

## **Site-Specific Exemption - 67 Adelaide Street East**

**Date:** December 18, 2024

**To:** Toronto and East York Community Council

**From:** Director, Permits and Enforcement, Transportation Services

**Wards:** Ward 13, Toronto Centre

### **SUMMARY**

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This staff report is about a matter that Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is for Toronto and East York Community Council to consider a request from the property owner of 67 Adelaide Street East, the City of Toronto, regarding a proposed site-specific exemption to permit a ramp onto the right of way. Toronto Shelter and Support Services Division will be converting the property from a 24-hour drop-in for homeless women into a Municipal Shelter for Indigenous men to be operated by Na-Me-Res, an Indigenous organization. In order to adhere to Accessibility for Ontarians with Disabilities Act (AODA) and the Toronto Accessibility Design Guidelines (TADG) at this property, and in keeping with Indigenous culture. Through the renovations, a poured concrete accessibility ramp including poured concrete steps abutting the ramp is required on the City's existing right of way. The ramp and steps are proposed to be constructed within the public right-of-way within the Church Street sidewalk flank of 67 Adelaide Street East. The proposed ramp contravenes City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of, since no encroachments other than soft landscaping are permitted within 0.50 metres of the edge of sidewalk located closest to the street line. As the owner, the City of Toronto is requesting approval for a site-specific exemption from the requirements in Chapter 743 in respect of this proposal. As the City is the property owner of both the building and the sidewalk at hand, it does not require an encroachment agreement with itself. Rather, the City seeks a site-specific exemption to permit the proposal.

Transportation Services is recommending that Toronto and East York Community Council authorize the construction and maintenance of a concrete accessibility ramp and steps within the public right-of-way on Church Street. A 2.44-meter-wide pedestrian clearway will be maintained on the sidewalk adjacent to these structures, which is greater than the 2.1m pedestrian clearance required for permitted encroachments.

## **RECOMMENDATIONS**

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The Director, Permits and Enforcement, Transportation Services recommends that:

1. Toronto and East York Community Council authorize the City of Toronto to install a concrete barrier-free accessibility ramp and concrete steps abutting the ramp on the Church Street flank of 67 Adelaide Street East, which is to include the following conditions:
  - a. Corporate Real Estate Management Division (CREM), Toronto Shelter and Support Services Division (TSSS), and Transportation Services Division will enter into a memorandum of understanding regarding the ramp and concrete steps to the General Manager of Transportation Services;
  - b. the City will maintain the poured concrete barrier-free accessibility ramp which includes metal plate guards, metal plate top, bottom railing, steel handrails fixed to posts with rod brackets, a tactile indicator strip, and poured concrete steps abutting the ramp at its own expense in good repair and a condition satisfactory and will not make any additions or modifications to the ramp and concrete steps beyond what is allowed under the terms of the memorandum of understanding;
  - c. CREM will remove the ramp and concrete steps upon receiving written notice to do so from Transportation Services;
  - d. Transportation Services Division and utility companies may remove the ramp and concrete steps at any time in order to install or maintain services within the affected public right of way with no obligation to replace them;
  - e. CREM and TSSS will assume all responsibilities related to the site-specific exemption permitting the ramp and concrete steps; and
  - f. TSSS will cover the costs for the removal and relocation of the existing litter bin and bike ring on the Church St. flank of the premises.

## **FINANCIAL IMPACT**

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There are no financial impacts resulting from the adoption of the recommendations in this report.

The capital and operating costs associated with developing new shelter sites are included in the 10-year capital plan and future year operating outlooks. All financial impacts resulting from the shelter development are subject to Council's annual authorization of the capital and operating budgets.

The Chief Financial Officer has reviewed this report and agrees with the Financial Impact information.

## DECISION HISTORY

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At its meeting on October 27, 2020, City Council adopted EC16.1 "Interim Shelter Recovery and Infrastructure Implementation Plan", City Council approved the 2021 Shelter Infrastructure Plan and authorized the General Manager, Shelter, Support and Housing Administration to enter into new or amend existing agreements, as required, to open and operate shelters outlined in the 2021 Shelter Infrastructure Plan which included 67 Adelaide Street East.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EC16.1>

## COMMENTS

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An encroachment application was received on March 22, 2024, from the City's consultant, Room Consulting Inc., requesting permission to construct and maintain a poured concrete barrier-free accessibility ramp which includes; metal plate guards, metal plate top, bottom railing, steel handrails fixed to posts with rod brackets, a tactile indicator strip, and poured concrete steps abutting the ramp within the public right-of-way on Church Street flanking the subject premises.

