

Bylaw 17278

Closure of a portion of a lane north of 82 Avenue NW between 104 Street NW and 105 Street NW,
Strathcona

WHEREAS the Municipal Council of the City of Edmonton may pass a Bylaw for the purpose of closing any road provided that the bylaw is advertised and any person who claims to be affected prejudicially by the bylaw, or their agent, has been given an opportunity of being heard by City Council in relation to the proposed Bylaw; and

WHEREAS City Council has considered the proposed closing and has agreed that it is in the public interest to pass this Bylaw;

NOW THEREFORE the Municipal Council of the City of Edmonton, duly assembled, enacts as follows:

1. All that portion of road, generally as shown on Schedule "A" described as follows:

Plan I

Block 67

All that portion of lane which lies south of a line drawn from the north east corner of Plan I, Block 67, Lot 32 to the north west corner of Plan 1007CL, Block 67, Lot A, and which also lies north of a line drawn from the south east corner of Plan I, Block 67, Lot 32 to the south west corner of Plan 1007CL, Block 67, Lot A.

EXCEPTING THEREOUT ALL MINES AND MINERALS.

IS HEREBY CLOSED.

2. When title or titles are created for the former portion of road as described in Section 1 of this Bylaw, it is understood and agreed that such title or titles for the former portion of road may be issued excepting Mines and Minerals, the City however, reserving the right to the said Mines and Minerals if in fact the City is the owner thereof.

READ a first time this	day of	, A.D. 2015;
READ a second time this	day of	, A.D. 2015;
READ a third time this	day of	, A.D. 2015;
SIGNED and PASSED this	day of	, A.D. 2015.

THE CITY OF EDMONTON

MAYOR

CITY CLERK

BYLAW 17278

SCHEDULE "A"



**ATTACHMENT 2
BYLAW 17278
BYLAW 17279
BYLAW 17280
FILE: LDA15-0137
STRATHCONA
QUEEN ALEXANDRA
STRATHCONA JUNCTION**

DESCRIPTION:	PROPOSED CLOSURE of a portion of a lane north of 82 Avenue NW between 104 Street NW and 105 Street NW; <u>STRATHCONA</u> AMENDMENT TO THE STRATHCONA AREA REDEVELOPMENT PLAN ZONING BYLAW AMENDMENT from (DC1) Direct Development Control Provision to (DC1) Direct Development Control Provision; Strathcona, Queen Alexandra, Strathcona Junction
LOCATION:	Generally bounded by 103 Street NW, 105 Street NW, 81 Avenue NW and 83 Avenue NW
LEGAL DESCRIPTIONS:	Lots 3-10 and 14-27, Block 61; Lots 1-8 and 21-32, Block 62; Lots 1-7 and 21-32, Block 67; Lots 1-27, Block 68, all in Plan I; Lots 11A, 12A & 13A, Block 61, Plan 5144NY; Lots A & B, Block 67, Plan 1007CL; Lots A & B, Block 61, Plan 1244HW; Lot 6A, Block 67, Plan 0225611; Lot 13A, Block 61, Plan 5144NY; Units 1-3, Condominium Plan 0822029
APPLICANT:	Trent Portigal Urban Planning and Environment, Sustainable Development City of Edmonton Suite 1200, 10250 - 101 Street NW Edmonton, AB T5J 3P4
OWNERS:	Various
ACCEPTANCE OF APPLICATIONS:	March 16, 2015
EXISTING DEVELOPMENT:	Paved lane right-of-way

BYLAW 17278
BYLAW 17279
BYLAW 17280
FILE: LDA15-0137
STRATHCONA
QUEEN ALEXANDRA
STRATHCONA JUNCTION

**SUSTAINABLE
DEVELOPMENT'S**

RECOMMENDATION:

That Bylaw 17278 to close a portion of a lane north of 82 Avenue NW between 104 Street NW and 105 Street NW be APPROVED.

That Bylaw 17279 to amend the Strathcona Area Redevelopment Plan be APPROVED.

That Bylaw 17280 to amend the Zoning Bylaw from (DC1) Direct Development Control Provision to (DC1) Direct Development Control Provision be APPROVED.

