

**Application for a Liquor Licence - San Nicola Cafe
1751-1753 Keele Street
Ward 27, York Humber**

(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)

The York Community Council recommends that:

WHEREAS by resolution embodied in Clause No. 8 of Report No. 7, the York Community Council which was adopted by City Council on July 6, 7 and 8, 1999, the York Community Council advised the Alcohol and Gaming Commission that it objected to the application by San Nicola Cafe for a liquor licence; and

WHEREAS the Silverthorn Ratepayers Association by petition also expressed objection to this application for the following reasons:

- (i) that the establishment is located in close proximity to the Keelesdale Public School, Silverthorn Public School and Kane Public School;**
- (ii) that limited parking is available; and**
- (iii) that it undermines community safety efforts;**

THEREFORE BE IT RESOLVED that City Council advise the Alcohol and Gaming Commission that it does not object to the issuance of a liquor licence, provided that:

- (1) the subject establishment complies with the City's by-laws and the requirements and regulations of all municipal departments, with respect to health, fire, by-law enforcement, parking and building (zoning, building and plumbing);**
- (2) the School Trustee for the area has no objection to the issuance of the liquor licence;**
- (3) the applicant acknowledges that the following conditions shall apply to this licence and shall be binding on the current and future owners;**
 - (i) no dance floor;**
 - (ii) no video arcade, gambling machines or game tables (football or air hockey) allowed on the premises;**
 - (iii) no live music; and**
 - (iii) no liquor sales after 11:00 p.m.; and**
- (4) the City review the hours of operation for this establishment after a two year period.**

The York Community Council submits the following communication (November 12, 1999) from Mr. Michael Worsoff, Worsoff, Hatzis, solicitors for the applicant:

Please be advised that I represent San Nicola Café with regards to its liquor licence application.

As I understand your letter of July 12, 1999, the Alcohol and Gaming Commission of Ontario you have opposed the granting of a liquor licence to the San Nicola Café for the three following reasons:

- (i) the establishment is in close proximity to local schools
- (ii) that limited parking is available; and
- (iii) that it undermines community safety efforts.

With all respect to your position, these reasons set out do not constitute reasonable grounds to oppose the licence being sought by San Nicola Café, especially when there are neighbouring establishments who had applied for liquor licences and received them.

Further, your letter of opposition was received by the Commission one month following the expiration date for accepting protestations of the liquor licence.

Can you kindly elaborate on why it is you are against this responsible establishment ameliorating its business.

I will await your response.

(Clause No. 8 of Report No. 7 of the York Community Council,
as adopted without amendment by City Council on July 6, 7 and 8, 1999)

(City Council on July 6, 7 and 8, 1999, adopted this Clause, without amendment.)

The York Community Council recommends the adoption of the following motion (June 17, 1999) by Councillor F. Nunziata:

WHEREAS the San Nicola Cafe located at 1751-1753 Keele Street has made application for a liquor licence to the Alcohol and Gaming Commission of Ontario; and

WHEREAS the location of this establishment is in close proximity to three schools, Keelesdale Public School, Silverthorn Public School and Kane Public School; and

WHEREAS this cafe is frequented by a number of young people and is one of the reasons that the local Silverthorn Ratepayers Association is opposing this application; and

WHEREAS there is inadequate parking facilities to accommodate patrons to this establishment if a liquor licence is granted; and

WHEREAS subsection 6(2)(h) of the Liquor Licence Act ("the Act") provides that an applicant is entitled to be issued a licence to sell liquor, except if the licence is not in the public interest, having regard to the needs and wishes of the residents of the municipality in which the premises are located; and

WHEREAS section 7.1 of Regulation 719 under the Act states that, in the absence of receiving submissions to the contrary, the Board shall consider a resolution of the Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a licence to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6(2)(h) of the Act;

THEREFORE BE IT RESOLVED that City Council advise the Alcohol and Gaming Commission that it opposes the granting of a liquor licence to the San Nicola Cafe and that such application is not in the best interests of the community; and

BE IT FURTHER RESOLVED that the petition from the Silverthorn Ratepayers Association together with this resolution, be forwarded to the Alcohol and Gaming Commission of Ontario.

The York Community Council submits the following communication (May 25, 1999) from the Secretary, Silverthorn Ratepayers' Association to Councillor F. Nunziata:

Thank you for your letter informing us of an application for a liquor licence at the San Nicola Cafe at 1751-1753 Keele Street.

Our members have expressed concern about permitting a liquor licence at this address because it is situated opposite George Harvey Secondary School and very close to both Keelesdale, Silverthorn and Kane Middle Schools. Because of the close proximity of the San Nicola Cafe to all these schools, our members feel it is inappropriate for the Cafe to sell alcohol in an area that is frequented predominantly by local youth, pre-teens and young children. Given our community's efforts to date toward area safety, we feel that the sale of alcohol at this establishment could undermine our objectives. Thus, the sale of alcohol should be reserved for a designated business district. Ideally, the Silverthorn Ratepayers Association would like to see legislation that prohibits the sale of alcohol within a one or two block area of school properties, to discourage youth involvement in this activity. This would serve not only our community but those around the GTA. In addition, there are already too many establishments in the Keele Street and Rogers Road area with liquor licences. Thus, we ask that the application be refused.

In addition, we do not approve of this application because there is inadequate parking to accommodate the increase in patrons that this business might attract. The Silverthorn Ratepayers Association has too often seen the consequences of ignoring parking requirements for business establishments and other facilities, as evidenced by the recent Nova Era Bakery problem. It is also imperative that liquor licences not be granted to establishments of this small size. This prevents small corner stores and fast food outlets from selling alcohol, often to persons who are minors.

The Silverthorn Ratepayers Association is confident that our concerns will be seriously addressed. Again, we would like to thank you for bringing this matter to our attention because we foresee potential problems with a liquor licence at this address. Please keep us informed of any developments regarding this matter.

The York Community Council also had before it during consideration of this matter, a petition bearing approximately 25 signatures submitted by the Silverthorn Ratepayers Association, requesting that the application for a liquor licence by San Nicola Cafe be refused for the following reasons:

- (i) the establishment is in close proximity to local schools;
- (ii) there is limited available parking; and
- (iii) it undermines community safety efforts.

The York Community Council also had before it a memorandum (June 17, 1999) from Councillor Nunziata forwarding the foregoing motion.

(A copy of the petition referred to above is on file in the Clerk's Division, York Civic Centre.)

