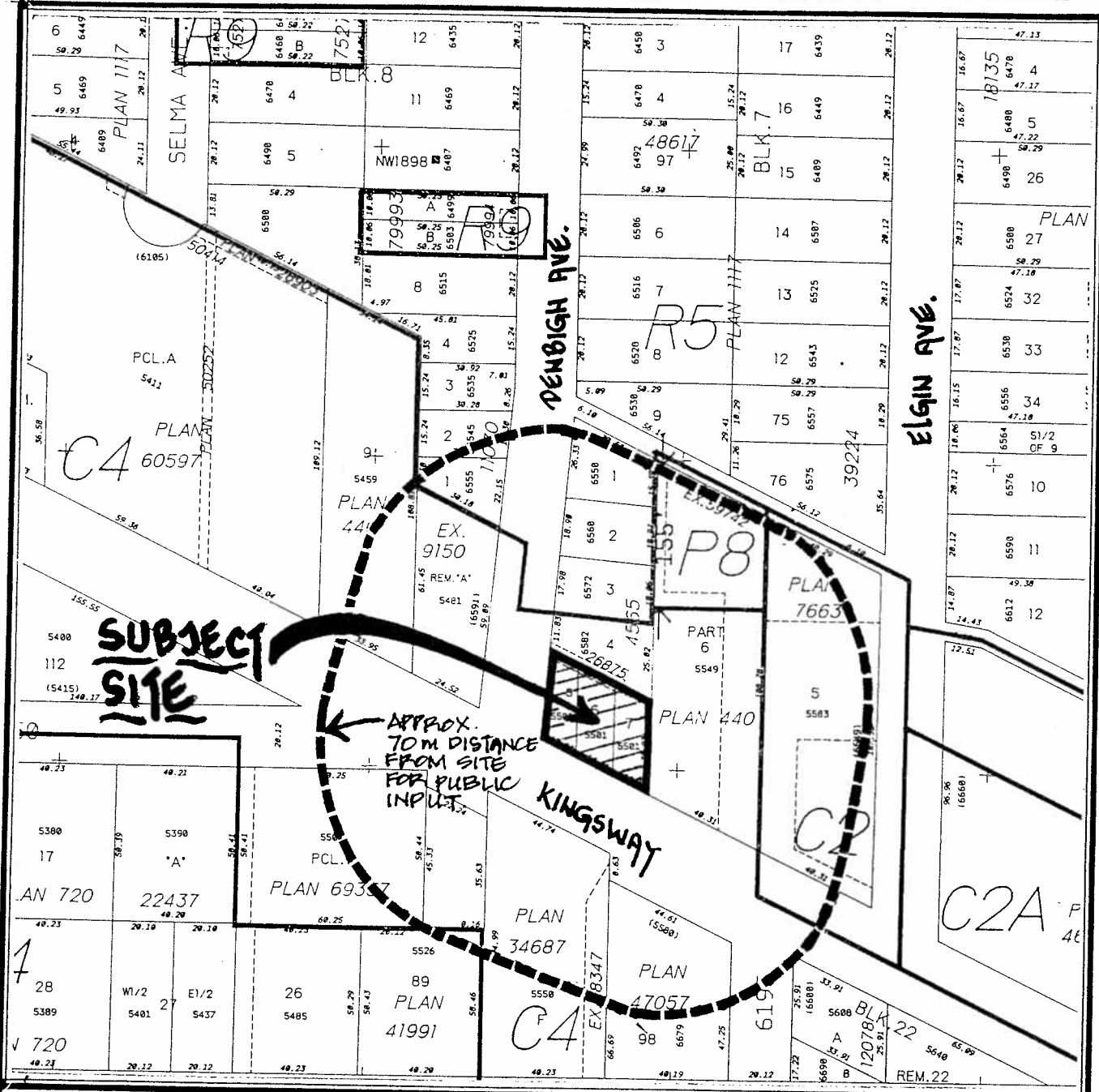


D.G. Stenson, Director  
Planning and Building

BW:yg  
Attach.

cc: Chief Environmental Health Officer  
Officer i/c R.C.M.P., Burnaby Detachment


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Date:  
**OCTOBER 1993**

Scale:  
**1:2000**

Drawn By:  
**S.P.C.**

 City of  
**Burnaby**  
 Planning & Building Dept.



**LIQUOR LICENCE APPLICATION # 7/93**  
**BLUE BUTTON CLUB - OUTDOOR PATIO SEATING**

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