DISCUSSION

1. The Application

This report concerns three related Bylaws for the subject area located in the Strathcona, Queen Alexandra and Strathcona Junction neighbourhoods.

The first component, Bylaw 17278, proposes to close a portion of a lane north of 82 Avenue NW between 104 Street NW and 105 Street NW. After closure, the land would be rezoned to a new Sub Area within the Historical Commercial Direct Development Control Provision (DC1) as proposed in associated rezoning Bylaw 17280.

The second component, Bylaw 17279, proposes to amend the Zoning Bylaw from (DC1) Direct Development Control Provision to a proposed (DC1) Direct Development Control Provision to add the aforementioned Sub Area. The new Sub Area would provide the opportunity for public amenity and temporary commercial space that respects the heritage character of the surrounding buildings and area, while providing pedestrian connectivity between 82 Avenue NW and the rear, east-west lane.

The third component, Bylaw 17280, proposes to amend the Strathcona Area Redevelopment Plan (ARP) in order to replace the existing (DC1) Historical Commercial Direct Development Control Provision contained within the plan with a proposed (DC1) Historical Commercial Direct Development Control Provision and updates applicable maps

Amendments from the existing DC1 Provision to the Sub Area of the proposed DC1 Provision that would only apply to the lane closure area include:

- a different select list of allowable uses including Public Parks, Carnivals, Restaurants and General Retail Stores;
- no allowance of any permanent enclosed building or structure within the Sub Area;
- ensuring pedestrian connectivity through the site; and
- the direction to the Development Officer to consider the impact of proposed temporary developments on surrounding properties and to impose any conditions deemed necessary to address the concerns or potential negative impacts.

Aside from the subject lane closure area that is the proposed Sub Area, this application does not have any impact on the uses and regulations that apply to lands within the broader existing DC1 Historical Commercial Provision or the other Sub Areas within this Provision. Both the existing DC1 Provision and proposed DC1 Provision are identical

BYLAW 17278
BYLAW 17279
BYLAW 17280
FILE: LDA15-0137
STRATHCONA
QUEEN ALEXANDRA
STRATHCONA JUNCTION

for the remainder of the area. Therefore, for the purpose of this report, only the subject lane closure area will be discussed.

2. Site and Surrounding Area

The 200 m² closure area is a portion of a north-south lane located in the Strathcona Neighbourhood north of 82 Avenue NW, mid-block between 104 Street NW and 105 Street NW. The site is zoned as (DC1) Historical Commercial Direct Development Control Provision within the Strathcona Area Redevelopment Plan. The site is currently lane right-of-way. The site is within a designated Provincial Historic Area which contains numerous buildings that are on the Inventory and Register of Historic Resources in Edmonton or designated as Historic Resources by the Province of Alberta.

The surrounding area is primarily 2 and 3 storeys commercial buildings along the pedestrian commercial shopping street known as Whyte Avenue. Abutting the site, to the west, is a 3 storey mixed-use building known as the Richards Block. Abutting the lane, to the east, is a one storey commercial building with a recently issued Development Permit for demolition and replacement by a two storey commercial building containing Restaurant and Professional Financial and Office Support Services uses. Abutting the closure area, to the north, is the remainder of the same north-south lane to remain open as well as an east-west lane. Across 82 Avenue NW, to the south, are a variety of one and two storey commercial buildings which include Restaurant and General Retail uses.

**BYLAW 17278
BYLAW 17279
BYLAW 17280
FILE: LDA15-0137
STRATHCONA
QUEEN ALEXANDRA
STRATHCONA JUNCTION**



Figure 1: View of site looking north from 82 Avenue NW

**BYLAW 17278
BYLAW 17279
BYLAW 17280
FILE: LDA15-0137
STRATHCONA
QUEEN ALEXANDRA
STRATHCONA JUNCTION**



Figure 2: View of site looking south from rear lane

ANALYSIS

1. Compliance with Approved Plans

City of Edmonton Municipal Development Plan – The Way We Grow

This application is in accordance with *The Way We Grow* policies that support enhancing mature neighbourhoods, including:

- integrating heritage conservation into the broader context of planning and decision making (Policy 5.8.1.1);
- encouraging commercial strips to develop into vibrant, mixed use, transit supportive and walkable urban areas (Policy 5.2.1.6); and
- developing sustainable, accessible and walkable retail and mixed use centres (Policy 6.2.1).

