

MOTION

Liquor Licence – 270 Adelaide Street West – FOMO

SUMMARY:

2203684 Ontario Inc. has submitted an application for a new liquor licence to the Alcohol and Gaming Commission of Ontario (“AGCO”) for premises at 270 Adelaide Street West operating under the name of Fomo (the “Premises”). The Premises has been the location of problematic nightclubs in the past. The applicant is seeking a liquor licence for a capacity of 98.

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.

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 Fomo, 270 Adelaide Street West (the “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 Fomo - 270 Adelaide Street West, Toronto

Licence to Operate the Business

- i. The applicant shall hold a valid business license, issued by the City of Toronto, to operate a business of the class “restaurant”.

Operating as a Restaurant

- ii. Food Service shall be available from the time of opening until at least 11:00pm on all days that the Premises are open for business.
- iii. The Licensee shall ensure that a seat is available for a majority (greater than 50%) of the approved occupancy, as specified on the liquor licence, during all hours of operation.

- iv. The Licensee shall provide a telephone number for residents to register concerns or complaints. This line will normally be answered by a staff member during the Licensee's published hours of operation. This line will be equipped with a functioning answering service for those periods when the Licensee's staff is otherwise occupied and when the establishment is closed.
- v. The maximum size of any space made available as a dance floor shall at all times comply with the governing city by-law for restaurants.

Patron and Public Safety

- vi. 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: *Restaurant CCTV Requirements.doc*. The video surveillance system shall be checked prior to each opening to ensure that it is fully functional.
- vii. 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.
- viii. 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.

Impact on the Neighbourhood

- ix. 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 Licensee's premises that is separated by a public street, public or private laneway or a parting wall between the Licensee's premises and any adjacent space.
 - x. The Licensee shall post a prominent sign at each exit that reminds and/or encourages departing patrons to be considerate of the surrounding community.
 - xi. 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.
 - xii. 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.

March 9, 2010

Restaurant CCTV Requirements

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.

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.