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<b>TO:</b>	<b>CHAIR AND MEMBERS COMMUNITY SERVICES COMMITTEE MEETING ON OCTOBER 22, 2012</b>
<b>FROM:</b>	<b>ART ZUIDEMA CITY MANAGER</b>
<b>SUBJECT:</b>	<b>CITY OF LONDON RESPONSE TO THE DRAFT STANDARDS FOR THE DESIGN OF PUBLIC SPACES IN THE BUILT ENVIRONMENT</b>

<b>RECOMMENDATION</b>
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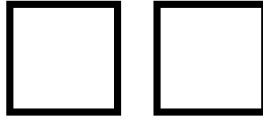
That, on the recommendation of the City Manager, the attached letter to the Minister of Community and Social Services regarding the response to the Draft Requirements for the Design of Public Spaces (Accessibility Standards for the Built Environment) **BE APPROVED** for submission.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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- London Transit Commission presentation to the joint meeting of the Community and Protective Services and the Environment and Transportation Committees, July 17, 2006
- “City of London Accessibility for Ontarians with Disabilities Act Update” Report to Board of Control, August 23, 2006
- “Public Review Of The Draft Customer Service Standard Under The Accessibility For Ontarians With Disabilities Act” Report to Board of Control, November 22, 2006
- “City Of London 2007 Accessibility Plan”, Report to Community and Protective Services Committee, December 11, 2006
- “Accessibility for Ontarians with Disabilities Act, 2005” Report to Board of Control, November 14, 2007
- “Accessibility for Ontarians with Disabilities Act, 2005 Update Report” Report to Board of Control, October 8, 2008
- “City of London Response to the Proposed Accessible Information and Communications Standard for Public Review” Report to Board of Control, January 28, 2009
- “London Transit Commission – Request for Endorsement, AODA Transportation Standard” Report to Board of Control, March 4, 2009
- “City of London Response to the Final Proposed Transportation Accessibility Standard for Public Review” Report to Board of Control, March 25, 2009
- “LTC’s Response to the Proposed Employment Standard” Information Item to Board of Control, April 8, 2009
- “City of London Response to the Employment Accessibility Initial Proposed Standard” Report to Board of Control, April 29, 2009
- “City of London Response to the Initial Proposed Accessible Built Environment Standard” Report to Board of Control, September 30, 2009

<b>BACKGROUND</b>
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The Provincial Government enacted the *Accessibility for Ontarians with Disabilities Act* (“AODA”) in 2005. This act lays the framework for the development of province-wide mandatory standards to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures, and premises on or before January 1, 2025.



As noted in previous reports there are five standards development areas: (1) Customer Service; (2) Transportation; (3) Information and Communication; (4) Employment; and, (5) Built Environment. These have been developed in two regulations:

1. Customer Service (O. Reg. 429/07)
2. Integrated Accessibility Standard (O. Reg. 191/11)
  - Information and Communication Standards
  - Employment Standards
  - Transportation Standards
  - Proposed amendment – Design for Public Spaces Standard (Built Environment)

### **Design for Public Spaces Standard (Built Environment)**

The Ministry of Community and Social Services released the Draft Requirements for the Design of Public Spaces on August 15, 2012 for a 45-day public comment period. The goal of the Accessibility Standards for the Built Environment is to remove barriers in public spaces and buildings for all Ontarians — including people with disabilities, seniors and families. The standards for public spaces will only apply to new construction and planned redevelopment. The current proposed standards primarily address accessibility requirements in the built environment external to buildings. In the future, accessibility requirements in the built environment interior to buildings will be addressed with amendments to the Ontario Building Code.

#### *Scope*

The proposed standards for public spaces include requirements for the design of:

- Recreational trails and beach access routes
- Outdoor public use eating areas
- Outdoor play spaces
- Exterior paths of travel (sidewalks, ramps, accessible pedestrian signals)
- Accessible parking
- Indoor customer service related elements (service counters, fixed queuing lines, and waiting areas)

#### *Application*

The draft standard applies to public spaces that are new or redeveloped on and after the proposed date of January 1, 2016. The requirements apply to the Ontario government, public sector organizations (e.g. universities, hospitals, municipalities), and private and not-for profit sector organizations.

#### *Exemptions*

The proposed standard includes a number of exemptions. Exemptions may be permitted where: (1) the requirements would erode the heritage attributes as defined under the Ontario Heritage Act of a property; (2) the requirements would affect natural habitats for extirpated, endangered or threatened species classified under the Endangered Species Act, 2007; or, (3) it is not practicable to comply with the requirements because existing physical or site constraints prohibit modification or addition of elements.

