

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 23, 2013

Item 32, Report No. 14, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 23, 2013.

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**COCONUT'S RESTAURANT AND LOUNGE
OUTDOOR EXHIBITION/SPECIAL EVENT
WARD 4**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Legal & Administrative Services & City Solicitor and the City Clerk, dated April 9, 2013:

Recommendation

The Commissioner of Legal & Administrative Services & City Solicitor and the City Clerk, in consultation with the Manager of Licensing/Special Permits recommend:

1. That Outdoor Exhibition By-law No. 373-2004 be amended to provide for the following:
 - a. That outdoor exhibition permits not be issued, or be revoked, in circumstances where the Chief of Police or his/her designate raises concerns or advises against the issuance of the permit on the basis of policing concerns not resolvable by the appointment of paid duty officers at the applicant's expense, as a result of:
 - i. the nature of the event;
 - ii. the anticipated or actual attendance;
 - iii. the impact that the event might have on the delivery of police services in the community; and/or
 - iv. the history of the event and its organizers;
 - b. That permits may be revoked for the purposes of public safety or lack of compliance with the conditions of any permits that may have been issued.
 - c. That the application form be revised to include the requirement to provide additional information as may be requested by the City and or the York Regional Police in order to determine the appropriateness of the issuance of any permit, including advertising copy, information pertaining to the governance structure of the promoter, security plans, the names and qualifications of event staff, and information about any bands and entertainers for any background checks or security clearance.

Contribution to Sustainability

Not applicable.

Economic Impact

There is no economic impact as a result of the adoption of this report.

Communications Plan

Any modifications made to the Outdoor Exhibition By-law will be communicated to applicants for the necessary permits.

Staff are investigating the possibility of posting event permits on the City's web site to ease access to information for York Regional Police and members of the public.

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Purpose

The purpose of this report is to respond to Council's direction of September 25, 2012 (Committee of the Whole Report No. 33, Item 43), and to seek Council approval for amendments to the Outdoor Exhibition Bylaw.

Background - Analysis and Options

The City's Outdoor Exhibitions By-law No. 373-2004 was enacted on December 6, 2004. It defines 'Outdoor Exhibition' as a concert, musical exhibition, folk festival, or other gathering:

- a) At which entertainment is provided to the persons who attend;
- b) Whether or not a fee for admission is charged or paid;
- c) The exhibition event takes place partially or wholly outdoors and not in or adjacent to an amphitheater;
- d) The term "outdoor exhibition" includes a proposed exhibition where that meaning is required by the context in which the term is used.

On April 3, 2012, the owners of Coconut's Restaurant and Lounge, Mr. Ganga Totaram and Mrs. Sarajdai Totaram, made a deputation to the Committee of the Whole to seek an extension to the outdoor exhibition time of 12:00 a.m. stipulated in the Outdoor Exhibition By-law to a time of 4:00 a.m. for events taking place on certain weekends throughout June, July and August of last year (the 'Event').

Coconut's Restaurant and Lounge was located at 2180 Steeles Avenue (Ward 4) which is situated on the north side of Steeles Avenue, east of Keele Street, within the City of Vaughan. The area consists of commercial and employment areas to the north and south, York University to the west, and the Glen Shields Subdivision (Ward 5) to the east. The location of the venue is separated from the closest residence on Bob O'Link Avenue by 900 metres. The residence and event location are separated by an area of open space, industrial buildings, and the CN Rail Tracks. At the time it was noted by staff that noise from this event should generally have been mitigated by the environment, but may not be totally eliminated.

Staff consulted with York Regional Police, who indicated that they would be satisfied with the event being tied to the premises' existing Liquor License requirements, which required closing at 2:00 a.m. The police indicated that they would have a requirement to have a minimum of four paid duty officers on site.

Based on the above information, on April 17, 2012 (Committee of the Whole Report No. 12, Item 33) Council resolved as follows:

1. *As a result of the comments by York Regional Police, and the proximity of a residential subdivision, staff recommend that the outdoor exhibition be extended to no later than 1:30 a.m. for all dates. This will allow for the event to end and all traffic is clear of the area by 2:00 a.m.*
2. *Staff also recommend that no noise monitoring under the Noise By-law be required for the first weekend event. Should the City of Vaughan receive noise complaints related to the first weekend event, subsequent outdoor exhibitions at that location shall be subject to Noise Monitoring provisions set out in City of Vaughan By-law 96-2006. Should there be any violations of the Noise By-law, as verified through noise monitoring, the extension for the future events is withdrawn.*

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Complaints

Early in the morning on Sunday, August 5, 2012, on the last night of the event, numerous calls were received from residents in the Concord area, complaining about noise emanating from the area after 1:30 a.m. and continuing into the early morning hours. As a result of the complaints, on September 25, 2012, Council resolved as follows:

It is therefore resolved that staff conduct a full review into the Civic Holiday long weekend complaints surrounding Coconuts Restaurant and lounge and that staff report back to the October 16, 2012 Committee of the Whole with recommendations to prevent any future occurrences; and

That Coconuts Restaurant and Lounge not be provided with any more special event permits or extensions until this report is received from staff.

