

January 17, 2011

Toronto and East York Community Council
100 Queen St W
Toronto M5H 2N2

Dear Chair and Members,

Re: Liquor Licence Application - 60 Cecil Street, Sonic Coffee

Anthony D'Arcy has submitted an application for a new liquor licence to the Alcohol and Gaming Commission of Ontario ("AGCO") for a premises at 60 Cecil Street, operating under the name of Sonic Coffee (the "Premises"). The applicant is seeking a liquor licence for the restaurant that has an indoor capacity of 26 patrons, and a combined outdoor capacity of 30 to be located on both rooftop and front patios.

Indoor Licence

The Premises is located adjacent to a residential area, therefore conditions should be placed on the indoor licence to mitigate noise impacts on neighbouring residents.

Rooftop Patio Licence

The lot on which the Premises is located abuts a residential lot, and as a result a rooftop patio is not permitted for the Premises in either the current in-force zoning by-law or the new City wide zoning by-law adopted by Council in August. It is premature for a liquor licence to be granted for the proposed rooftop patio due to the non-compliance with the zoning by-law. Even though the rooftop patio use is currently not permitted, if a liquor licence is granted for the rooftop patio by the AGCO, conditions should be placed on the licence to mitigate noise impacts on neighbouring residents and to restrict hours of operation of the patio.

Front Boulevard Patio Licence

The proposed front patio is located within the City's road allowance for Cecil Street. The front patio is permitted under the zoning by-law; however the owner of the Premises must successfully apply to the City for a Boulevard Café Permit in order to use the City boulevard as a patio. If approved, the Permit will contain conditions regarding time of use that will assist in alleviating concerns by local residents regarding noise late at night. It is premature for a liquor licence to be granted for the proposed front boulevard patio until a Boulevard Café Permit is obtained by the applicant. Even



though the front patio requires a Boulevard Café Permit, if a liquor licence is granted for the front patio by the AGCO, conditions should be placed on the licence to mitigate noise impacts on neighbouring residents and to restrict hours of operation of the patio.

The application for a liquor licence for the indoor area is not in the public interest unless conditions, addressing the concerns of the community, are attached to the licence. The application for a liquor licence for the rooftop outdoor patio is not in the public interest due to the potential noise impacts on the surrounding residential area, and non-compliance with the City's zoning by-law. The application for a liquor licence for the front patio is not in the public interest unless a Boulevard Café Permit is obtained from the City and 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 Sonic Coffee, 60 Cecil Street, 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.
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 noise and other impacts on the neighbouring residential community.

Thank you for your consideration.

Sincerely,

Adam Vaughan
City Councillor
Ward 20, Trinity-Spadina

