

MOTION

Liquor Licence- 14 Duncan Street - Park Lane (formerly Venue Nightclub) – Licence No. 203858

SUMMARY:

1811357 Ontario Inc. has submitted an application for a new liquor licence to the Alcohol and Gaming Commission of Ontario (“AGCO”) for a premises at 14 Duncan Street operating under the name of Park Lane (the “Premises”). The Premises formerly operated as Venue Nightclub. The applicant is seeking a liquor licence for a capacity of 415 for the main floor and 260 for the basement. Previously the basement has not been included in the licenced area at the Premises.

The Premises is one of three licenced establishments located in the building at 14 Duncan Street and there is a history of *Liquor Licence Act* violations at all three. The liquor licence for the Premises was suspended on three separate occasions when it operated as Venue Nightclub. This includes a 30 day suspension of the licence in April, 2003 that stemmed from several Liquor Licence Act violations; a 35 day suspension in February, 2004 that stemmed from several overcrowding infractions, and; a 7 day suspension in June, 2005 for permitting drunken patrons in the premises.

The Premises is located in the City’s entertainment district among a large concentration of night clubs. Area residents are concerned that any licensed establishment which has a history of problems for past licensees can only lead to problems in the future. Their concerns relate in particular to noise, litter, safety and security, and other disturbances to residents in the area.

This application for a liquor licence is not in the public interest unless certain conditions, addressing the concerns of the community, are attached to the licence. Given the large capacity being sought for the Premises, under no circumstance should it be granted a liquor sales licence without conditions attached.

RECOMMENDATIONS:

1. That City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario (“AGCO”) that the liquor licence application for Park Lane, 14 Duncan Street (“Premises”), is 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 application unless the following conditions, in the form substantially set out below, are attached to the liquor licence:

Conditions to be attached to Liquor Licence for
Park Lane, 14 Duncan Street, Toronto

Licence to Operate the Business

1. The applicant shall hold a valid business license, issued by the City of Toronto, to operate a business of the class "Entertainment Facility - Night Club".

Patron and Public Safety

2. Security sweeps shall be done of all public areas before the club is opened to the public, and a record shall be kept certifying the same, including name and time of inspection and shall be available at the request of the Police or Liquor Inspectors.
3. Prior to opening, all doors will be alarmed except for the entrance doors (to be identified) and any doors to outside patron areas (to be identified).
4. At all times while the premises are open to patrons and for at least one hour after the premises are closed to patrons, the premises shall be staffed with at least one visibly identifiable security person for every 100 patrons on the premises.
5. The Licensee shall ensure that every entrance to the premises is staffed with at least one security person equipped with a fully operational metal detector. All persons, with no exceptions, shall be fully searched and pass through a metal detector upon entry into the premises.
6. All persons who re-enter the club from a smoking area or any other area that is publicly accessible at any time shall be subject to a full search and metal detection scan, with no exceptions.
7. The Licensee shall provide the name and contact information of the Head of Security and the General Manager of the premises to the Toronto Police Service, 52 Division, Plain Clothes Unit. One of the persons named in this clause shall be on the premises at all times when the premises are open to patrons.
8. At all times while the premises are open the Licensee shall ensure that there are clearly visible and functioning security cameras as described in the attached specification entitled: *Night Club CCTV Requirements.doc*
The video surveillance system shall be checked prior to each opening to ensure that it is fully functional.
9. The Licensee shall retain all digital records from the security cameras for a minimum of 30 days. Any recording (or the Digital Video Recording unit) must be available immediately upon their request, and at no cost, to officers of the Toronto Police Services and to AGCO Inspectors.
10. The Licensee shall ensure that lighting is installed and is operational across the full width of the front, rear and any side of the premises that is accessible to the public. The light fixtures will provide illumination levels between 55 to 110 lumens for all such spaces. The Licensee shall further ensure that the lighting fixtures do not direct light into windows of surrounding structures. The licensee shall ensure that these lights are fully operational and turned on from the time of opening until sunrise the following day.
11. The Licensee may allow a line queue for people waiting to enter the premises. A barrier shall

be used to clearly distinguish the area to be used for queuing from the remainder of the sidewalk which shall be maintained free and clear for passing pedestrians.

12. The Licensee shall ensure that a designated employee is on duty at all times to ensure that exiting patrons do not block the sidewalk and are not causing a disturbance that will affect nearby residents.

Impact on the Neighbourhood

13. The Licensee shall ensure that any sound resulting from the operation of the business is not audible beyond a reasonable distance from the lot line of the property on which the premise is located. This clause refers to sound that is generated by any internal or external loudspeakers, conversation by patrons within the premises, bussing, garbage disposal and bottle disposal. A reasonable distance for such sound to be considered in non-compliance is any point opposite the Licencee's premises that is separated by a public street, public or private laneway or a parting wall between the Licencee's premises and any adjacent space.
 14. The Licensee shall post a prominent sign at each exit that reminds and/or encourages departing patrons to be considerate of the surrounding community.
 15. The Licensee shall use best efforts to ensure that all areas immediately adjacent to the establishment are clean and free of litter, refuse and other debris.
 16. The Licensee shall use best efforts to arrange garbage pickup and recycling at times that will not disturb nearby residents.
2. That City Council request the AGCO to provide the City with an opportunity to participate in any proceedings with respect to the Premises.
 3. That the City Solicitor be authorized to attend all proceedings before the AGCO in this matter and be directed to take all necessary actions so as to give effect to this Motion, including adding and deleting conditions to any liquor licence issued for the Premises, in consultation with the Ward Councillor, which address issues including, but not limited to, noise, safety, security personnel, security cameras, crowd control, signage, lighting and litter.

February 8, 2010

Attachment 1

Night Club CCTV Requirements - July 2009

1. Location & Number of Cameras

Outside Entrance/Exit cameras:

- a) One camera for each entrance and each exit.
- b) Position and aim cameras to provide full video surveillance of approach path to doorway.
- c) Position cameras not more than 10 feet above grade.

Inside Entrance/Exit camera:

- a) One camera for each entrance and each exit
- b) Position and aim cameras to provide full video surveillance of approach path to doorway.
- c) Position cameras not more than 8 ft above floor.

Transition points between separate rooms within the premise:

- a) One camera for each side of doorway, archway, etc.
- b) Position and aim cameras to provide full video surveillance of approach path to doorway, archway, etc
- c) Position cameras not more than 8 ft above floor.

Other cameras

- a) Provide cameras for video surveillance of all publicly accessible spaces (sidewalks, laneways, etc.) that are adjacent to the premises.
- b) Position cameras not more than 10 feet above grade.

2. Digital Video Quality and Retention

Retention & Access

- a) All digital video must be retained for 30 days after date of recording.
- b) All digital archives must be made available free of charge immediately on demand by Toronto Police Services and/or AGCO Enforcement Officers.

Quality of video taken from Archives

- a) It is the responsibility of the owner to ensure that the quality and capability of the camera equipment, recording equipment and all miscellaneous wiring and support hardware is adequate to meet the requirements below for the quality of digital video copied from the system's storage medium.
- b) Camera capability: suitable for night viewing
- c) Quality of digital video:
 - Frame size: 640 x 486
 - Image rate: 60 images/sec
 - Digital format: MPG4, CIF4, no transcoding between formats is permitted for evidentiary purposes
- d) Archive requirement - write to storage medium at 50% quality or better
- e) Note to vendors providing proprietary software - original recorded video must be openly viewable in a

court of law.