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From: Victoria Mayor and Council
Sent: Monday, June 20, 2022 9:18 AM
To: Public Hearings
Subject: Fw: Bylaws for Accessible Parking Requirements: Zoning Bylaw Amendments number 22-024 and 22-025

From: Patrick May [REDACTED]
Sent: June 20, 2022 9:17 AM
To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>
Cc: [REDACTED]
Subject: Bylaws for Accessible Parking Requirements: Zoning Bylaw Amendments number 22-024 and 22-025

On behalf of the North Jubilee Neighbourhood Association Executive Committee I would like to express our appreciation to the City of Victoria for moving to introduce accessible parking requirements which were removed from the BC Building Code regulations in 2018
At the same time we support the concerns expressed by the Fairfield Gonzales Community Association in their letter to Council dated June 13,2022 and urge you to move ahead with a public awareness campaign after the amendments are effective.



20 June, 2022

Mayor Lisa Helps and Council
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Subject: 2022 Accessible Parking Bylaw Proposal 22-024 & 22-025

Mayor Helps and Council:

It is my pleasure to provide this letter of support in principle for the proposed accessible parking bylaws number 22-024 and 22-025. The proposal is a marked improvement over what was presented in 2021 and more in line with recognised accessibility standards and regulations in Canada and the US. That said, there are several issues that should be addressed before final approval of these bylaw amendments.

No/Minimal Parking Land Use Zones: The bylaw states that accessible parking will be supplied based on pre-variance total parking requirements as identified in the Zoning Regulation Bylaw. The City of Victoria has over 750 land use zones and not all are subject to the parking requirements in Schedule C. Recently Council has also directed staff to explore zoning that will not require any parking. How will accessibility be meaningfully addressed if no parking or minimal parking land use zones are created? Street parking is not a viable option due to the growing number of competing curb side uses including bike infrastructure, transit priority lanes, traffic calming structures, and commercial patio/flex spaces. **Policy must be developed advising how accessible parking on properties excluded to Schedule C will be addressed.**

Delegation to Staff for Minor Variances & Undue Hardship: Minor variance approvals that may be delegated to staff have not been clearly defined. Dimension of accessible parking spaces are critical and are supported through research. Any reduction in size can negatively impact their safety and useability. In cases where an undue hardship variance is being sought, the applicant's statement of justification for the variance must form part of the staff report to ensure transparency and minimize the risk of liability to the City from human rights complaints. A policy clarifying staff authority to address variances, particularly in cases of "undue hardship" should be approved by council prior to this power being exercised.

Signage: The City has elected to use the "dynamic symbol of access" (DSA) rather than the ISO 7001 "International Symbol of Access" (ISA). The DSA is not recognised under the BC Motor Vehicle Act Regulations. The signs proposed are also smaller than those permitted under the regulations. While currently in conflict with provincial legislation, I would be supportive of working with the City to lobby both the UBCM and the province to update regulations and recognise the more modern DSA (that is preferred by many people with disabilities) as an option for use on all regulatory signage. Maintenance of signage and markings is also critical, and this should be included in the update to Schedule C.



Image Description: Left, a white “Dynamic Symbol of Access” on a black background; right, a white International Standards Organisation “International Symbol of Access” on a black background.

Supply Rate

A supply rate of 4% is proposed for most land use zones which is consistent with accessibility standards and regulations. The Americans with Disabilities Act (ADA) has identified a higher supply rate of 10% for hospitals (ADA S.208.2.1) and 15% for facilities providing rehabilitation and physical therapy (ADA S.208.2.2). The City of Victoria’s proposed supply rate for medical facilities is significantly less and should be reconsidered.

The Access for Ontarians with Disabilities Act Integrated Accessibility Standards Regulations (S.80.33) also provides for several *exemptions* from the requirement to provide accessible parking including impound lots, bus parking and other facilities that should be captured either in the bylaw or in a staff variance approval authorisation policy.

Van Accessible Parking Supply

The city is proposing a 1:6 van accessible supply rate. This number is very low when compared to other large BC communities that have included van accessible parking including Richmond (1:2), Delta (1:2), New Westminster (1:3) and accessibility standards including CSA B651 (All spaces must be van accessible, but a different dimension). I recommend the bylaw be amended so the 1st and 3rd required accessible parking stall be van accessible, and then 1:6 starting with the 12th required accessible stall, thereafter. Eg, 1st, 3rd, 12th, 18th etc. would be van accessible. The difference is 4.08 square meters in parking lots of 75 to 150 parking stalls and can often be achieved through efficient utilisation of space that would otherwise be wasted.

Conclusion

The bylaw as presented is a vast improvement over the 2021 proposal. With some minor adjustments and the development of a clear policy to guide staff in exercising their delegated authority it can provide a sound foundation on which to build additional accessibility enhancements to support multiple modes of personal transportation for people with disabilities in the City of Victoria. I have included an addendum identifying several other issues relating to accessible parking and transportation that should be addressed as soon as possible.

