

Since 2017, the City of Victoria has been working on an Accessibility Framework and Policy to operationalize the goal of providing accessible facilities, services, regulations, programs and employment to better address systemic barriers faced by individuals within the community. The intent of the Framework and Policy are to take a comprehensive and pro-active approach to removing and preventing barriers.

In November 2019, staff presented the Accessibility Framework, Short Term Action Plan, and draft policy to Council and was directed to:

- 1. Complete stakeholder engagement on the proposed draft documents, with particular focus on Appendix C (Action Plan), finalize edits and ready the document for final Council approval, in Quarter 1 2020;*
- 2. Continue to advocate for strong and effective Provincial legislation for persons with disabilities and participate in stakeholder consultation processes on the development of Accessibility Legislation in the Province of BC;*
- 3. Endorse the policy statement noted in Appendix D and direct staff to report back with a formal policy for consideration in Q1 2020;*
- 4. Endorse adding a staff person dedicated to accessibility to be hired as soon as possible in 2020 with funds to come from new assessed revenue;*
- 5. Direct staff to report back with a list of Year 1 action items and direct the funding allocated in 2019 for Accessibility Framework implementation to be used for accessibility framework implementation in 2020;*
- 6. Report back on the Terms of Reference for an Advisory Body to enable ongoing input from persons with lived-experience on issues relating to accessibility.*

Following Council's initial review of the Policy, Framework and Draft Action Plan in November 2019, several refinements to the framework were made based on feedback from the public engagement process, including changes as recommended by the Accessibility Working Group. On August 6, 2020, the Committee of the Whole received a report from staff that included a summary of the engagement feedback, as well as the proposed Accessibility Framework, Action Plan and Accessibility Policy, as well as a presentation from the Chair of the Accessibility Working Group. At that time, Council approved the following motions related to the staff report and requested an update as contained in the current report as follows:

- 1. That Council endorse the Accessibility Framework and forward the Framework and the following suite of recommendations to a meeting in September for adoption to allow the AWG more time to consider the framework and comment on this motion.*
- 2. That Council request staff report back with terms of reference for a new accessibility advisory committee, allowing for some continuity of membership, to provide ongoing advice to the City of Victoria as the Accessibility Framework is implemented.*
- 3. That Council approve the Accessibility Policy as an interim policy and direct staff to report back with a strengthened policy including more specificity and guidelines to help determine appropriate courses of action and definitions.*

4. *That Council direct staff to modify the Short-term Action Plan to include measurable outcomes including the year each issue is to be addressed and accomplished.*
5. *That Council direct staff to report back in September with information on adding the AWG's recommended additions to the Short-Term Action Plan.*
6. *Direct staff to report back on the accessibility lens as it relates to the future equity lens and on potential tools to assist with balancing competing rights and interests.*

The following report provides information and further analysis of outstanding concerns from the Accessibility Working Group and subsequent Council direction during the August 6, 2020 meeting.

ISSUES & ANALYSIS

Council direction has been assessed by staff and further information and analysis is outlined below.

1. **Council Direction:** *That Council endorse the Accessibility Framework and forward the Framework and the following suite of recommendations to a meeting in September for adoption to allow the AWG more time to consider the framework and comment on this motion.*

Attachment A contains the Accessibility Framework endorsed by Council at the Committee of the Whole meeting of August 6, 2020. Comments received from the Accessibility Working Group on August 5, 2020 are in Attachment B. These documents are being provided as reference to the remainder of this report.

Since the August 6, 2020 discussions, the Accessibility Working Group provided a summary of previous feedback provided to City staff related to job description roles and responsibilities, draft policy suggestions, terms of reference for an interim advisory committee, tools for competing rights and interests and guidance for conducting accessibility analysis. This feedback has been incorporated in many areas, but also balanced with the organizational structure and level of granularity that is appropriate for an overarching strategic document. Specific to the revised Accessibility and Inclusion Policy, definitions and other points of clarity has been added, however in some cases, the additional detail requested by the AWG is more appropriate as an operational policy directed by the City Manager or Department heads rather than Council.

