Background

Council Resolution February 11, 2009:

- Regulation of Hours
- Regulation of Capacity
- Policing Strategies
- Hess Village Entertainment District By-law
- Interim Control By-law
- Licensing/Regulating Bouncers
Precis

- Collaborative Approach Including Consultation
- Redress Hess Village Issues
- More Work to Come
Consultation

- Alcohol & Gaming Commission of Ontario
- Hess Village Bar Owners
- Hess Village Property Owners
- Hess Village Pedestrian Mall Authority
- Community Representatives
- Public Health
Council Direction

Regulation of Capacity

• Review Regulations in Zoning By-law 05-200

• Review Existing Policies and Procedures
Current Licensed Capacity

- Existing Capacity of licensed establishments
  - 2,479 people inside
  - 2,282 people outside
  - 4,761 total licensed capacity

- Located within 17 establishments
Hess Village Entertainment District
Current Zoning Regulations

• Lands Zoned
  – Downtown Mixed Use (D3) Zone
  – Downtown Prime Retail (D2) Zone

• Regulations
  – 50% of the licensed capacity; or,
  – 50 people
  – whichever is the greater
  – Live and recorded music prohibited
  – Restricted locations abutting residential
Zoning By-law Amendments

• Cannot Differentiate Between Nightclubs and Restaurants

• Cannot Regulate Interior Capacity
  – Building Code
  – Fire Code

• Amend Capacity Regulations to Restrict According to Physical Space
Zoning By-law Amendments (continued)

- Outdoor Commercial Patios Amendments
  - Designed and Used for Seating
  - 1.10 square metres of Patio Area Per Person
Effect on Existing Capacities

• Private vs. Public Land
  – Encroachment Agreements
• Approved Capacities
  – Approved Zoning By-law Amendments, Minor Variances
• Current Developments
• General Provision
  – Ultimately Applicable to Entire City
  – Amendments to Existing By-laws
Council Direction

Review of a Possible Interim Control By-law for Hess Village

- Land Use Planning Study
- Planned Function of Hess Village
Review of Interim Control By-law for Hess Village

• Purpose of an Interim Control By-law
  – Stops all New Development
  – Completion of a Land Use Planning Study

• Planned Function of Hess Village is Sound
  – Putting People First (Downtown Secondary Plan)
Review of Interim Control By-law for Hess Village (continued)

• Planned Function vs. Operational

• Conclusion:
  - Not Recommending Enactment for Hess Village Interim Control By-law
Council Direction

Outdoor Boulevard Café Encroachment Agreements

Properties with Agreements
• 19 Agreements – 13 of 17 properties

Properties without Agreements
• 4 of the 17 properties are without agreement
New Encroachment Agreements Required

New application for encroachment agreements will be required and will include:

- Better management of patio capacity and design
- Application fee of $1352.19 and $70.00 per transaction registration / deregistration fee be waived for this exercise
- Reminder that there is currently a moratorium on the annual fees as approved in 2006
Encroachment Agreements

Recommendation: That existing outdoor boulevard café agreements in Hess Village be terminated in accordance with the required notice set out in each agreement

Thirteen Agreements
• City to give written notice of at least 30 days

Four Agreements
• “At the pleasure of Council” requires procedural fairness

Two Agreements
• The Hess Village Mall Authority to give written notice of at least 30 days
Revisions to City’s Agreement Process

- Limitations on capacity, design and seating on patios located on the public road allowance, can be effected by requiring:
  - Patio be used and designed for seating
  - Preparation of a patio layout plan illustrating seating layout, capacities, conformity with Zoning, etc
  - Expiry dates for Agreement requiring their renewal or renegotiation
Timing of Termination and Enforcement

• To be the **earlier** of either, the date that a new Agreement is entered into **OR** the end of the 2009 patio season

• Operations and Maintenance Division to take steps to enforce the removal of patios in City road allowances where property owners fail to apply for or be granted an encroachment agreement
Mall Authority Agreements

- Coverage area – George St from Queen St S to Hess St S in Hamilton
- Mall Authority established in 1980 with power to issue encroachment agreements
  - 1999 – starts using the City’s encroachment precedent
  - 2001 – agreements are sent to City for processing
  - annual fees continue to be collected by Mall Authority
- Two Mall Authority agreements remain, although not registered on title
Recommendations for Change

- City to take over the encroachment agreement process from the Mall Authority
- Mall Authority to be circulated on applications in affected area
- By-law required to make this change to be brought forward
Council Direction