Transportation Services has reviewed the application and the property located at 67 Adelaide Street East. The proposed structure has a deficiency that contravenes Municipal Code Chapter 743. The deficiency includes the following:

- The poured concrete barrier-free accessibility ramp and concrete steps are proposed to extend from the exterior building wall into the public right of way encroaching 1.25 metres and will be poured directly within the City of Toronto sidewalk. This contravenes the Municipal Code Chapter 743 article 743-31.E.(2) requirement that "E. Unless otherwise specified in this chapter, no encroachments other than soft landscaping are permitted: ... (2) Within 0.50 metres of the edge of sidewalk located closest to the street line";

It is also important to note that the proposed structure will result in the removal of a section of City of Toronto sidewalk and will narrow the travelled portion of the sidewalk from approximately 3.69 metres to 2.44 metres.

The applicant was notified that poured concrete barrier-free accessibility ramp and poured concrete steps abutting the ramp are not authorized as an encroachment in Municipal Code Chapter 743 and an appeal was subsequently received from Room Consulting Inc. As required by Section 743-48 of the Toronto Municipal Code, Transportation Services has responded to the appeal by preparing this report for Toronto and East York Community Council consideration and to provide the applicant with an opportunity to be heard.

Since it is actually the City that owns the building where the structure is proposed, the City is technically the entity requesting permission for the encroachment, but since the City cannot technically encroach on its own sidewalk and although this report uses the

language of 'encroachment', this circumstance is a request for the City to be granted a site-specific exemption from its own requirements as set out in Section 743-31.E.(2).

Transportation Services recommends granting authority to install and maintain the proposed accessibility ramp and stairs, as a 2.44-meter-wide pedestrian clearway will be maintained on the sidewalk adjacent to these structures which is greater than the 2.1m pedestrian clearance required for permitted encroachments.

A drawing showing the proposed encroachment and photos of the proposed location are included in Attachments 1 and 2.

### Proposed Program and Commitments to Indigenous Peoples

This exception is being requested at 67 Adelaide Street East in connection with the conversion of the existing building into a Municipal Shelter for Indigenous men to be operated by Na-Me-Res (Native Men's Residence). There is a need for additional services for homeless Indigenous men experiencing homelessness in the City of Toronto. The 2021 Street Needs Assessment conducted by Toronto Shelter and Support Services found that Indigenous people are significantly overrepresented among people experiencing homelessness in Toronto, making up 15% of people experiencing homelessness yet only approximately 2.5% of the general Toronto population. This overrepresentation is even more significant among people experiencing outdoor homelessness, with 23% of people sleeping outdoors identifying as Indigenous.

Creating more Indigenous-led culturally based homelessness services is critical to help Indigenous people experiencing homelessness receive the supports they need. In its Meeting in the Middle Engagement Strategy and Action Plan, Toronto Shelter and Support Services has committed to supporting the development of Indigenous-led services in recognition of this need and Indigenous people's right to self-determination. 67 Adelaide Street East will become a 75-bed Indigenous (First Nations, Inuit, and Métis) men's shelter. The shelter will be operated by Native Men's Residence (Na-Me-Res). Na-Me-Res has a long history of providing shelter, housing, health and social supports to Indigenous men. The shelter will also include on-site health care, housing supports, employment counselling and skill development, and culturally informed social services, including a managed alcohol program.

The proposed reorientation of the main entrance to the East is of cultural significance. The Eastern direction is the direction the Sun rises the mark the beginning of a new day. The eastern access will be created to assist future residents in their journey to a better and healthier life and a pathway to healing, respect and dignity in this facility. Na-Me-Res' two other shelters have an Eastern main entrance in keeping with the cultural significance of this direction.

The City of Toronto is committed to supporting the rights of Indigenous People as set out in the United Nations Declaration on the Rights of Indigenous People and in its Statement of Commitment to the Aboriginal Communities of Toronto adopted in 2010.

The Ward Councillor has been advised of the recommendations in this report.