2. **Council Direction:** *That Council request staff report back with terms of reference for a new accessibility advisory committee, allowing for some continuity of membership, to provide ongoing advice to the City of Victoria as the Accessibility Framework is implemented.*

Attachment C contains a new draft Terms of Reference for a time-limited Accessibility Advisory Committee. The Terms of Reference includes a committee structure that provides for up to two (2) returning members of the current Accessibility Working Group to ensure continuity and knowledge transfer, as well as a revised mandate that is focused on the following:

1. Receive and communicate out City activities and updates related to accessibility to "parent" organizations the member represents (where applicable) (on-going)
2. Comment on new provincial accessibility legislation to inform City planning and program changes on suggested priority actions for initial implementation (Q4 2020 - Pending anticipated adoption in the fall of 2020)
3. Provide feedback to staff on accessibility considerations through participation in the 2022 Pilot on Responsive Budgeting Process (Q1 2021)

4. Share information on best practices and innovations on accessibility issues which align with the Focus Areas identified in the City's approved Accessibility Framework (on-going)
5. Respond to staff requests for input on new projects to identify and address accessibility considerations (on-going)

The Terms of Reference is intended to provide increased clarity of the roles and responsibilities of the Committee's mandate and membership, Council liaisons, and staff, as well as a reduced meeting schedule (quarterly versus monthly). Additional information has also been added regarding communication flow and clarification on individual versus committee outreach to Council and staff to better identify if individual communications have been endorsed by the Committee or if communications or inquiries are being made by an individual outside of the Committee mandate. This addition is proposed to be new standard language that will be applied to all future advisory committee terms of reference going forward to ensure clarity of communication. A copy of the existing Terms of Reference for the Accessibility Working Group is contained in Attachment D as a reference.

3. Council Direction: *That Council approve the Accessibility Policy as an interim policy and direct staff to report back with a strengthened policy including more specificity and guidelines to help determine appropriate courses of action and definitions.*

Staff have considered the comments from Council and the Accessibility Working Group and have revised the draft policy as contained in Attachment E. Key changes to the policy include overall edits in wording to provide clarity that the policy applies to City of Victoria staff, as well as stand alone definitions used in the proposed policy. More specifically, revisions to the proposed policy are as follows:

- Revised name of the policy to be 'Accessibility and Inclusion Policy'
- Inclusion of scheduled policy review timelines to every three years
- Addition of key definitions used in the Policy
- Procedures and guidelines for staff implementation for planning, design and reporting of accessibility related initiatives

Attachment F contains the interim Accessibility Policy as proposed by staff in August 2020 as a reference.

4. Council Direction: *That Council direct staff to modify the Short-term Action Plan to include measurable outcomes including the year each issue is to be addressed and accomplished.*

The Short-Term Action Plan in Attachment H identifies a range of actions, confirmed by different departments within the organization, that are contributing to the goals and desired outcomes identified in the Accessibility Framework over the next four years. Some actions provide foundational support that will increase the capacity, knowledge and resources required to advance specific projects or initiatives.

The Action Plan has been amended to include anticipated year of completion for each of the action items rather than the year of initiation, subject to budget approval. In many cases, the initiative or action will move into a 'sustainment' mode, which means that the initiative will become part of regular operations and reviewed annually through service planning as an on-going action item in future years. These timelines will be reviewed and potentially adjusted on an annual basis as staff develop annual workplans which will take into account direction from Council in all program areas, emerging issues, as well as resources available to advance initiatives as approved through the Financial Planning process. Any changes or shifts in timelines to the Short-Term Action Plan will be reflected in an annual report on the Accessibility Framework

implementation, including any challenges, emerging issues and additional human or financial resource needs.

The inclusion of timelines in the Action Plan reflects measurable outputs [activities and resulting ‘products’], however does not address outcomes [impact and value]. A corporate wide approach to developing a measurement process to address outcome measures and resulting impacts on quality of life and satisfaction, as directed in the 2019-2022 Strategic Plan has not yet been initiated by City staff due to capacity and limited resources.

5. Council Direction: *That Council direct staff to report back in September with information on adding the AWG’s recommended additions to the Short-Term Action Plan.*

The following section of this report provides additional information as requested by Council related to specific issues raised by the Accessibility Working Group in the report provided to the Committee of the Whole on August 6, 2020. In some cases, the initiative has been added to the Short-Term Action Plan in Attachment G as new stand-alone initiative. In other cases, an explanation of how the initiative will be addressed through on-going operations is outlined.

AWG Issue 1: Crossing over bike lane to bus stop on Pandora (and uncontrolled crossings over bike lanes where there is not a light) Status: Unresolved. Action Plan does not address. Human Rights complaint hearing is pending. Bike lanes continue to be built with crossings that are not controlled with a stop light or barrier despite AWG’s motion for this practice to be suspended until the Pandora bike lane solution is found. Mitigation efforts – Staff reported painting of X ineffective. APS with flashing warning light on Wharf not tested. Status and effectiveness of Public awareness poster unknown.

