

Refusal of a boulevard café permit application to include a permanent enclosed located at 1006 Bloor Street West, Westmoreland Avenue flankage

Date: August 22, 2019
To: Toronto and East York Community Council
From: Fiona Chapman, Director, Business Licensing and Regulatory Services,
Municipal Licensing & Standards
Wards: Ward 9 – Davenport

SUMMARY

This staff report is about a matter for which the Toronto and East York Community Council has delegated authority from City Council to make a final decision.

To report on the refusal to issue a permit by Municipal Licensing & Standards in the matter of an application for a boulevard café permit located at 1006 Bloor Street West, Westmoreland Avenue flankage.

RECOMMENDATIONS

The Director of Business Licensing and Regulatory Services, Municipal Licensing & Standards recommends that:

1. The application for the proposed boulevard café located at 1006 Bloor Street West, Westmoreland Avenue flankage be denied.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

This is a new application for a boulevard café permit located at 1006 Bloor Street West, Westmoreland Avenue flankage.

COMMENTS

An application for a boulevard café located at 1006 Bloor Street West, Westmoreland Avenue flankage was received on June 4, 2018 from the business owner representing Paradise Theatre Entertainment Corp operating as Paradise Theatre/Osteria Rialto/Bar Duchamp. The application submitted was seeking permission to establish a boulevard café located at 1006 Bloor Street West for 59.23 square metres which would accommodate approximately 50 patrons. (Appendix 1 and 2).

Upon receipt of an application, it is reviewed for compliance with the physical criteria of Chapter 313-36 of the Former City of Toronto Municipal Code. At the time of inspection construction prevented a proper inspection to be conducted.

Site inspection conducted on August 30, 2018, revealed construction activities on-going at the location and the inspection was unable to be conducted. Furthermore, an additional three site inspections were conducted on December 4, 2018, June 5, August 14, 2019 and were unable to be conducted due to on-going construction activities.

A review of the boulevard café permit application with temporary partial enclosure plans submitted were found not to be in accordance with the provisions of the former City of Toronto, Municipal Code, Chapter 313-37 as stated:

A structure erected on a licensed boulevard cafe area which consists of a retractable or removable canvas-type awning made with a light metal or reasonably equivalent frame affixed to the adjacent building, has canvas or similar sail goods material between and affixed to the top rail of the fence and the roof awning on the two (2) sides of the structure extending from the building, has canvas or similar sail goods material screens between and affixed to the top and bottom rails of the fence, has open entrances/exits which shall remain free, open and unobstructed at all times.

The proposed café structure with partial enclosure constructed of a retractable, self-supporting cover system custom (KUBO) made to protect against sun and rain. It consists of an aluminum structure and a folding canvas that can come in a variety of colors.

The wind resistance is guaranteed for winds up to force 6 of the Beaufort scale (over class 3 – UNI EN 13561). The canvas, made from exclusive Corradi Eclissi* fabric, is an opaque laminated PVC and has a side embossed with weft effect.

The fabric is supported by intermediate supporting tubes and terminal bars set parallel to one another. The canvas moves by sliding on the side tracks on carriers with 6 asymmetrical wheels with a capacity of about 1000 lbs each. The toothed transmission belt has stainless steel cables and resists a saline environment. The transmission belt is inserted in each side track, controlled by the drive pulley and a single drive shaft that guarantees the smooth movement of the canvas. The KUBO system is set in motion by a radio-controlled motor.

The proposed boulevard café structure is constructed of sliding glass panel windows, glass panel's doors, and heated concrete pad with heating cables.

Photos and renderings of the proposed boulevard café enclosure indicate that the structure will be of a permanent fixture.

A letter dated on December 5, 2018 was sent to the business owner representing Paradise Theatre Entertainment Corp operating as Paradise Theatre/Osteria Rialto/Bar Duchamp advising the applicant that the proposed structure within the proposed boulevard café area does not meet the requirement of a temporary partial enclosure under Chapter 313-37 of the Toronto Municipal Code.

On August 21, 2019 a letter was received by Municipal Licensing & Standards from the business owner representing Paradise Theatre Entertainment Corp operating as Paradise Theatre/Osteria Rialto/Bar Duchamp to appeal the decision of the denial for a boulevard café permit application with temporary enclosure.

The former City of Toronto Municipal Code Chapter 313-36B (4) also requires a public poll of owners and tenants within 120 metres of the proposed cafe on a residential flank.

A poll was conducted on September 17, 2018 in English, with the last date for filing a response being October 16, 2018 by the City Clerk's Office, Elections and Registry Services, and included the premises between 10-48 Westmoreland Avenue, 3A-27 Westmoreland Avenue, 1000 Bloor Street West and 1006 Bloor Street West to determine neighbourhood support.

The results of the poll received from the City Clerk's Office, Election and Registry Services indicate that the majority of the ballots received were in favour of the proposed boulevard café.

On June 29, 2018 an application was submitted to construct under subsection 8 (1.1) of the Building Code Act under permit 18 186679 BLD.

CONTACT

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SIGNATURE

Fiona Chapman
Director
Business Licensing and Regulatory Services
Municipal Licensing and Standards

ATTACHMENTS – 1006 BLOOR STREET WEST, WESTMORELAND AVENUE

1. Sketch of boulevard café
2. Photos of proposed café area