

For Council agenda, November 14, 2019 - D.5 Robin Bayley

Mayor and Council members

Thank you for postponing consideration of the Bylaw to amend the OCP to adopt a new mandatory requirement for developers to include Food-Bearing, Pollinator, and Native Plants, and directing staff to allow me to address you remotely. Clear direction like this is sometimes needed to communicate to staff the urgency or importance you place on removing barriers.

I am the AWG representative on matters related to accessibility of the planted environment. I have been doing research and communicating with experts around the world and sharing my findings with staff for three years. The proposed amendments to the Landscape Design Guidelines are only one of many food and planting initiatives in the Strategic Plan that will impose barriers but were adopted without any accessibility impact analysis.

Last week, both Committee of the Whole and Council approved special motions to allow me to address Council. I felt compelled to speak because I had not been able to influence staff, despite a logical, defensible argument. To be clear, existing barriers in Council procedures prevented me from addressing Council to inform it about proposed barriers.

On Tuesday, I learned that staff had changed its position and are now recommending an additional guideline to mitigate potential barriers of the new landscape design guidelines. I support this compromise that was worked out through dialogue.

What are the barriers? Simply put, I fear the “go to” native plant will be Garry Oak and the “food producing” plant is probably going to be walnut trees. Both have very high propensity to cause serious allergic and asthmatic reactions. They are not suitable for planting where people live and congregate.

The City can learn from this process. I believe that Council is more likely to accept staff advice than that of an individual or advisory group, so it is important to provide real opportunities to influence staff advice. That should come from a robust accessibility analysis and reporting function, and meaningful, timely engagement. That did not happen in this instance, but this project is not alone by far. Other groups had opportunity to provide input in meetings. The AWG could only provide written feedback.

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Over the years, I have repeatedly been denied permission to address Council remotely. At the same time, there has been no progress on addressing the underlying barriers that prevent me from appearing before you, despite AWG recommendations from **2016**. It is demeaning not to have the freedom to speak for myself – something others take for granted. The proposed Accessibility Action Plan would review these issues by **2023**.

The Landscape Design Guidelines went to Council June 13 with a staff report that acknowledged potential barriers but advised that they could not be addressed due to limitations of municipal authority. There was an assumption that the barrier could only be addressed in one way.

When documents were posted for October 24 Council approval to go to public hearing, I learned that the substance of my input had not been incorporated yet again. The staff report seemed to use the Accessibility Impacts section to argue for other values, pointed to the Accessibility Framework for solutions we now know it does not deliver, and suggested that any problems could be fixed later.

What changed between the determination not to address the barriers I reported and Tuesday? **I was able to provide evidence that another organization had already addressed the issue. The UN Trees in Cities Challenge to which the City is a signatory provides guidance to avoid planting allergenic species.** The key instigation for staff to address the barrier was learning of the precedent. I learned of the UN planting criteria October 1 and was able to provide documentation to staff on October 18.

The draft Framework talks about providing leadership in accessibility, but to date, the model has been “followship”. To provide leadership, the City must be willing to go where no one has gone before, when a sound case can be made. Sometimes, the City will have to pioneer standards, policies and processes to address unique aspects of the climate, residents and historical decisions in Victoria.

I urge Council to adopt the new sections of the Landscape Design Guidelines in the name of accessibility and to demand more of the Accessibility Impacts sections of staff reports.