A new action has been added to the Short-Term Action Plan to more directly address this issue. A Human Rights Tribunal Hearing process recently concluded and the outcome of this process is anticipated to be known by the end of 2020. Regardless of the decision, the City is committed to continued upgrades and improvements at floating bus stops along separated bike lanes that exceed the latest Provincial and National technical design guidance. Road user education also continues as a part of infrastructure development.

AWG Issue 2: Angle of bus ramps at City Hall and Bay Centre Status: Unresolved. Staff recommended and Council approved, taking no action. City Hall location may be addressed by Action Plan item pertaining to Centennial Square.

Standard curb heights and clear sidewalk space at transit stops to support riders with disabilities is a part of retrofitting the existing built environment, as identified as key objective in the Accessibility Framework.

As per Council’s previous direction, future investments in the renewal of Centennial Square will include the full replacement of curbs, sidewalk and transit stops as a part of a comprehensive pedestrian and public realm upgrades and plaza renewal project. To address the Bay Centre concern, changes on Douglas Street, between Fort Street and View Street, could be considered as part of a future sidewalk replacement or road repaving project and would need to be assessed as a part of future capital planning processes. In the short term, staff will discuss opportunities to deploy kneeling buses on Douglas Street until all buses are replaced in 2021 with BC Transit fleet management.

AWG Issue 3: Children with allergies and recreation programs Status: Unresolved. Some action taken, some gaps. Two unsubstantiated public claims re: scent and nut-free policies

As part of regular programming, the Recreation division works diligently to ensure that allergies are not a barrier to accessing and participating in recreation programs and services. This is achieved through safety protocols and educational materials provided to program participants and/or parents and guardians. Health considerations, including allergies, are imbedded as a consideration when planning and delivering recreation programs and services, and staff address concerns through ongoing operational planning and training.

Participants of children's programs are required to identify if they have allergies or requirements for medication during the registration process. For individuals who may be at risk of an anaphylaxis reaction due to an allergy, an action plan is developed by staff in consultation with parents and/or guardians. In addition, all recreation programs are nut-free.

In recent years, staff from Recreation consulted multiple times with representatives of the AWG to receive input on the forms and procedures used for programs hosted in City facilities.

AWG Issue 4: Accessibility of City Facilities Status: Unresolved. No pet restriction policy for City facilities has been developed or discussed with AWG and this is not addressed by the Action Plan. City Hall is still not accessible. Action Plan does include an action regarding scent reduction.

In 2018, staff conducted two independent accessibility assessments and a comprehensive air quality test to identify barriers at City Hall. Although air quality inside City Hall was found to be well within health and safety guidelines, the AWG identified that an allergy barrier still exists because the only way to address ephemeral pet allergens caused by temporary airborne allergens, is to restrict pet access in City Hall.

Council's current direction is to support pet access in City Hall and all facilities welcome certified service animals. Should Council wish to restrict pet access in City facilities, this action will be added to the Short-Term Action plan. As an interim measure, alternative meeting locations and/or remote participation options are available to address this concern.

AWG Issue 5: Balancing accessibility concerns with pollinator habitat and other interests in City planting decisions Status: Unresolved. Human health is receiving less consideration when competing rights and interests are identified even though health is a right and the other interests are not necessarily rights. Action Plan does not address this specific issue or the need for a tool to balance competing rights and interests.

Balancing accessibility considerations with pollinator habitat is a complicated task given the numerous variables at play in the outside environment and the relatively limited ability to control all sources of allergens. Staff have focused on actions that advance relevant information regarding plant selection and health considerations for staff and the general public. The City has produced and distributed the following resources:

- Pollinator and Allergy Friendly Gardening Guide

- Lower Allergen Landscape Planting Resource List
- Tree Species Selection Guide (small, medium and large trees)

Each of these documents identifies low allergen plants to assist with plant selection. Staff utilize set criteria, including allergen rating, to inform planting plans with the primary consideration being the selection of a plant that will establish and grow with good vitality in the selected location. The City will continue to update these resources and create new ones as required.

AWG Issue 6: Truncated domes and no lip curbs *Status: Unresolved. No lip curbs (with no truncated domes) continue to be installed; the most recent case being reported at the July 28, 2020 AWG meeting. Action Plan does not address this.*

A new action has been included in the revised Short-Term Action Plan to more directly address this issue. No lip curbs reduce barriers for people who use wheelchairs or other mobility devices but may present new barriers for those with vision loss as they do not have an easily detectable warning surface. While the application of truncated domes have been implemented as a part of several recent projects (Shakespeare @ Hillside, Wharf @ Fort, Humboldt @ Douglas, Blanshard @ Hillside), the City can update its standards to ensure a consistent application of 10mm lips on curb let-downs. In addition to specifying domes in new capital projects, a comprehensive retrofit project will also be considered to address curb let down reconstruction and/or installation at priority locations as a stand-alone project, with funding sought through the Accessibility Reserve in 2021 and 2022.

