
City Council

Motion without Notice

MM54.27	ACTION			Ward:19
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Liquor Licence - 676 Queen Street West - Come and Get It - Licence No. 200092 - by Councillor Mike Layton, seconded by Councillor Mary-Margaret McMahon

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Mike Layton, seconded by Councillor Mary-Margaret McMahon, recommends that:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario (“AGCO”) that the liquor licence expansion application for Come and Get It, 676 Queen 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.
2. City Council request the Licence Appeal Tribunal (“LAT”) to provide the City of Toronto with an opportunity to participate in any proceedings with respect to the Premises.
3. City Council authorize the City Solicitor to attend all proceedings before the LAT in this matter and direct the City Solicitor 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 issues including, but not limited to, noise, safety, security personnel, security cameras, crowd control, signage, lighting and litter.

Summary

Come and Get It Restaurant Inc. has submitted an application for an expansion of a liquor licence to the Alcohol and Gaming Commission of Ontario (“AGCO”) for a premises at 676 Queen Street West operating under the name Come and Get It (the “Premises”). The applicant is seeking an increase in the indoor capacity by 6 patrons, and has applied to have a new

licenced outdoor area on a rear patio with a capacity of 62 patrons. Currently, the Premises has a liquor licence for the indoor area with a capacity of 34 patrons.

Under the City's Harmonized Zoning By-law 569-2013 a rear patio associated with a restaurant is not a permitted use on the property in which the Premises is located. The property is located immediately adjacent to a residential area and the Zoning By-law requires a separation distance of 30 metres from a residential lot. The Licensee requires a variance from the By-law in order to operate a rear patio on the property, whether it is licenced or not. Two restaurant studies conducted on Queen Street West, west of the subject site, have determined that rear patios should be prohibited for all restaurants located on Queen Street West in the areas studied. It is premature for the Premises to be issued a liquor licence for the rear yard patio until such time that the patio is permitted under the Zoning By-law.

Neighbouring residents and the local Councillor's office are concerned that the operation of a new licensed rear patio will impact neighbouring residents. Therefore, if the rear patio licence is granted conditions should be attached to the licence to help prevent impacts related to noise, safety, litter, and other matters. Conditions may also be added to the indoor portion of the licence to help prevent impacts. This application for an expansion to the liquor licence is not in the public interest unless the proposed outdoor patio is permitted under the Zoning By-law and certain conditions, addressing the concerns of the community, are attached to the licence. This matter is deemed urgent as the placard deadline for objections has passed and a pre-hearing conference at the Licence Appeal Tribunal may be scheduled prior to the next meeting of Council.

(Submitted to City Council on July 8 and 9, 2014 as MM54.27)

Background Information (City Council)

Member Motion MM54.27