

Bylaw 18417

Access closure to titled parcel at 11239 - 104 Street NW

Recommendation

That Urban Planning Committee recommend to City Council:

That Bylaw 18417 be given the appropriate readings.

Purpose

To close vehicular access to 104 Street NW from a titled parcel at 11239 104 Street NW. One alternate access (alley access) is available.

Readings

Bylaw 18417 is ready for three readings.

Bylaw 18417 is authorized under Section 28 of the *Highways Development and Protection Act*. A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree "That Bylaw 18417 be considered for third reading."

Position of Administration

Administration supports this Bylaw.

Report Summary

This report requests City Council's approval of Bylaw 18417.

Report

Bylaw 18417 proposes to remove an existing vehicular access from a titled parcel, legally described as Lot 10, Block 3A, Plan 686HW, to 104 Street NW in support of the Spruce Avenue Neighbourhood Renewal Project. The project involves the reconstruction of 104 Street NW, including replacement of sidewalks, curbs and gutters, and presents an opportunity to facilitate design changes that will improve

vehicle and pedestrian safety.

The access in question is not required, as it leads into the side of an existing house without an attached garage; alternate (alley) access is available.

With this access closure, the sidewalk along the east side of 104 Street NW will be more pedestrian-friendly and accessible, and there will be fewer conflict points between pedestrians and vehicles. It also supports outcomes of the Mature Neighbourhood Overlay, as front accesses are not permitted to continue where an abutting alley exists upon re-development of a site.

The property owner supports the proposed access closure.

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)	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 now, 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

Telephone conversations and email correspondence were carried out with the property owner in April 2018. The property owner was advised of the proposed access closure; the property owner confirmed they do not object to such closure.

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 of 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 18417 will advance the outcomes of the Spruce Avenue Neighbourhood Renewal Project. As part of the project, there is an opportunity to adjust and remove unsafe and redundant accesses in the neighbourhood in accordance with the City of Edmonton Access Management Guidelines and the Mature Neighbourhood Overlay. Closing the access provides a safer environment for pedestrian and drivers. Currently the access is not in use and this closure is supported by the property owner.

Attachment

1. Bylaw 18417

Others Reviewing this Report

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