As identified in the Action Plan, developing new standards and specifications for curb ramps, drawing upon resources including the National Accessible Design for the Built Environment standards, Master Municipal Construction Document specifications and other best practice will help address the design and installation of new and upgrades to existing curb ramps.

AWG Issue 7: Accessible Pedestrian Signals (APS) *Status: Unresolved. Pilot APS were installed but future plans for installations are unknown. The public (and blind pedestrians in particular) are not aware of the requirement to hold in the button for several seconds in order to activate the audible signal.*

A new action has been included in the revised Short-Term Action Plan to address this issue. Accessible pedestrian signals have been implemented as a part of several recent and current projects (Richmond @ Bay; Gorge @ Rock Bay; Wharf @ Yates, Humboldt @ Government) and will continue to be incorporated into future traffic signal projects. Retrofitting of APS features on existing traffic signals will continue to be delivered through other traffic signal maintenance, rebuilds and capital construction programs. Updated City standards and specifications will be developed considering best practice.

Staff have also included a new action to share information with disability organizations on new technologies that are installed in the built environment and/or public facilities.

6. Council Direction: *Direct staff to report back on the accessibility lens as it relates to the future equity lens and on potential tools to assist with balancing competing rights and interests.*

Specific to immediate concerns regarding the application of an accessibility lens for Council decision making, staff recommend an interim improvement measure as the Equity Framework and Lens is currently under development. Attachment I is a reference document containing the current guidelines to staff regarding considerations and requirements for the inclusion of an Accessibility Impact Statement in Council Committee Reports. Staff are recommending these guidelines be enhanced to include the following additions until such time that an overarching equity lens is adopted by Council:

- Identify if the report is in alignment with one of the focus areas and/or short-term actions within the Accessibility Framework. If applicable, delineate how the initiative or subject aligns with the Framework.
- Evidence of alignment with standards or guidelines, if applicable
- Cite decision making trade-off considerations to better inform Council, including cost, alignment or potential conflicts with other equity seeking individuals or groups
- Review and approval of the Accessibility Impact Statement by the Office of Equity, Diversity and Inclusion prior to City Manager sign-off (pending the hiring of staff).

Information on a suggested approach to addressing competing rights is contained in the options and impacts section of this report.

OPTIONS & IMPACTS

The following is the recommended option for the Advisory Committee, the Policy, the Short Term Action Plan and a decision-making tool for Council's consideration.

The City of Victoria is one of few municipalities in Canada that has developed a comprehensive accessibility framework. Over the past several years, the Accessibility Working Group has provided valuable feedback into the staff development of the Framework, as well as associated documents such as the draft policy, establishing an interim advisory committee, and prioritizing initiatives to be included in the action plan. The current staff report has taken this input into consideration, and balances organization wide direction with accessibility considerations, and deliberately does not prioritize accessibility over other equity factors. Instead, accessibility impacts are being embedded into project and program planning with a focus on better informing future decision making on potential trade-offs. At the same time, staff recognize that over the next year, building the knowledge and understanding of internal staff will be required to ensure that these trade-offs are appropriately assessed through support tools to guide their daily work.

Interim Accessibility Advisory Committee

The intent of the Accessibility Advisory Committee is to ensure that an external body representing diverse accessibility considerations provide input into City programs and services. The proposed terms of reference for the committee are intended to focus the work of the new committee, while maintaining institutional knowledge of the work that has been undertaken over the past several years through the appointment of up to two existing Accessibility Working Group members. Upon Council adoption of the Accessibility Framework, it is suggested that staff use the regular 'call for nominations' and appointment process used by the City and provisions set out by the Council Procedures Bylaw to establish the committee.

Under the current Accessibility Working Group Terms of Reference contained in Attachment D, the existing committee is to be disbanded one month after this adoption. Staff recommend extending this period to two months to bridge a potential gap between the existing and new committees. Also, critical to the success of any Council appointed committee is to ensure that all parties have a common understanding of the authorities, mandate, member roles and

responsibilities, and code of conduct. As such, staff will be recommending a facilitated session with all voting and non-voting committee members at the initial meeting later this year.

Accessibility and Inclusion Policy

The revised Accessibility and Inclusion Policy contains several commitments and policy statements for the City and also provides direction to staff on procedures and guidelines for implementing the policy. The new policy will become part of the on-going project management staff training sessions, learning events on report writing, and further communicated through equity initiative. Upon adoption of the policy, it will be provided to all managers to cascade to staff in highly impacted areas of the organization.