Strathcona Area Redevelopment Plan (ARP)

This application proposes to amend two maps within the ARP and to replace the current zoning that is embedded within the Plan. There are no policy changes proposed by this application. Moreover, this application is in accordance with the following policies of the Strathcona ARP designed to preserve and enhance the existing character and structure of the community:

- maintaining the comprehensive shopping function of Whyte Avenue by encouraging pedestrian oriented retail shopping in the core area;
- supporting improvements that will increase the quantity and improve the quality, safety and convenience of pedestrian and bicycle routes; and
- minimizing the divisive effect of arterials and their negative impacts on the community.

2. Heritage

This site is within a Provincial Historic Area and a DC1 Provision designed to ensure that future renovation and redevelopment of surrounding buildings and sites result in developments which are compatible in architectural and built form with the historic buildings of the area. The proposed Sub Area prohibits permanent structures and encourages an active pedestrian realm which will enhance the viability of the area while

BYLAW 17278
BYLAW 17279
BYLAW 17280
FILE: LDA15-0137
STRATHCONA
QUEEN ALEXANDRA
STRATHCONA JUNCTION

retaining the historic settlement pattern. The Heritage Officer was consulted and supports this application.

3. Edmonton Design Committee (EDC)

EDC review was not required for this application.

4. Environmental Review

No Environmental Site Assessment was required for this application.

5. Civic Departments and Utility Agencies

Drainage Services, EPCOR Distribution & Transmission, ATCO Gas, TELUS and EPCOR Water Services expressed no concerns regarding this application but all advised that any requirement for modification, relocation, and/or removal of existing facilities will be at the land owner/developer's expense, and would be dealt with at the development permit stage. If the closure is approved, Utility Rights-of-Way will be registered on title to maintain access to existing utilities.

Comments from other Civic Departments and utility agencies have been addressed.

6. Surrounding Property Owners' Concerns

On April 16, 2015, Sustainable Development sent an advanced notice to surrounding property owners as well as the presidents of the Strathcona Centre Community League, the Queen Alexandra Community League, the Ritchie Community League, the Central Area Council of Community Area Council and the Old Strathcona Business Revitalization Zone Association. Seven (7) responses were received in response to this notification, three (3) of which were in support and four (4) of which had concerns.

Supporting comments were received from the Old Strathcona Foundation and the Old Strathcona Business Revitalization Zone Association who both expressed the desire to have the closure area used for public pedestrian oriented activities.

Concerns raised related to the impact of the lane closure on vehicle circulation and access to parking areas nearby as well as the potential for the lane to be used for undesirable activities. Concerns from the abutting property owner to the west related to access for Fire Rescue Services to upper storey residential windows and access for commercial deliveries through a door opening to the lane.

**BYLAW 17278
BYLAW 17279
BYLAW 17280
FILE: LDA15-0137
STRATHCONA
QUEEN ALEXANDRA
STRATHCONA JUNCTION**

In May, 2015, Sustainable Development included questions regarding current and future use of the lane in the City's monthly Mixed Topic Survey (MTS). At the same time, an information letter and survey were sent to the membership of the Old Strathcona Business Association (OSBA). 1,210 Mixed Topic surveys were completed, while nine members of the OSBA membership gave input.

Highlights

- 80% of MTS respondents who had visited the lane had done so on foot (80%), while only 14% had used it in a vehicle.
- Of the OSBA membership, eight (88%) indicated using the lane on foot, one (13%) by bicycle and none by vehicle.
- 3% of MTS respondents felt that the lane should be kept open for vehicular traffic.
- Regarding future use, converting the lane to a space for festivals was the most supported idea (68%), followed by patios at 57%.

