

TO: CITY MANAGER

2005 January 4

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #04-44
6515 Bonsor Avenue (see attached Sketch #1)
Outside Patio for Firefighters' Social and Athletic Club

PURPOSE: To provide Council with a recommendation on the subject rezoning request.

RECOMMENDATION:

1. **THAT** Council reject the subject rezoning request.

R E P O R T

1.0 BACKGROUND INFORMATION:

- 1.1 On 2004 September 27, Council received a report regarding Rezoning Reference #04-44, which involves rezoning the subject site to Amended Comprehensive Development District (based on C3 General Commercial District guidelines) in order to permit an outside patio for the Firefighters' Social and Athletic Club.

The report noted that on 1995 March 20, Council received a report on a similar rezoning request (Rezoning Reference #7/95) to permit the relocation of 30 seats from the interior of the club to a proposed new abutting patio. At that time, Council adopted the recommendation that the rezoning be advanced to a Public Hearing. At the Public Hearing held on 1995 April 25, considerable opposition was expressed against the rezoning by nearby residents of the Firefighters' Club, with increased visibility and noise included among the reasons given. On 1995 May 1, Council defeated the rezoning bylaw at Second Reading.

The initial report on the subject rezoning received by Council on 2004 September 27, indicated that while there may be some public concerns raised with regard to this application, in light of the fact that the Firefighters' Club is located within the core of Metrotown (see **attached** Figure 1) for which a greater level of noise and activity should be expected and tolerated, this Department supports this proposal in principle. It was further noted that the Firefighters' Club has not been a problematic liquor licence establishment, that the proposed operating hours are quite reasonable and that a patio would bring some life and vibrancy to the street in an area which could benefit from these elements.

However, the report also advised that in order to attempt to mitigate the potential noise affects of an outdoor patio on adjacent residential development, if this rezoning is advanced, staff would work with the applicant towards the submission of a suitable plan of development with the building of a semi-enclosed roofed patio to better contain any noise. While the applicant had submitted a preliminary development plan which showed an open patio concept, it is considered important to at least partially enclose the patio, including a roof, to attempt to reduce potential noise problems.

At that time, Council adopted the recommendation that this Department be authorized to work with the applicant on a suitable plan of development for presentation to a Public Hearing.

The applicant has sent this Department a letter indicating that they would like to proceed on the basis of the plans which were initially submitted with the rezoning application.

2.0 GENERAL DISCUSSION:

2.1 Similar to the rezoning request submitted for Rezoning Reference #7/95, this application is submitted in order to permit an outside patio for 30 people. This would not represent an increase in the current maximum capacity of 200. The patio is proposed for the area just outside the Firefighters' Club, along Bonsor Avenue (see attached Sketch #2). The proposed hours of liquor sale for the outdoor patio are 11:00 a.m. to 9:00 p.m. Monday to Saturday and 12:00 noon to 9:00 p.m. on Sundays.

Preliminary plans for an outdoor patio were submitted with the rezoning application which shows outdoor, open seating in the proposed patio area on Sketch #2, defined by a six foot high fence and hedge, creating a hidden walled effect. Any patio at this location should present a more visible and open street appearance.

2.2 Staff have met with the applicant and discussed the importance of making the proposed patio a semi-enclosed roofed patio to better contain noise and attempt to mitigate the overall impact that the patio could have on adjacent residents. The applicant has indicated, however, that they wish to proceed with this rezoning based on the original open patio concept. The reasons given were that the cost of a roof would put the project beyond their budgetary limits and a roof over an outside patio would take away from the outside, fresh air affect that they would like to present to their members and patrons.

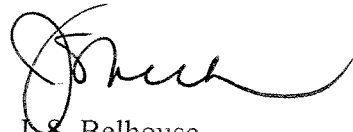
As a possible alternative approach, it was also indicated that an unenclosed patio proposal could likely be supported by staff if the patio were to be closed by 6:00 p.m. in order to restrict the use of the patio to the daytime. This reflected the comments made by the applicant that the majority of their business relates to the lunch time trade. It was felt that this restricted time period could respond to the majority of their business needs and reduce potential disturbances for adjacent residents. If it were demonstrated that no issues arose from the outside patio use, then an application to extend the hours of operation could be

made at some future date on its own merits. In response to this proposal, the applicant does not wish to proceed based on the reduced hours of operation for the patio due to the limitation it could have on dinner patrons.