Short Term Action Plan

As directed by Council, the Short Term Action plan in Attachment G includes the anticipated initiation, completion or timeline for initiatives to move into operational sustainment. All of the timelines included in the Action Plan are subject to budget approval. Additionally, the Action plan has been amended to specifically address three of seven new actions identified in the Accessibility Working Group's August 6, 2020 report to Council related to eliminating no-lip curbs without truncated domes, Accessible Pedestrian Signals, including a new action item related to information sharing with disability organizations on new technologies that are installed in the built environment and/or public facilities. Another new action has been added to directly address the issue regarding further improvements at floating bus stops along separated bike lanes.

Other issues that have been raised by the AWG, have not specifically been included in the Action Plan due to either the level of granularity (such as prioritization of one location based on AWG recommendation rather than a more broad assessment of where there are the greatest safety or risk issues) or are in the process of being implemented (such as the guidelines for low allergen planting). Outside of the Action Plan, there are several other initiatives that are on-going in various departments and include accessibility considerations. For example, upcoming single use plastic consultations and the refresh of City visual standards to include accessibility considerations and embedded as part of the day to day operations.

Balancing Competing Rights Decision-Making Tool

The City is subject to numerous legal requirements, including the Canadian Charter of Rights and Freedoms and the BC Human Rights Code, that must be considered as part of any City bylaw, policy, or project. The City already takes steps to meet these legal obligations through appropriate reviews and analysis when developing bylaws, policies or projects. A development of a formal decision-making tool would help bring greater transparency to this process. However, this requirement is not unique to accessibility issues. Therefore, a proper decision-making tool would more appropriately be part of the Equity Framework so that it is comprehensive and consistently applied across the full spectrum of bylaws, policies, and projects whether they involve accessibility issues or not. Recognizing that the full Equity Framework will take time to develop, an interim decision-making tool could be presented for Council consideration in early 2021 as a temporary measure.

Accessibility Impact Statement

The current Accessibility Framework and Short-Term Action Plan identifies overarching priorities and initiatives to advance building a more inclusive city that addresses barriers to participation for persons with disabilities. The approval of this report and attachments reflects an initial milestone in providing comprehensive direction to City staff in implementing a plan in support of removal of barriers in the short and long term.

2019 – 2022 Strategic Plan

This report directly responds to direction contained in the current Strategic Plan to “Develop and implement an Accessibility Framework” as an action item under the objective of *Health, Well-Being and a Welcoming City*. Work is already underway in several areas identified in the Short-Term Action Plan such as the development of accessible parking standards and accessibility related training for City employees. Pending Council approval of the Framework, Policy and Plan, staff will imbed accessibility initiatives into 2021 service planning and financial planning processes.

Impacts to Financial Plan

Two positions will support coordination related to Equity, Diversity and Inclusion as directed by Council on August 6, 2020 during the Financial Plan discussions and job descriptions have been drafted with input from external consultants who have been retained to lead the development of the Equity Framework and Lens. Rates of pay will be assigned through the Job Evaluation Process defined by the City’s Collective Agreement with CUPE Local 50 prior to being posted for competition.

Official Community Plan Consistency Statement (OCP)

Inclusionary planning and improvements are consistent with OCP values, objectives, goals across several program areas. Staff have identified a list of required OCP policy updates that will be incorporated in the next OCP update, which will be the subject of a future report.

CONCLUSIONS

At the time of submitting this report for consideration, staff are not aware of additional comments or concerns that may be provided to Council by the Accessibility Working Group. As such, the current staff report is focused on the areas where Council has directed further information and analysis related to the establishment of an interim advisory committee, revised policy, adjustments to the short term action plan and future approach for development of decision making tools for Council.

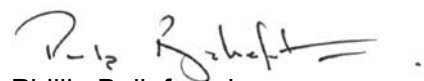
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Report accepted and recommended by the City Manager:



Date: September 25, 2020

List of Attachments

- A. Accessibility Framework 2020
- B. Additional AWG Comments Received August 5, 2020
- C. Accessibility Advisory Committee Terms of Reference (New) – September 2020
- D. Existing Accessibility Working Group Terms of Reference
- E. Accessibility and Inclusion Policy – September 2020
- F. Council Accessibility Policy – August 2020
- G. Short-Term Action Plan [Revised]
- H. Short-Term Action Plan – August 2020
- I. Accessibility Impact Statement – Committee of the Whole Report Guidelines