In response to the feedback received, a clause was added to ensure access to building doors that open to the lane for exiting, deliveries or other future needs as well as full pedestrian permeability through the site. Transportation Services is supportive of the closure and has indicated that this portion of the lane is not required for vehicle circulation in the area. Fire Rescue Services does not use lanes for emergency access and has indicated no concerns with the proposed lane closure.

JUSTIFICATION

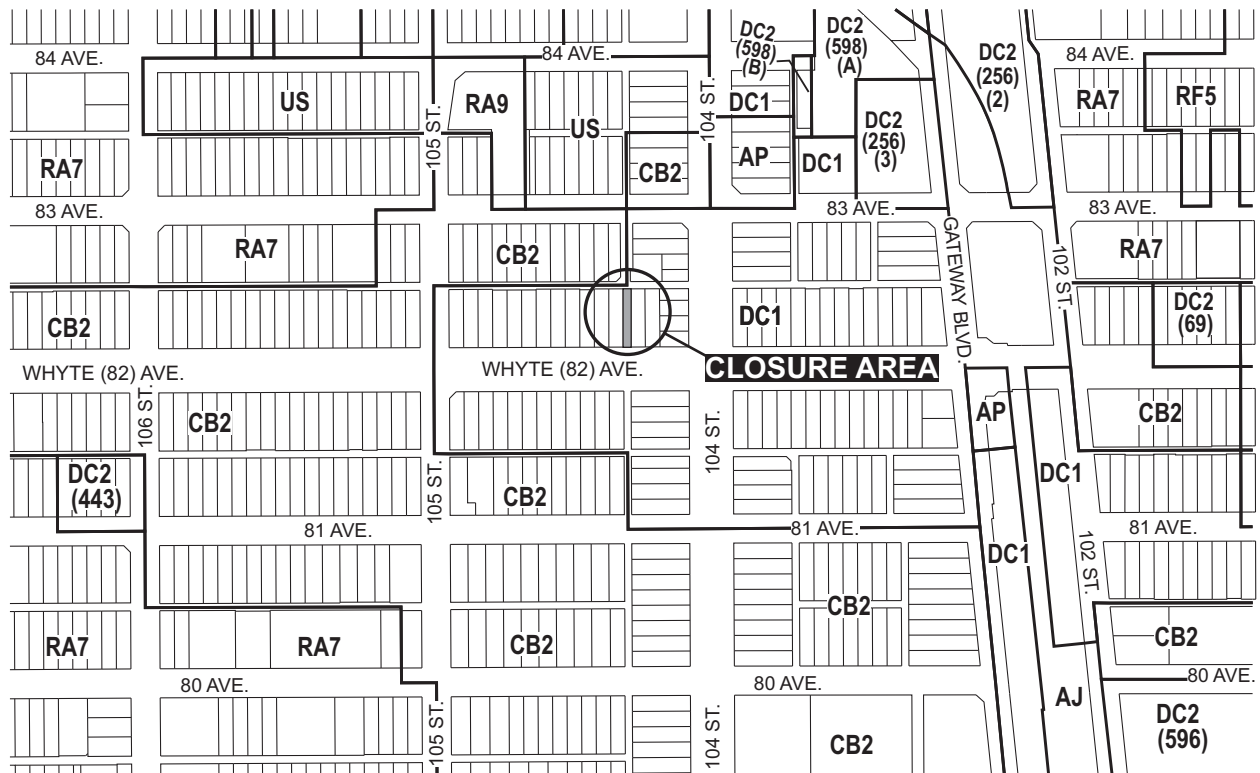
Sustainable Development recommends that Bylaws 17278, 17279 and 17280 be APPROVED as the application:

- meets the technical requirements of Civic Departments and utility agencies;
- meets the intent of Council approved policies; and
- conforms with the Strathcona Area Redevelopment Plan that encourages enhancement of pedestrian oriented routes and connections in this historic core.