### **City of London Response**

This report is to provide Council with the City of London's draft submission (Appendix A) to the Minister of Community and Social Services regarding the proposed *Design of Public Spaces in the Built Environment* standard. This letter was developed collaboratively using input from the City's internal service areas, and in consultation with the AODA Steering Committee and the Accessibility Advisory Committee. In preparing this response, Civic Administration conducted a detailed analysis of the proposed standards to determine potential financial and operational impacts.

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The attached draft response indicates that the City of London is committed to supporting the objectives of the AODA and supports many of the proposed requirements for the built environment. However, there is serious concern with the lack of clarity in the standard, particularly in regard to definitions. Further, there are areas of differentiation between the proposed Public Spaces standard and London's Facility and Accessibility Design Standards (FADS). These differences may make implementation confusing, as over eighty organizations are already building to the FADS standard.

In addition, the response notes that the standard will have operational and financial implications for the City of London. The province has not provided any funding to support the AODA initiative. Therefore, in order to ensure compliance, the City of London will incur all implementation and maintenance costs. Without financial support, there is concern that meeting these standards may cause detrimental impacts to other public services.

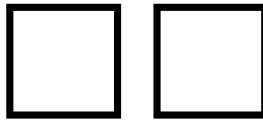
<b>CONCLUSION</b>
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The City of London continues to support the spirit and intent of the *Accessibility for Ontarians with Disabilities Act*. Administration has been actively engaged in the standard development process with all five AODA standards to date. The City supports many of the proposed requirements for the Design of Public Spaces. There are, however, a number of areas of concern which are outlined in the attached letter to Minister Milloy.

Regular updates will be provided to the Community Services Committee and City Council as the standards evolve and the City of London works towards compliance.

<b>PREPARED BY:</b>
<b>JENNIFER LAJOIE ADMINISTRATIVE ASSISTANT</b>

<b>SUBMITTED BY:</b>	<b>RECOMMENDED BY:</b>
<b>KATE GRAHAM MANAGER, CORPORATE INITIATIVES</b>	<b>ART ZUIDEMA CITY MANAGER</b>



## APPENDIX A

October 1, 2012

The Honourable John Milloy  
Ministry of Community and Social Services  
80 Grosvenor Street, 6<sup>th</sup> Floor  
Toronto, ON  
M7A 1E9

Dear Minister Milloy:

### **RE: Feedback on the Proposed Amendments to Ontario Regulation 191/11**

This letter is being sent on behalf of The Corporation of the City of London (“Corporation”) in response to the Draft Requirements for the Design of Public Spaces posted on August 15, 2012 for public comment. We value the opportunity to provide feedback on the draft amendments, and appreciate the consultative approach taken by the Ministry of Community and Social Services.

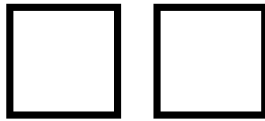
The Corporation has been involved in the development of the draft requirements since 2008, and is committed to supporting the objectives of the *Accessibility for Ontarians with Disabilities Act* (“AODA”). We believe that removing barriers and building accessible communities improves the quality of life for all citizens.

We are proud of our work in developing the Facility and Accessibility Design Standards (“FADS”). In 2001, FADS was released as a technical design document based on the principles of universal design. These standards reflect extensive research on accessible, barrier-free environments and were prepared using wide consultation and stakeholder engagement. The Corporation is proud of these standards, which have to date been adopted by more than seventy municipalities and organizations in Canada and the United States. We have observed that several of the standards proposed in the Draft Requirements of the Design of Public spaces differ from those in FADS. This duplication in standards creates unnecessary confusion.

As requested by the Ministry, we have prepared our comments on the proposed amendments by collecting feedback from our internal service areas as well as from our Accessibility Advisory Committee. Overall, we support many of the proposed requirements for the Design of Public Spaces. However, we continue to have serious concerns regarding several areas of ambiguity.