## **CONTACT**

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Elio Capizzano, Manager, Permits and Enforcement - Transportation Services, 416-392-7878, [Elio.Capizzano@toronto.ca](mailto:Elio.Capizzano@toronto.ca)

Loretta Ramadhin, Director, Infrastructure, Planning & Development - Toronto Shelter and Support Services, 416-392-7169, [Loretta.Ramadhin@toronto.ca](mailto:Loretta.Ramadhin@toronto.ca)

## **SIGNATURE**

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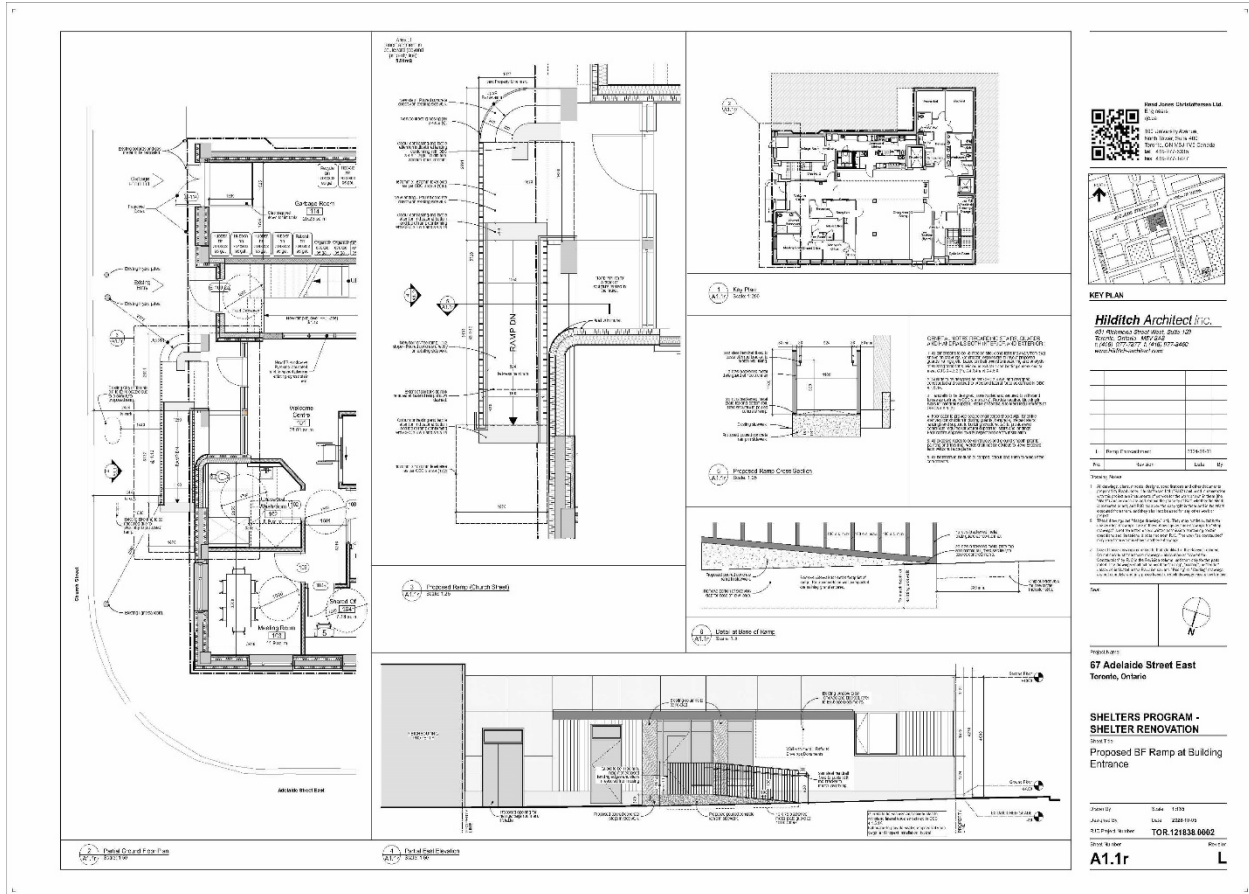
Antonia Markos  
Director, Permits and Enforcement, Transportation Services

## **ATTACHMENTS**

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Attachment 1: Site Plan of Proposed Ramp and Stairs - 67 Adelaide Street East  
Attachment 2: Photos of the Church Street flank of 67 Adelaide Street East

# Attachment 1: Site Plan of Proposed Ramp and Stairs - 67 Adelaide Street East



Attachment 2: Photos of the Church Street flank of 67 Adelaide Street East



Church Street Entrance of 67 Adelaide Street East



Looking north on Church Street from Adelaide Street East