

MOTION WITHOUT NOTICE**Liquor Licence Application- 30 Beverly Hills Drive, Units 1-7,
30 Fusion Lounge**

Moved by: Councillor Mammoliti

Seconded by: Councillor Thompson

SUMMARY:

At its meeting of May 23, 2007, City Council adopted Motion M54 by Councillor Mammoliti and advised the Registrar of the Alcohol and Gaming Commission of Ontario (“AGCO”) that the issuance of a liquor licence for 30 Fusion Lounge, 30 Beverly Hills Drive, Units 1-7 (“Premises”) was not in the public interest, having regard to the needs and wishes of the residents, and that the Registrar should issue a Proposal to Review the Liquor Licence.

At a pre-hearing conference held by the AGCO on July 5, 2007, the Board ordered that the City of Toronto be made a party to the proceedings and ordered another pre-hearing conference to be held on July 13, 2007, to see if the parties could settle all outstanding issues. A tentative hearing date was set for August 30, 2007. The parties have now agreed to conditions to be attached to the liquor licence for the Premises.

This is an urgent matter because of the impending hearing on August 30, 2007. This matter cannot first be considered by the Etobicoke York Community Council, which does not meet until September 10, 2007, and then be dealt with by City Council before the hearing date.

RECOMMENDATIONS:

1. That City Council support the application for a liquor licence for 30 Fusion Lounge, 30 Beverly Hills Drive (“Premises”) provided that the conditions, as set out in Schedule A attached hereto, and as modified, if necessary, to the satisfaction of the City Solicitor, are attached to the liquor licence.
2. That, subject to the approval by the Registrar or Board, as the case may be, of the Alcohol and Gaming Commission, the conditions as set out in Schedule A be attached to any liquor licence issued to the Premises and the applicant, 2104509 Ontario Inc., shall agree that, prior to the issuance of a liquor licence, it shall file with the Registrar written consent to the said conditions being attached to any liquor licence for the Premises.

3. That the City Solicitor be authorized to make such stylistic and technical changes to the said conditions as may be required and, further, be directed to take all necessary actions so as to give effect to this Motion.

July 16, 2007

Attachment - Schedule "A"

According to Chapter 27, Council Procedures:

Fiscal Impact Statement provided	
Should have Fiscal Impact Statement prior to debate	*
Requires two-thirds to waive requirement if Council wishes to debate	
Has received required 30 votes for introduction	(√)
Chair agrees that the Motion Recommendations are Urgent	(√)

* Deputy City Manager and Chief Financial Officer to advise.

SCHEDULE A**Conditions to be attached to Liquor Licence for 30 Fusion Lounge, 30 Beverly Hills Drive, Units 1-7**

1. The Licensed Premises shall close no later than 3:00 a.m. each day and no patrons will be allowed to enter or remain on the Licensed Premises after 3:00 a.m.
2. At all times while the Licensed Premises are open, the Licensee shall ensure that there are clearly visible and functioning high resolution security cameras at every entrance and exit to the Licensed Premises, the dance floor, bar area(s), the outdoor patio and the west and south parking lot areas.
3. The Licensee shall store and retain the video and digital records from each video security camera for at least 30 days and make the DVD or video tape available immediately to police officers or liquor licence inspectors upon request.
4. At all times while the Licensed Premises are open to patrons and for at least one hour after the Licensed Premises are closed to patrons, the Licensed Premises shall be staffed with at least one visibly identifiable security guard for every 100 patrons in the Licensed Premises.
5. All security guards shall wear identification or clothing by which they can readily be identified as security guards.
6. Except in the event of an emergency, all patrons shall enter and exit the Licensed Premises through the front entrance located at the south-west part of the Licensed Premises.
7. The Licensee, acting reasonably, shall not admit anyone who wears gang paraphernalia of any kind including gang colours, bandanas, insignia, emblems or clothing.
8. All patrons shall be subject to a physical search of their person and belongings before being permitted entry to the Licensed Premises and signs to that effect shall be posted at the front entrance to the Licensed Premises.
9. The Licensee shall install and maintain a “walk-through” metal detector at the front entrance to the Licensed Premises and every patron shall walk through the said metal detector prior to entering the Licensed Premises. The metal detector shall be “state-of-the-art” equipment and in good working order and similar to the metal detectors used at airports.
10. All managers, employees and security staff working at the Licensed Premises must successfully complete an AGCO-approved server training course within ninety (90) days of the start of employment at the Licensed Premises.

11. The Licensee, acting reasonably, shall not play, or permit to be played, music, whether live or recorded, that has lyrics that sanction, promote or glamourize guns, knives or violence against women and police officers.
12. The Licensee shall not play, or permit to be played, music, whether live or recorded, on the outdoor patio after 11:00 p.m.