Permits

Originally, outdoor exhibitions were included as a matter dealt with in the Licensing Bylaw. Pursuant to the amendments to the Municipal Act in 2002, as part of the general revisions to the Licensing Bylaw, a separate Outdoor Exhibition Bylaw was enacted. In the past five years, only three outdoor exhibition permits have been issued.

Given Council's decision of April 17, 2012, the end time stipulated for permits issued for the Event was extended to 1:30 a.m. The permits were issued using the standard procedures for circulation, etc., commonly used for applications under the City's Special Events By-law. York Regional Police and Vaughan Fire and Rescue Services were consulted. Paid duty officers were assigned to the Event, at the organizer's expense.

Pursuant to Council's direction for a review, City staff met with York Regional Police representatives who were also reviewing the matter. They provided the City with copies of internet advertising found the evening of the largest event, which clearly misrepresented the location as "Coconuts Outdoor Arena" with "room for over 10,000 people". It was also later discovered by police that a large event which is normally scheduled and held at a large park in King Township was cancelled due to inclement weather concerns. A banner found at the site advising of the cancellation redirected event-goers to the "Coconuts Arena". The manner in which the Event was advertised, through the use of social media, resulted in approximately 3200 attendees, well above the 500-600 originally anticipated.

York Regional Police advised they were called to the event and at the time of arrival, the event was in full swing with most of those in attendance having bought advance tickets, and with the main attraction about to perform. They also advised that the concert proceeded with the entertainers shortening the time of their acts to bring the concert to an earlier end, but later than the permit time. It took quite a while longer for police to ensure all attendees had exited the property and the area.

The low cloud ceiling and overcast weather of the evening also contributed to the impact of the noise levels causing the noise levels to carry significant distances. Other than noise complaints, the event had no incidents that were documented by York Regional Police.

Coconuts Restaurant and Lounge is now closed and appears to be no longer in business.

Recommended Course of Action

The Coconuts Restaurant and Lounge event has given rise to improved procedures and communications with York Regional Police regarding the circulation of special event permits (no

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outdoor exhibition applications have been received since the event in question). Discussions now centre upon the overall public impact of such an event, and not simply a calculation of paid duty officers required. To that end, it is recommended that the by-law be amended to revise the application process to require the submission of additional information, such as advertising copy, the promoter's governance structure, identification and screening of any bands or musical entertainers and organizers, and security and staffing plans, so that a proper assessment may be made by the police and City staff prior to an event being authorized.

Given the rarity of outdoor exhibitions in Vaughan, and the potential for disproportionately high impact on the community when they occur, staff are recommending additional measures, including receipt of written acknowledgement from Police, Fire, and Health officials that they are satisfied with the preparations for the event.

It is also recommended that the By-law be amended to provide that outdoor exhibition permits not be issued in circumstances where the Chief of Police or his/her designate raises concerns or advises against the issuance of the permit on the basis of the nature of the proposed event, the expected crowd, the impact that the event might have on the delivery of police services in the community, and on the history of the event and its organizers.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

The provision of policing services is a Regional responsibility, and improved communication procedures will be implemented.

Conclusion

Although events necessitating the issuance of an Outdoor Exhibition Permit are rare, with advent of social media, the impact of the holding of such events can be quite significant. The proposed amendments to the Outdoor Exhibition By-law, and thorough review of proposed events by the parties circulated on the application, will provide the City with greater ability to prevent future occurrences in the City.

Attachments

None.

Report prepared by:

Heather A. Wilson
Director of Legal Services

Joseph Chiarelli
Manager of Special Projects,
Licensing & Permits

COMMITTEE OF THE WHOLE - APRIL 9, 2013

COCONUT'S RESTAURANT AND LOUNGE OUTDOOR EXHIBITION/SPECIAL EVENT WARD 4

Recommendation

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Report prepared by:

Heather A. Wilson
Director of Legal Services

Joseph Chiarelli
Manager of Special Projects,
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Respectfully submitted,

MaryLee Farrugia
Commissioner of Legal & Administrative Services
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Jeffrey A. Abrams
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