

BYLAW 20601

Closure Of Vehicular Accesses To Titled Parcels For 86 Street And 95 Avenue Renewal Projects

Recommendation

That Executive Committee recommend to City Council:

That Bylaw 20601 be given the appropriate readings.

Purpose

To close five vehicular accesses in support of the 86 Street and 95 Avenue Renewal projects. The closures are outlined in detail in this report.

Readings

Bylaw 20601 is ready for three readings. 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 before moving third reading, Council must unanimously agree “That Bylaw 20601 be considered for third reading.”

REPORT

Bylaw 20601 proposes to remove existing vehicular access from the titled parcels listed below in support of the 86 Street and 95 Avenue Renewal projects.

The 86 Street Renewal project comprises the full reconstruction of 86 Street, from 51 Avenue to 63 Avenue, including the pavement, curbs, sidewalks and shared pathway. As part of the project, roadway elements will be added or enhanced where possible to meet current City plans, policies and design standards. The project is funded through the Neighbourhood Renewal program, which allows for the renewal of existing local and collector roadways. Construction is planned to begin in spring 2024.

Currently, there is an existing access to the property 6110 - 86 Street NW blocked off by concrete barriers and unused by the property owner. Administration is proposing to close this access as it

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is no longer in use; its removal will improve the accommodation of pedestrians. A description of the access closure, including the benefits of the closure, is summarized in the table below.

The 95 Avenue Renewal project includes the renewal of 95 Avenue, from 163 Street to 182 Street. Roadway reconstruction is planned from 163 Street to 170 Street, including the pavement, curbs, sidewalks and lighting. As part of the project, roadway elements will be added or enhanced where possible to meet current City plans, policies and design standards. This includes a new shared pathway along the south side of 95 Avenue and planned public realm improvements on the 16320 - 95 Avenue NW property (Westgate Plaza). Construction of the 95 Avenue Renewal is currently anticipated to begin in 2025.

Administration is proposing to close four accesses in combination with the renewal of 95 Avenue. Two closures are proposed on the south side of 95 Avenue, from 163 Street to 165 Street. They impact two separate parcels: 9415 - 165 Street NW and 9420 - 163 Street NW. Two closures affect the parcel with the municipal address of 16320 - 95 Avenue NW, with one access located on the north side of 95 Avenue and the other on the west side of 163 Street. The proposed closure of the accesses will ensure the safe accommodation of active transportation and motor vehicle users and will allow for the construction of planned public realm improvements at Westgate Plaza.

The access closures for 86 Street and 95 Avenue Renewal projects are described further in the table below.

# of titled parcels affected	Titled Parcel (Municipal address)	Legal Description	Description of access closures	Benefits associated with closure	Alternate Access	Property Owner concurrence with closure
1	6110 - 86 Street NW	Plan 2683NY Blk 12 Lot 7	<p>The access is located on the west side of 86 Street, approximately 90 metres north of 61 Avenue.</p> <p>The access location meets the spacing requirements in the City's Access Management Guidelines; however, the property owner no longer uses this access.</p>	The closure will allow access to be removed, improving the accommodation of pedestrians by removing a conflict point with vehicles.	Alternate accesses are provided on 61 Avenue.	Yes

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1	9415 - 165 Street NW	Plan 407NY Lot 2	<p>The access is located on the south side of 95 Avenue, approximately 46 metres east of 165 Street.</p> <p>The access location meets the spacing requirements in the City's Access Management Guidelines; however, the property owner no longer uses this access.</p>	The closure will allow access to be removed and replaced with a shared pathway, improving the accommodation of active transportation users by removing a conflict point with vehicles.	An alternate access is provided from 165 Street, south of 95 Avenue.	Yes
1	9420 - 163 Street NW	Plan 407NY Lot 1	<p>The access is located on the south side of 95 Avenue, approximately 75 metres west of 163 Street.</p> <p>The location of the access does not meet the City's Access Management Guidelines due to the presence of an alternate access to the same property located 10 metres to the west.</p>	<p>The closure will reduce vehicle conflict points, reducing the potential for collisions and improving safety and operations.</p> <p>The adjacent access will align better with access points on the north side of 95 Avenue</p>	The adjacent access will be maintained. Alternate access is also provided from 163 Street, south of 95 Avenue.	Yes
1	16320 - 95 Avenue NW	Plan 5417NY Blk 14 Lot 1	<p>Two accesses are recommended for closure:</p> <ul style="list-style-type: none"> North side of 95 Avenue, approximately 19 metres west of 163 Street. West side of 163 Street, approximately 14 metres north of 95 Avenue. <p>The location of both accesses does not meet the spacing requirements in the City's Access Management Guidelines.</p>	<p>The closures will reduce vehicle conflict points and potential shortcutting, improving safety and operations. Additionally, the closure of this access will improve the accommodation of pedestrians as well as the aesthetic, functional, and economic viability of Westgate Plaza.</p>	Alternate accesses are available from 95 Avenue, 163 Street and the alleyway west of the parcel.	Yes

Community Insight

For the closure planned as part of the 86 Street Renewal project, letter and email correspondence was carried out with the property owner of 6110 - 86 Street NW between May 2023 and September 2023. Additionally, an on-site meeting was held with the owner's representative in July 2023 to discuss the access closure, project impacts and proposed plans to restore 86 Street. The property owner's representative confirmed via email and on-site meetings that they do not object to the proposed closure.

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For the closures planned as part of the 95 Avenue Renewal project, letters, emails and on-site meetings were held with the representatives of the property owners between October 2022 and June 2023.

An on-site meeting was held in March 2023 with representatives for the properties at 9415 - 165 Street NW and 9420 - 163 Street NW to discuss the access closures and impacts. The property owner's representatives confirmed at the on-site meeting and via email that they do not object to the proposed closures.

An on-site meeting was held in February 2023 with a representative for the owners of 16320 - 95 Avenue NW (Westgate Plaza) to discuss the impacts of the two access closure projects and the upgrades to the public realm. The property owner's representative confirmed via email in March 2023 that they do not object to the proposed closures.

Legal Implications

1. The proposed access closure(s) must be carried out in accordance with the *Alberta Highways Development and Protection Act*.
2. 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.
3. 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.
4. Provided alternate access to the titled parcel exists or is provided, no compensation is payable pursuant to section 29 of the *Highways Development and Protection Act*.

Attachment

1. Bylaw 20601 - Closure of Vehicular Accesses to Titled Parcels for 86 Street and 95 Avenue Renewal Projects

Others Reviewing the Report

- M. Plouffe, Chief People Officer and City Solicitor