- 2.3 The letter submitted from the applicant also stated that representatives of the Firefighters Holding Society met with their neighbouring condominium strata councils in 2003 and hosted an open house in November 2004 to talk about this matter. Their general conclusions from these meetings is that the Council representing the residents of 4830 Bennett Street do not object to the patio, but that the Council representing 6521 Bonsor Avenue has more concerns and that there is a general concern that the club will not adhere to the proposed hours of operation.
- 2.4 For Council's information, since the initial report was submitted on the rezoning application, a petition has been received from the President of the Symphony One Strata Council (6521 Bonsor Avenue). The petition is in opposition to the proposed outdoor patio and contains 99 signatures. The petition notes concerns related to odors from cooking and smoking, noise and the potential for later operating hours.

3.0 CONCLUSION:

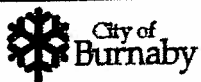
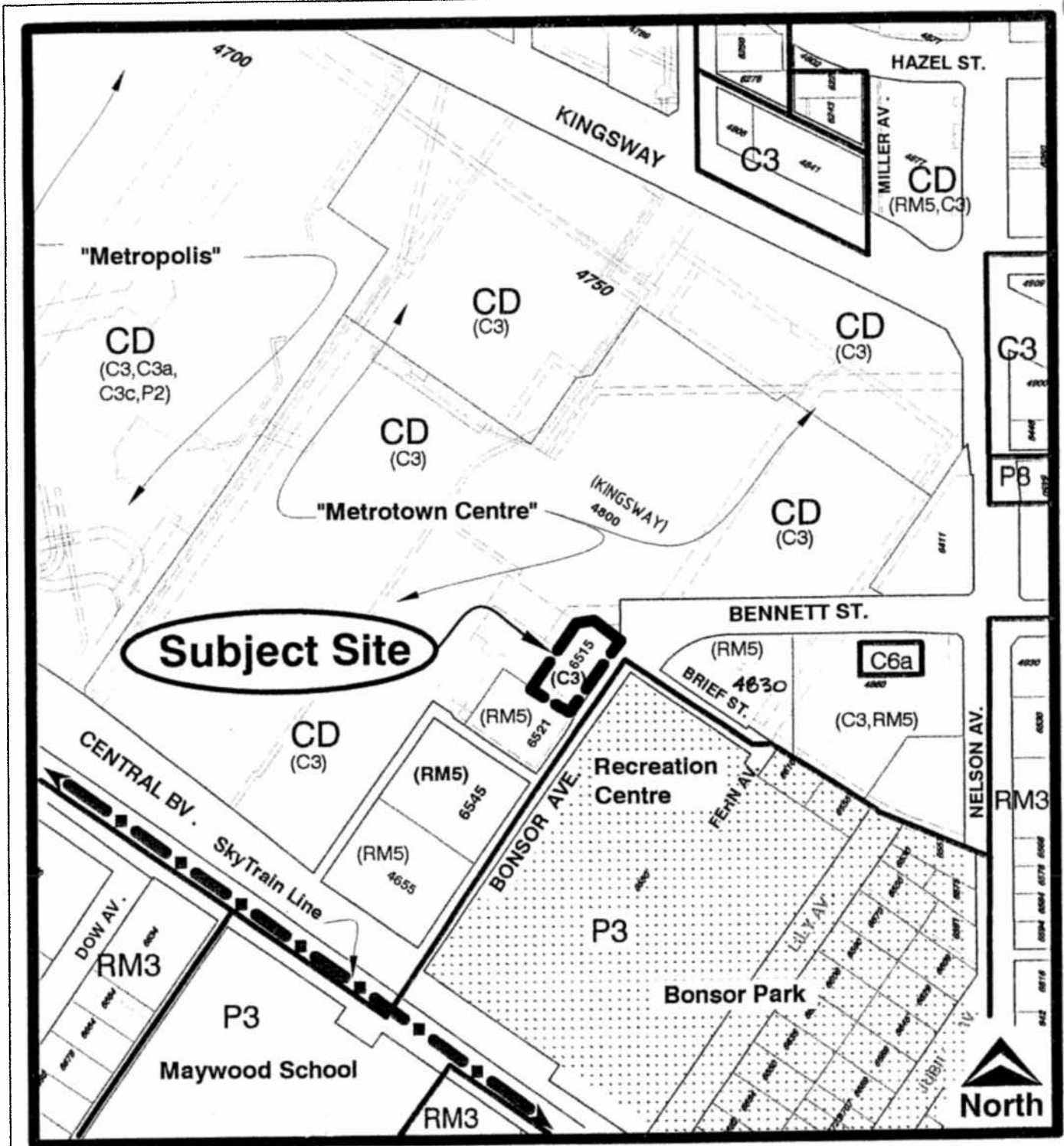
In light of the applicant's desire to proceed with an open patio concept instead of a semi-enclosed roofed patio and unwillingness to pursue, as an alternative, an open patio approach based on an early closing time (i.e 6 p.m.) both of which would reduce any potential negative impacts, including noise; the fact that a very similar rezoning request was rejected by Council in 1995 and the receipt of a 99 signature petition expressing opposition to the outdoor patio from the residents of the adjacent residential building, it is recommended that Council reject this rezoning request.