ATTACHMENTS

2a Maps

Written by: Andrew McLellan
Approved by: Tim Ford
Sustainable Development
July 6, 2015



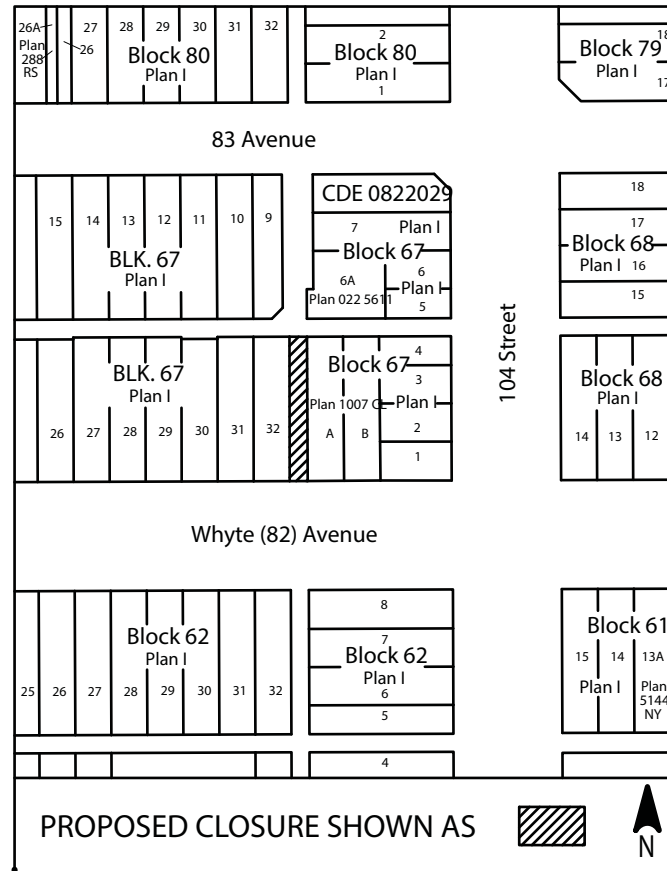
SURROUNDING LAND USE ZONES



FILE: LDA15-0137