Regulation of Hours

No authority to regulate; City can affect hours two ways:

1) Condition placed on licence by Licensing Tribunal

2) Condition on new/existing liquor licence through AGCO
Regulation of Hours (continued)

Current comment process incomplete; new interim process recommended:

– Applicants to submit Supplementary Information Form with detail of proposal
– Info Forms circulated to Ward Councillor, Police, Public Health, Municipal Law, Public Works
– New $150.00 fee for Zoning Compliance letter
• If occupant load can’t be determined, comment to AGCO that:

"The City is unable to determine whether the proposal is in conformity with the Zoning By-law and recommends that the liquor licence not be issued until such time as the applicant can satisfy the Building Services Division that the patron occupant load conforms with the requirements of the Zoning By-law. Please note that this may require the issuance of a Building Permit."
Regulation of Hours (continued)

New Liquor Licensing Process:

- Staff to report back in 3 months on a new comprehensive liquor licence review process
Council Direction

Licensing Bouncers

• Bouncers required to be licensed under Private Security & Investigative Services Act, 2005

• Act proclaimed Aug 23/07; licensing/registration provisions came into effect Aug 23/08

• Recommend City not duplicate PSISA, but ensure all businesses employing bouncers currently licensed by City, comply with PSISA
Council Direction

Hess Village Entertainment District By-law Review

- HVED By-law; stand-alone by-law (2005) with references to Licensing By-law
- Licensing By-law amendment
- More engaging licensing process
- Confirm compliance with applicable regulatory requirements
Hess Village Entertainment District By-law Review (continued)

Staff to investigate/report back concerning:

- Creating classes of licensed entertainment establishments with clear distinctions for restaurants, bars and nightclubs to facilitate creation of regulations addressing differences in operation, including increased risk of public nuisances

- Taxi stand and hot dog cart locations, and street parking regulations in Hess Village Entertainment District to facilitate timely and orderly exiting of the area
Possibility of Expanding the Hess Village Entertainment District Boundaries
Public Nuisance By-law

• Staff/Police recommend a Public Nuisance By-law to allow for more effective enforcement of behavioural issues not only in Hess Village but across the City

• Public nuisance by-laws used by several municipalities including Guelph, St. Catharines and Kitchener
Public Nuisance By-law (continued)

- Draft By-Law includes prohibitions of public urination/defecation as well as knocking over (or attempting to) Canada Post, newspaper and recycling boxes, or waste containers on a public highway.

- Staff will apply to the Province for a set fine order to allow tickets to be issued once the by-law is passed.
Hess Village – 2009 Police Strategies

1. Overview
2. Police Objectives
3. Past Initiatives
4. 2009 Strategies
Overview

• Increase in licensed seating

• Change in demographics

• Increased incidents of violence and anti-social behavior

• Safety and quality of life concerns
Objectives

- Safety and security
- Visibility and enforcement
- Communication and documentation
- Identify problem patrons
- Patrol and enforcement in surrounding neighbourhoods
Operation Plan

- Review of previous plans
- Briefings
- Arrest and release procedures
- Perimeter officers and dispatcher
- Equipment
- Reporting, tracking and follow-up
2009 Strategies

- CCTV cameras
- Flood Lighting
- Doorman training
- Trespass agreement
- Taxi Lanes
- Increase paid duty officers
- Enforcement
Conclusion

• Concerns over expansion

• Committed to working cooperatively to address issues
Results of Consultation

Recommendations:

• Future Role of the HVPMA
• Seek Provincial Funding
• Circulate City on All License Transfers
• Community Liaison Committee
Results of Consultation (continued)

• Public Health Department:
  - Concern over evidence of bar density and increase in alcohol related issues
  - No defined acceptable density for a prescribed area and not sufficient evidence for policy recommendation at this time
  - Will continue reviewing emerging evidence and report back in one year
Summary (continued)

• Extensive Research and Review
  – Other Municipal Regulations
    • Capacities
    • Definitions
    • Restrictions
    • Entertainment Districts
    • Licensing By-law
Summary (continued)

• Not a Punitive Measure
  – Better Management of Capacities
  – Maintaining the vision of Putting People First
  – Improving neighbourhood life
    • Perimeter patrol
    • Nuisance By-law
  - Improving the Hess experience

• Start of New Beginning for Hess Village
Hess Village Review

QUESTIONS?