

TO: CITY MANAGER 1996 May 23

FROM: DIRECTOR PLANNING AND BUILDING OUR FILE: 11. 110.4

SUBJECT: **PERMANENT ROOF STRUCTURES COVERING
RESTAURANT OUTDOOR PATIOS
BURNABY SMOKING REGULATION BYLAW 1987**

PURPOSE: To respond to a Council request for a report on the ramifications of allowing smoking under permanent roof structures covering restaurant outdoor patios.

RECOMMENDATION:

1. **THAT** this report be received for information purposes.

R E P O R T

At its meeting of 1996 May 06, Council adopted the recommendation in a report submitted by the Medical Health Officer authorizing the City Solicitor to amend the Burnaby Smoking Regulation Bylaw 1987 as outlined in the report. Section 2.5 of the report indicated that smoking be permitted in restaurant outdoor patios provided that the outdoor patio is not covered with a permanent roof structure. In the course of discussion, an amending motion to the effect that Section 2.5 be amended to permit smoking on an outdoor patio where the patio has a permanent roof structure was referred to staff for review.

The following discussion relates to the planning ramifications of permanent roof structures over outdoor restaurant patios.

In general, outdoor seating areas for restaurants or other types of eating/beverage establishments is encouraged as an enhancement to urban living, adding vitality to the urban commercial environment. Numerous good examples exist of sidewalk- or patio-oriented outdoor seating areas that are well-integrated into the establishment design and streetscape, and that offer a good measure of comfort and amenity through roof shelter (permanent or temporary/moveable), even including integrated outdoor lighting and/or infrared heaters. In many instances, such well-equipped areas appear to be popular and well used.

With particular reference to development regulations and density ramifications, the provision of roof structures in some instances will be affected while in others there will be no effect at all, depending on the type of structure chosen. For example, canopies and sunshades are expressly exempted from lot coverage calculations and canopies in fact can extend up to 4 feet into required yards, while outdoor spaces under the principal building roof or beneath a projecting upper floor are regulated by building setbacks and would be included in lot coverage. However, in neither case would the protected outdoor area constitute building floor area for Floor Area Ratio purposes.

As a result, protected outdoor seating areas could be designed into new developments with little impact or difficulty, and existing establishments could be expanded/retro-fitted subject to available land area and (depending on the type of cover/structural roof contemplated) subject to permitted lot coverage. Any permanent structure is expected to meet the requirements of the Building Bylaw, and sufficient parking to meet the needs of additional seating capacity would be required.

Effectively, the zoning regulations need not present any particular concerns where space existing on site and the structure and parking conforms to the standard requirements. Therefore, from a Planning viewpoint, the provision of outdoor seating areas is encouraged and shelter is facilitated; whether smoking should or should not be permitted under such permanent roof structures would not appear to be a function of planning/development criteria but would have to be assessed solely in terms of environmental health considerations.

The Health Department provides the following additional comments. The recommendation to consider covered restaurant outdoor patios as smoke-free spaces was made in order that Burnaby's Bylaw would be consistent with that of Vancouver. Such consistency would promote the creation of a "level playing field" for restaurateurs.

This is for the information of Council.

A handwritten signature in black ink, appearing to read 'D. G. Stenson', with a stylized, flowing script.

D. G. Stenson
Director Planning and Building

KI:lf

cc: City Solicitor
Chief Environmental Health Officer
Medical Health Officer