We believe that further clarification and detail are required on the following items:

- The proposed definition of “mobility aid” to be added to Section 2 of the Regulation refers only to devices that allow for a seated posture. We note that this does not take into consideration other types of mobility equipment such as canes or wheeled devices that are utilized in a posture other than seated.
- We have some uncertainty around the application of the standards for recreational trails. The definition of “regularly maintained” is unclear, as even our wilderness trails are maintained to some degree. Moreover, there is no definition for “adjacent to water”. As much of our pathway system is located along the Thames River, it would be helpful if direction was provided as to the distance a trail must be from the water’s edge to be considered “adjacent”. Further, more detail is needed about the requirement for signage at the start of a recreational trail. Meeting this requirement may be a challenge for us, as our pathway system forms part of a 200 kilometre network, with few trails that are clearly delineated with start and finish points.



- It is our position that regular maintenance is not considered re-development. The definition in section 80.1 is unclear as to the meaning of “maintenance”. Stronger examples are needed here to distinguish between maintenance and re-development. In addition, section 80.42 requires multi-year accessibility plans to include procedures for “emergency maintenance” and procedures for “temporary disruptions”. We are unclear on how these terms are defined, and if weather emergencies are included (i.e. snow storms). There must be a balance between accessibility interests and the outdoor environment where we are dealing with the elements.
- Section 80.33 specifies that off-street parking facilities must provide two types of accessible parking spaces. Type “A” is a wider space with signage that identifies the space as van accessible. However, the type of signage to be used is unclear, as there is no way to identify these stalls are for vans without compromising the enforceability of the accessible parking signs. Currently, no van specific accessible parking signs exist under the Highway Traffic Act (HTA).
- The proposed standards for outdoor play spaces are minimal. It is required that obligated organizations incorporate accessibility features, but no direction is given on the type or amount of accessibility elements that should be incorporated. Stronger wording is needed here to ensure accessibility is a consideration in all designs.
- We have observed that there is a requirement for trails, beach access routes, boardwalks, ramps, outdoor public eating areas and exterior paths to be made of “firm and stable material”. We are uncertain of what types of surface materials would be considered acceptable. In addition, we recommend that outdoor play spaces have the same requirement.

Lack of clarity on these issues may lead to misunderstanding and inconsistency in implementation. It also makes it difficult for us to provide informed feedback without having a complete understanding of the implications of the standards.

The Corporation has identified other concerns to be addressed. First, we agree that accessible parking spaces should be available, but that a standard of four percent is too rigid. We currently follow the standard set out in FADS, which allows for both accessible stalls as well as courtesy (limited mobility) stalls. We believe that there should be some flexibility to local needs and to the particular needs of the lot rather than an arbitrary overall percentage.

Second, the proposed standards in regard to accessible pedestrian signals are somewhat problematic. Subsection 80.27 (2) 2 requires that pushbutton-integrated accessible pedestrian signals must be installed within 1,500mm of the edge of the curb. This will cause problems with snow clearing and could pose as an obstruction to traffic and pedestrians. Our current standard is to keep poles at least 1,600mm from the curb to prevent large vehicles (particularly their mirrors) from hitting pedestrians. Further, subsection 80.27 (3) states that where two pushbutton assemblies are installed on the same corner, they must be a minimum of 3,000mm apart. This is seldom achievable. We note the exemption, which is that a verbal announcement must clearly state which crossing is active. The Transportation Association of Canada (TAC) standard calls for a cuckoo sound for north-south crossings and the “Canadian” melody for east-west crossings. This along with the vibrating button should be sufficient to notify pedestrian which crossing is active.

Third, we are aware that these proposed standards may result in serious financial implications for municipalities, particularly in this current economic climate. We continue to be discouraged by the lack of government funding being made available to assist municipalities in implementing the standards set out in this regulation. Without financial support, there is concern that meeting these standards may cause detrimental impacts to other public services.

Fourth, the proposed requirements in respect to municipal consultation seem unnecessarily demanding, requiring that public consultation be made prior to each new project, rather than on an

Agenda Item # Page #

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overall program basis. Consultation on a project by project basis, for example to discuss the slope of a new trail, should not be required if projects are complying with the Built Environment Accessibility Standards. Such extensive consultation will be costly and inefficient to implement.

Finally, as stated in our previous submissions with respect to AODA regulation, we are committed to removing barriers and creating an accessible community. However, these improvements must be made in a sustainable way which balances the need for accessibility with the needs of citizens of all ages and abilities. It is important to take into consideration all community needs and public priorities.

Thank you for providing us with the opportunity to submit feedback to the Draft Requirements for the Design of Public Spaces. We trust that our comments will be considered and look forward to contributing in the future.

Sincerely,

Joe Fontana  
Mayor  
City of London