Thank you for your consideration, and I request that this letter and its 2-page addendum be published as part of the public participation portion of the upcoming public hearing process.

Sincerely,

A handwritten signature in black ink that reads "D. Willows".

David Willows
Lead Advocate

cc: W. Cox, Victoria Disability Resource Centre
J. Neubauer, Action Committee for People with Disabilities
L. Copas, Social Planning and Research Council of BC

Addendum to Accessible Parking BC's Letter of May XX, 2022,

Subject: 2022 Accessible Parking Bylaw Proposal 22-024 & 22-025

These items affecting accessible transportation have not been addressed in the current bylaw amendments, but all require immediate attention by the City of Victoria. Current Transportation Demand Management (TDM) reports provided by developers and consultants poorly reflect the actual needs for people with disabilities. They are usually based on observational studies that are subject to inherent biases of a community that is not designed for people with disabilities, thus artificially reducing the actual demand. These observations are further exacerbated by assumptions made about the transportation patterns of the disability community.

The items in this addendum would support transportation mode shifts that in turn would more closely align TDM reports with the reality of many who face transportation barriers due to medical and age-related mobility limitations. Failing to do so will perpetuate systemic bias and barriers in the community. The transition to more efficient transportation and pedestrian focused neighbourhoods can be better supported when green and active transportation initiatives support accessibility from the beginning.

Accessible Bike Parking & parking for larger and adapted cycles

The City of Victoria has expended significant time and resources in constructing an active transportation bike lane network, however there is no requirement in Schedule C for either adapted bike parking or for bicycle storage areas to be accessible. The current bylaw allows for access by stairs with a ramp only for a bicycle. This itself may be in contravention of Division B §3.8 of the *BC Building Code* and is inconsistent with human rights legislation. Schedule C must be amended to ensure accessibility of bike storage areas and include larger storage for different types of adapted/accessible cycles including hand-cycles. Larger bike stalls also support safe storage of other larger cycles such as cargo bikes. Facilities should also be provided for charging electrically assisted cycles.

Mobility Scooter Parking/Charging

To support pedestrian oriented neighbourhoods the City of Victoria must develop requirements for mobility scooter parking and charging facilities. Many residential buildings do not allow mobility scooters in hallways or elevators, leaving few options for storage and charging of these necessary mobility aids.

Charging Points for Accessible Parking

The shift to electric vehicles (EV), requires the City to adopt standards for accessible EV parking and accessible EV charging stations. The Government of Canada has mandated that all new vehicles must be zero emission by 2035, this includes all types of vehicles used by people with disabilities. It is imperative that when co-locating EV charging and accessible parking that signage is clear whether it is an accessible parking space that has an EV charging capability (requires a disabled persons parking permit for use), or it is an EV charging stall that meets accessible parking dimensions (does not require a disabled person's parking permit for use). EV stalls not reserved for people with disabled persons parking permits must not be included in the accessible parking stall count for the site.

Car Share Spaces

Car share parking spaces must be designed to meet the “car accessible” standard for dimensions, but not be marked as accessible parking spaces. This supports community members who currently have a private vehicle due to mobility needs the option to transition to car shares. Van accessible car share stalls must be provided in locations where a wheelchair accessible car share vehicle is provided such as MODO’s WAV (wheelchair accessible vehicle) van based outside Community Living Victoria.

Streets & Traffic Bylaw Update

The Streets and Traffic Bylaw requires several updates relating to accessible parking. Clarity should be provided on the offences, and the fines should be reviewed. The current fine for parking in a “handicap” (sic) zone is \$150, however in other jurisdictions, fines are much higher – often starting at \$400 or more. Wording in the bylaw also requires updating to recognise modern terminology and the current provincial regulatory regime.

The following offences should be clearly defined in an updated Streets and Traffic bylaw:

- Stop, stand, or park in a marked accessible parking space without displaying a valid disabled person’s parking permit
- Stop, stand or park in a marked accessible parking space while not transporting a person with a valid disabled person’s parking permit.
- Stop, stand or park in marked access aisle adjacent to an accessible parking space.
- Stop, stand, or park within 1m or obstructing a curb ramp unless actively engaged in transferring a person with a disability.

Enforcement

An accessible parking enforcement policy must be approved by Council to clarify the City’s role in enforcing accessible parking use in both public and private parking. This will provide consistent guidance for staff, property owners and the public and manage expectation on the city’s role in enforcing their bylaws. Despite currently bylaws and authorities granted under various legislation, accessible parking enforcement is inconsistent at best, particularly in more remote locations such as Clover Point. Enforcement is also non-existent in many private parking lots with public access. An enforcement policy would clarify when and where accessible parking infractions will receive enforcement action by city staff and provide the public with information on service standards for reported infractions.

I have information available to support work on all these issues and would be happy to discuss them with the City in a broader review of City parking policies that affect people with disabilities..