

# Bylaw 18398

## Access closure to titled parcel at 10575 - 116 Street NW

### Purpose

To close the vehicular access to 106 Avenue NW from a titled parcel located at 10575-116 Street NW, onto 106 Avenue NW. The access, which is currently used to access an on-site parking space, creates an extended conflict zone between motorists and pedestrians along 106 Avenue. Three alternate accesses are available to the property.

### Readings

Bylaw 18398, Attachment 1, is ready for three readings.

### Advertising and Signing

Advertising is not required for this Bylaw.

### Position of Administration

Administration supports this Bylaw.

### Previous Council/Committee Action

At the June 19, 2018, Urban Planning Committee meeting, Bylaw 18398 was forwarded to City Council for the appropriate readings.

### Report Summary

This report requests City Council's approval of Bylaw 18398.

### Report

Bylaw 18398 proposes to remove an existing vehicular access from a titled parcel, legally described as Lot 158, Block 15, Plan B4 to 106 Avenue in support of the rehabilitation of 106 Avenue between 117 Street and 109 Street. The reconstruction project presents an opportunity to facilitate design changes that are more compatible with the current use and operation.

The subject access to the property is used to park vehicles in the City road right-of-way, and poses safety issues to pedestrians and vehicles. The access does not meet the City's Access Management Guidelines.

Alternate accesses to the parcel exist. One alternate access exists to the east of the access proposed to be closed along 106 Avenue, which will be reconstructed as part of the project, and provides better service for vehicular movements into the garages on site. A second alternate access to the property exists to the west of the access proposed to be closed also along 106 Avenue, and will also be reconstructed as part of the project. The property also can be accessed from the alley to the east, and has an access to 116 Street to the west.

The property owner has agreed to the current access closure and has expressed his desire to come back to the City to reinstate the closed accesses in case he wanted to open the three bays (which are closed now) in future. This would be accomplished through a development permit in the future.

### Corporate Outcomes and Performance Management

Corporate Outcome(s): Edmonton is a Safe City			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Vision zero (Zero fatalities and Major Injuries in Edmonton)	Vehicle collision Rate (Collisions per 1,000 population), as of February 2018	16.1 (Feb 2018)	Less than 13.5 by Dec 2020

### Risk Assessment

Risk Element	Risk Description	Likelihood	Impact	Risk Score (with current mitigations)	Current Mitigations	Potential Future Mitigations

Public Liability-closure not approved	Potential pedestrian and vehicle conflicts within road right-of-way if the access remains	1 - rare	1 - minor	1 - low	Current design identifies removal of access,eliminating conflict)	If access is not closed, it would be reviewed through any future development permit and the developer could be required to remove access at that time
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### Public Engagement

Administration first notified the property owner of the project in March 2018. Through additional discussions regarding the process and rationale for the closure, the property owner removed any objections to the closure as part of this project.

### Legal Implications

- The proposed access closure must be carried out in accordance with the *Alberta Highways Development and Protection Act*.
- Section 28(1) of the *Highways Development and Protection Act* provides that City Council may close a physical means to access to or from a controlled street by passing a bylaw.
- The City must ensure that each titled parcel of land has at least one means of access to a controlled street, however indirect or circuitous that access may be, in accordance with the City Streets Access Bylaw, Bylaw 13521.
- Provided alternate access to the titled parcel exists or is provided, no compensation is payable pursuant to section 29(1) of the *Highways Development and Protection Act*.

### Justification of Recommendation:

Bylaw 18398 will advance the outcomes of the 106 Avenue Road Rehabilitation Project between 117 Street and 109 Street . As part of the 106 Avenue rehabilitation, there is an opportunity to adjust and reduce conflict points between road users and remove redundant accesses along the corridor in accordance with the City's Access Management Guidelines. Closing the access provides a safer environment for pedestrian and drivers. Currently, the access is being used to facilitate vehicle parking in road right-of-way. There are three alternate accesses to the property.

### **Attachments**

1. Bylaw 18398
2. Proposed Access Closure Plan

### **Others Reviewing this Report**

- R. Kits / S. Padbury, Acting Deputy City Managers, Financial and Corporate Services
- M. Sturgeon, Acting Deputy City Manager, Communications and Engagement
- G. Cebryk, Deputy City Manager, City Operations
- L. McCarthy, Deputy City Manager, Urban Form and Corporate Strategic Development