J. S. Belhouse
Director Planning and Building

BW:gk
Attach

cc: Director Engineering, Environmental Services Division
RCMP, Burnaby Detachment
Director Parks, Recreation and Cultural Services
City Clerk
City Solicitor
Chief Licence Inspector



Planning and Building Department

Scale: N.T.S.

Drawn By: J.P.C.

Date: September 2004

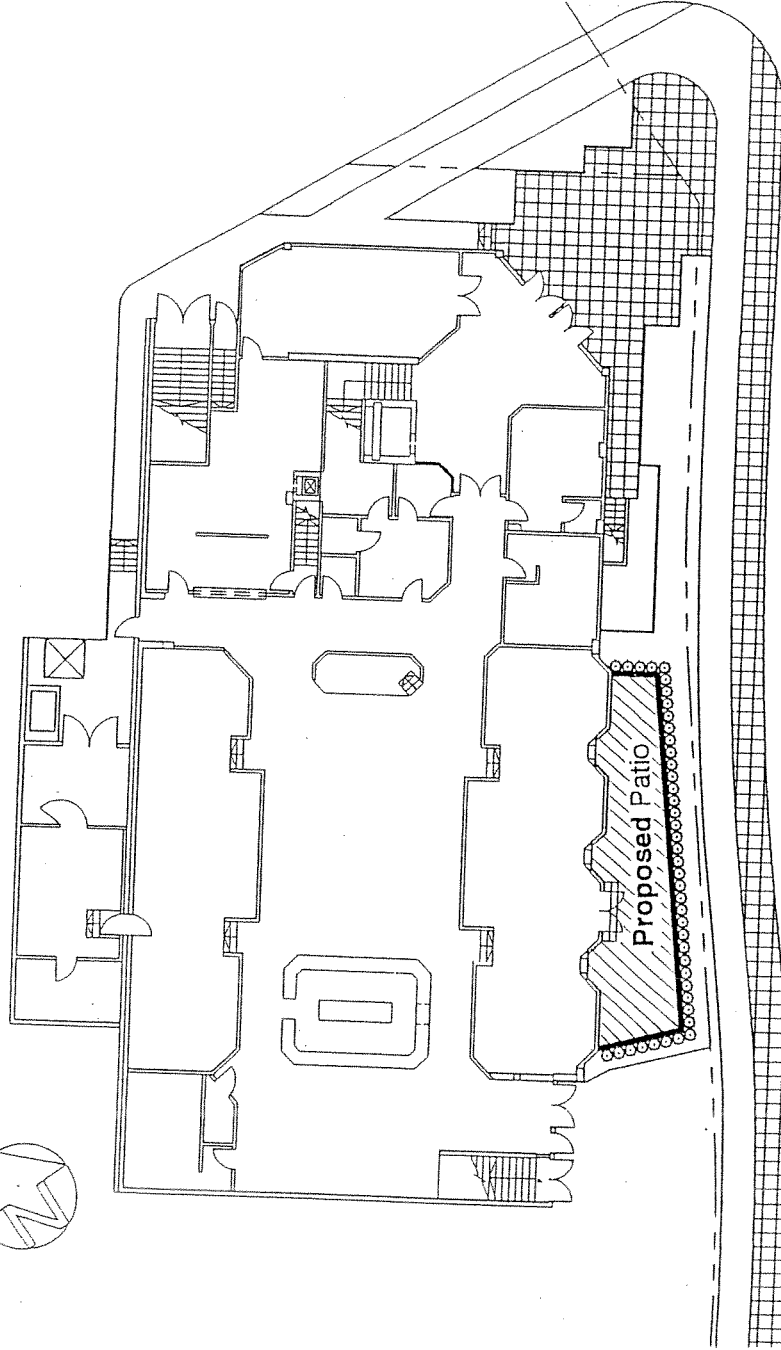
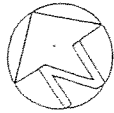
REZONING REFERENCE 04 -- 44

6515 Bonsor Ave. (Firefighters Club)

Metrotown-Subarea 1

Sketch #1

Fire Fighters Club



BONSOR AVENUE

SITE PLAN

ADDRESS: 6515 BONSOR AVENUE, BURNABY, BC
LEGAL DESCRIPTION: LOT 5 PL 152, PLAN NO. B05173 GROUP 1 NWD

