

## Bylaw 17306 Closure of vehicular access - 66 Street NW between 28 Avenue NW and 31 Avenue NW

### Recommendation:

That Transportation Committee recommend to City Council:

That Bylaw 17306 be given the appropriate readings.

### Purpose

To close vehicular access, as more particularly depicted in Schedule “A” to Bylaw 17306, to 66 Street NW from a titled parcel located at 1125 Youville Drive NW, so as to promote the safe interaction of trains, vehicles and pedestrians along the Southeast to West LRT ( the “Valley Line”) alignment.

### Readings

Bylaw 17306 is ready for three readings after the non-statutory public hearing has been held. Bylaw 17306 is authorized under Section 28 of the *Highways Development and Protection Act*, SA 2004, c H-8.5. If Council wishes to give three readings during a single meeting, Council must unanimously agree “That Bylaw 17306 be considered for third reading.”

### Advertising and Signing

This Bylaw has been advertised in the Edmonton Journal on August 19, 2015, and August 26, 2015. The Bylaw can be passed following third reading.

### Position of Administration

Administration supports this Bylaw.

### Report Summary

**This bylaw is for closure of vehicular access to construct the Valley Line LRT.**

### Report

Bylaw 17306 proposes to remove the existing vehicular access, as more particularly depicted in Schedule “A” to Bylaw 17306, to 66 Street NW from the titled parcel legally described as Lot 2, Block 5, Plan 8220154 (the “Subject Property”). The Subject Property is a commercial property. The access in question is located on the east side of 66 Street NW between 28 Avenue NW and 31 Avenue NW.

The Owner of the Subject Property (the “Owner”) leases the City owned triangular parcel of land adjacent to the Subject Property and described as Lot1PUL, Block 5, Plan 8220154 (the “City Land”) for the purpose of surface parking. Administration is recommending the closure of one of the existing accesses to the City Land. This access is located along the Valley Line alignment on the east side of 66 Street NW

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between 28 Avenue NW and 31 Avenue NW and directly north of the access to the Subject Property proposed for closure pursuant to this Report. The recommendation to close the access to the City Land described above is more fully set out in report CR\_2738 and Bylaw 17305.

Construction of the Valley Line is scheduled to begin in 2016 and will result in changes to roadways and vehicular access points along the alignment. The Valley Line will be a low-floor LRT system with LRT tracks embedded in the roadway, therefore trains will run at street level at many points along the alignment. The addition of LRT trains running at street level to existing City roadways increases opportunities for conflict between trains, pedestrians, and other roadway users. In order to minimize opportunities for conflict, roadways users and pedestrians will only be permitted to cross the LRT tracks at signalized intersections.

In the vicinity of the Subject Property, the Valley Line will run at street level along the east side of 66 Street NW. The closure of the vehicular access depicted in Schedule "A" of Bylaw 17306 is required to remove a potential non-signalized crossing of trains, pedestrians, vehicles, and other road users at this location.

Alternate access to the Subject Property is available from existing accesses to Youville Drive West NW. While the owner of the Subject Property continues to lease the City Land, an alternate access is also available to the Subject Property from the existing access to the City Land from 31 Avenue NW.

In November 2014, a letter was sent to the Owner identifying the location of the accesses to the Subject Property and the City Land proposed for closure; providing information regarding the access closure process; and, inviting the Owner to contact Administration for further information. The Owner subsequently contacted Administration and a meeting was held to discuss the Owner's concerns regarding the potential impact of the proposed access closure on the Subject Property.

The Owner has now retained legal counsel in respect of this matter. Administration continues to work with the Owner and their legal counsel to understand potential impacts to the Subject Property, if any, as a result of the proposed access closures to both the Subject Property and the City Land and to consider ways to address these impacts, including through the provision of additional alternate accesses to the Subject Property.

One of the tenants of the Subject Property operates a gas station on the southwest corner of this site adjacent to 66 Street NW. This tenant has been in contact with Administration to communicate their concerns regarding the potential site use changes the proposed access closure may create and the effect this could have on their operations. Administration is working with this tenant to better understand the potential impact which the proposed access closures to both the Subject Property and the City Land might have on the tenant's operations, and to identify and consider mechanisms for addressing these impacts.

The Owner; the Owner's legal counsel; and, the tenant operating the gas station on the Subject Property have been notified of the date and time of the Non-Statutory Public Hearing before Transportation Committee in respect of the proposed access closure and of their ability to address Transportation Committee at this time, as well as the date and time of the City Council meeting relating to the proposed access closure.

### **Policy**

*The Way We Grow*, Municipal Development Plan:

- 3.5.2.1 Support neighbourhood revitalization that contributes to the livability and adaptability of mature neighbourhoods.
- 4.6.1.3 Support the design of accessible and safe active transportation networks in accordance with best practices in universal design.
- 5.2.1.8 Identify and encourage the creation of key pedestrian streets in each quadrant of the city to provide a focus for a walkable urban lifestyle.

*The Way We Move*, Transportation Master Plan, September 2009:

- 4.3 Community Building, Transportation Mobility and Access.
- 6.1 The City will create a walkable environment.
- 6.4 Safety; The City is committed to providing a safe transportation system for active modes and pursuing initiatives to improve safety.

### **Corporate Outcomes**

- The City of Edmonton has sustainable and accessible infrastructure", as the need for the access closure relates to the Valley Line LRT being integrated closely into the fabric of the neighborhood.
- Edmontonians use public transit and active modes of transportation", as the impetus for the Valley Line LRT project is to bring high quality transit service to more areas in the City.
- Goods and services move efficiently", as the operations on the adjacent roadways will be improved by the access closure.
- Edmonton is a safe city", as the access closure is in line with best practices where transportation design and access control are concerned. The access closure reduces the chance of a vehicular or pedestrian collision at this location.

### **Public Consultation**

Public consultation open houses and workshops have taken place since 2010 as part of the Valley Line concept planning and preliminary design phases. The public has had the opportunity to provide significant input on the major features of the Valley Line, including corridor and alignment, station locations, integration with the transportation network, and integration with communities.

### **Legal Implications**

1. 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.

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2. The proposed access closure must be carried out in accordance with the *Highways Development and Protection Act*, SA 2004, c H-8.5.
3. Section 28(1) of the *Highways Development and Protection Act* requires that City Council pass a bylaw in order to permanently close a physical means of access to or from a controlled street.
4. If the closure of access to a property causes reduction in the market value of that property, the City is liable to the owner for that loss under section 29(1) of the *Highways Development and Protection Act*.
5. The City has no liability under section 29(1) of the *Highways Development and Protection Act*; however, if a service or frontage road or alternative means of access to the property exists or is provided.
6. If compensation payable for the closure of access cannot be agreed on by the City and the owner, the owner may bring a claim and the matter will be determined by Land Compensation Board.
7. Only registered owners, life tenants, or purchasers of a property may bring a claim for the loss resulting to that person from the removal of a means of access under section 29 of the *Highways Development and Protection Act*.
8. Compensation payable for the closure of access to a property may not exceed the difference in the market value of the property before and after the removal of the means of access.

### Justification of Recommendation

A bylaw affecting the closure of the access depicted in Schedule "A" must be passed by City Council to allow for the physical closure of this access in furtherance of the objective of promoting the safe interaction of trains, vehicles and pedestrians along the Valley Line.

### Attachment

1. Bylaw 17306

### Others Reviewing this Report

- K. Rozmahel, General Manager, Corporate Services