Accessible Design as Good Design

Presenters
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Stuart Seaborn, Esq., Disability Rights Advocates
Barbara Knecht, RA, Strategies for Cities

Learning Objectives
1. Identify the basic principles of accessible design as applied in urban landscape architecture.
2. Learn specific design choices relative to accessibility and Universal Design for “special” populations, and how they can be of benefit in all design contexts.
3. Learn about global approaches to the design of streets and public spaces from a “complete streets” perspective.
4. Understand the “carrots” and “sticks” of the regulatory environment and disability rights advocacy, and how both benefit the public at large.

Session Overview
Setting the Stage: The State of Things      Josh Safdie
The Landscape Architect’s Experience  Sean Sanger
The Advocate’s Experience          Stuart Seaborn
The Urban Strategist’s Experience   Barbara Knecht
Structured Q & A

ASLA 2015 Annual Meeting and EXPO
PART 1

Setting the Stage: The State of Things

Josh Safdie

1. History of accessibility regulations
2. The problem as we see it – the City Hall Paver
3. The promise of Universal Design

History of Accessibility Regulations

• Architectural Barriers Act 1968
  Required that buildings designed, built, altered, or leased with federal funds be accessible to persons with disabilities
• Section 504 of the Rehabilitation Act 1973
  Required that buildings operated by entities which receive federal funds be accessible to persons with disabilities
• Individuals with Disabilities Education Act 1975
  Required that children with disabilities receive a free, appropriate, public education
• Fair Housing Amendments Act 1988
  Extended protections under the Fair Housing Act of 1968 to persons with disabilities
• Americans with Disabilities Act 1990
  Broadest of all federal laws requiring equal access to places of public accommodation for persons with disabilities
The Problem As We See It

The Boston Globe

2/22/2014
Beacon Hill resisting ramps, aids for disabled

8/13/2014
Compromise on curb ramps elusive in Beacon Hill

6/26/2015
Beacon Hill wins delay on installation of sidewalk ramps

The Promise of Universal Design

“The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.”

- Ronald L. Mace, FAIA
PART 2
The Landscape Architect’s Experience  Sean Sanger
1. Worcester Trial Court, Worcester, MA
2. Columbus Commons, Columbus, OH
3. Spaulding Rehabilitation Hospital, Charlestown, MA

Worcester Trial Court
• Statewide Accessibility Initiative
  • Shared Common Entrances
  • Accessible Parking Strategies

Columbus Commons Playground
• Downtown civic space, working with City
  • Inclusive interior playground
  • Accessible ground materials
  • Integrated accessible routes
  • Inclusive play elements
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- **Columbus Commons Playground**
  - Private client, included public
  - Inclusive site furnishings
  - Accessible plant materials
  - Oversized curb ramps
  - Grading relative to rising sea level
  - Paving Patterns and materials

- **Spaulding Rehabilitation Hospital**
  - Private client, included public
  - Inclusive site furnishings
  - Accessible plant materials
  - Oversized curb ramps
  - Grading relative to rising sea level
  - Paving Patterns and materials
PART 3

The Disability Advocate’s Experience    Stuart Seaborn

1. DRA’s systemic litigation approach to access
2. Community input: leads to structured negotiations or injunctive relief
3. Success with community engagement and education

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DRA’s Systemic Litigation Approach to Access

- Targeted litigation focusing on injunctive relief (a fix to remove system-wide barriers or exclusionary policy)
- Majority of cases do not involve claims for monetary damages
- Typically litigate cases where law needs clarification

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Always attempt to engage covered entity first

Non-Litigation Approach: Structured Negotiations

- Written agreements outlining parameters of barrier removal to be discussed and a definitive time frame for negotiations to occur
- Spares all parties time and expense of litigation
- Puts access consultants and designers together without the adversarial nature of litigation
- Tolls statute of limitations
- Specifically provides for some payment of fees if fix or policy change results from negotiations
Carrot and Stick Approach: Where Direct Engagement is Not Enough

- Poll-site accessibility: New York City Board of Elections
  - Large public entity unwilling to seriously address structural barriers and election day path of travel barriers
  - Majority of facilities required some accessibility planning and modifications without large scale renovations
- Result: Four years of protracted litigation and an appeal to the Second Circuit.

Direct Engagement Success Stories

- Emergency preparedness
  - Initial models achieved through litigation:
    - CALIF v City and County of Los Angeles
    - BCID v City of New York
  - Advocates then worked with experts in the field to prepare model emergency plans for disability community
  - Followed by a letter-writing campaign to multiple public entities seeking their engagement with local disability groups and DRA in non-litigation approach

Effective Use of Community Engagement Contd.

- Golden Gate National Recreation Area
  - Site visits and testing by people with disabilities
  - Feedback incorporated into design phase and beyond
- Sutter Health
  - Routine, joint approach to accessible design of newly constructed and altered facilities
  - Significant involvement of disability advocates and access consultants
  - Sutter has avoided access litigation by seeking engagement at the design stage
PART 4

The Urban Strategist's Experience

Barbara Knecht

1. What is inclusive urban design? A user-centered approach
2. The importance of streets and public spaces
3. "One Day in Chicago..."

What is inclusive urban design?

Beijing, China

- Width of street
- Tactile pavers
- Zones of use
- Room for walking and socializing

A user-centered approach

Chandigarh, India

- Idealized man
- What do we know about the real life man behind the cut-out?
- Real people rarely resemble the modular man
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Streets and public spaces

Hanoi, Vietnam
- Connectivity – movement
  (live, work, play)

Santiago, Chile
- Socializing – recreation

New York City, USA
- Equity – theoretically unrestricted access

Streets and public spaces

New York City, USA
- Instead of designing for vehicles... We are designing for people

“One Day in Chicago”