DATE: July 6, 2015
BYLAW 17278

STRATHCONA, BYLAW 17278

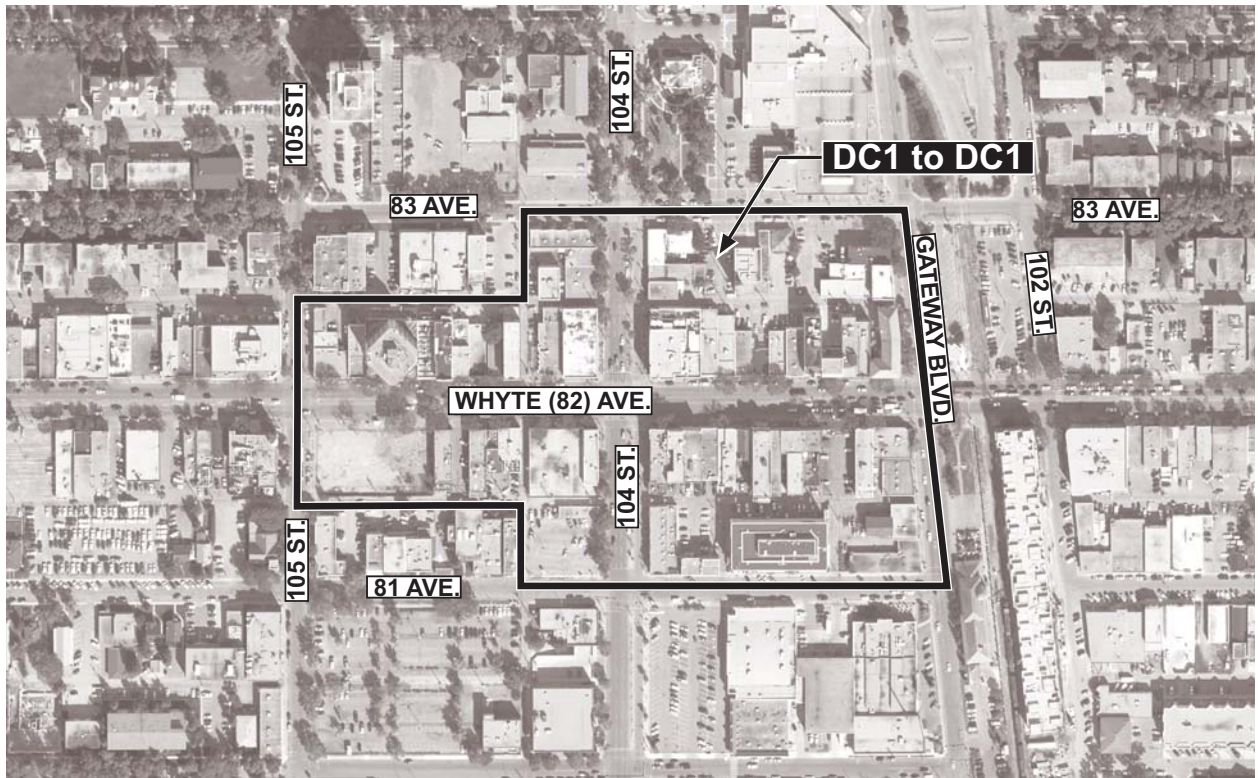
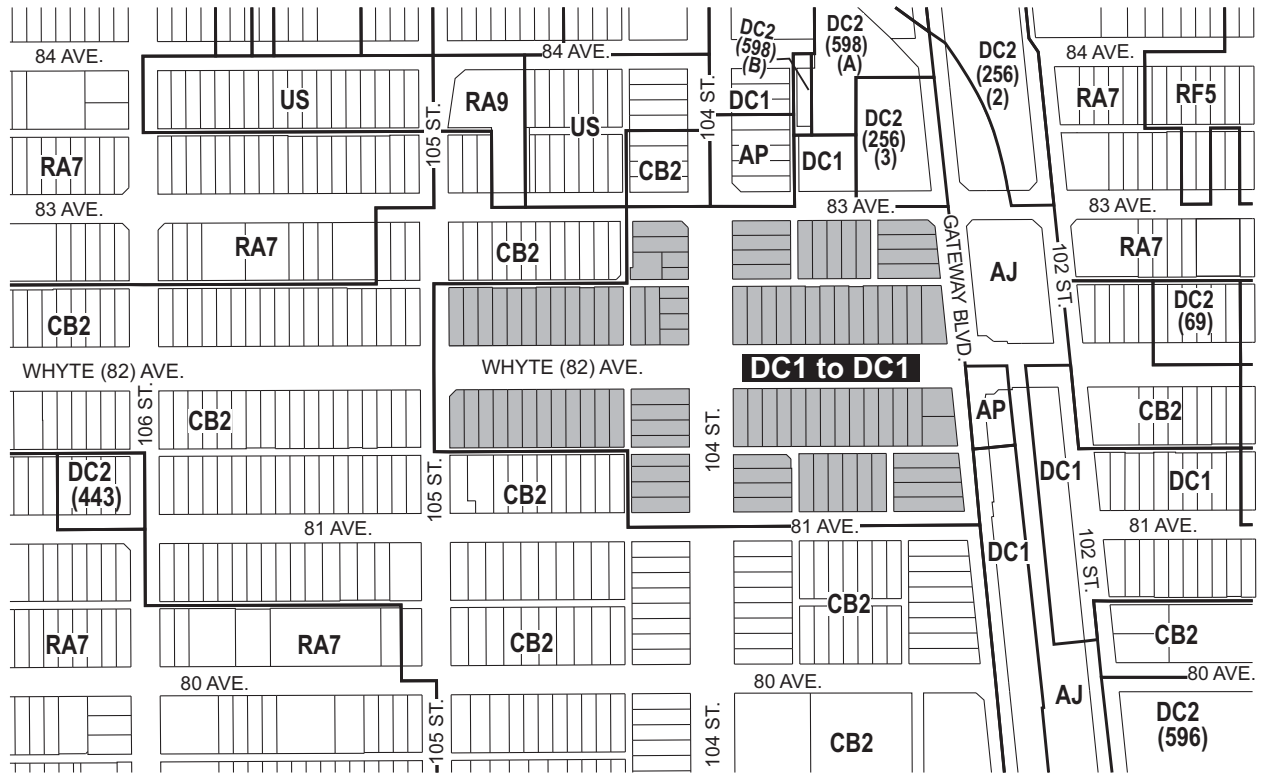
Location: North of 82 Avenue NW between
104 Street NW and 105 Street NW



The purpose of Bylaw 17278 is to close a portion of lane north of 82 Avenue NW between 104 Street NW and 105 Street NW as shown on the above sketch. Once closed, the land would be rezoned to a new Sub Area within the Historical Commercial Direct Development Control Provision (DC1). This proposed closure is accompanied by an associated proposed rezoning (Bylaw 17280) and amendment to the Strathcona Area Redevelopment Plan (Bylaw 17279). Sustainable Development supports this proposed bylaw.

PROPOSED CLOSURE

FILE: LDA15-0137
DATE: July 6, 2015



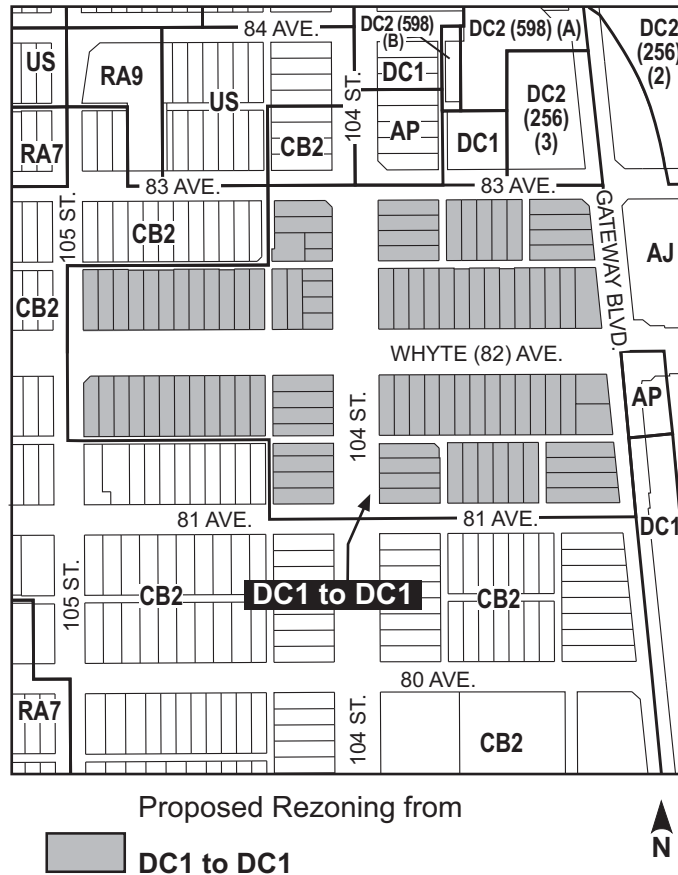
SURROUNDING LAND USE ZONES



FILE: LDA15-0137
 DATE: July 6, 2015
 BYLAW 17280

STRATHCONA, QUEEN ALEXANDRA and STRATHCONA JUNCTION BYLAW 17280

Location: Generally bounded by 103 Street NW,
105 Street NW, 81 Avenue NW and 83 Avenue NW



The purpose of proposed Bylaw 17280 is to change the Zoning Bylaw from (DC1) direct development control provision to a new (DC1) direct development control provision; see detailed legal descriptions and municipal addresses below, as shown on attached sketch. The proposed DC1 Provision is similar to the existing DC1 Provision but with the addition of a new Sub Area which would only apply to a lane proposed to be closed by an associated Road Closure Bylaw (Bylaw 17278). The new Sub Area would provide the opportunity for public amenity and temporary commercial space that respects the heritage character of the surrounding buildings and area, while providing pedestrian connectivity between 82 Avenue NW and the rear, east-west lane. This proposed rezoning is also accompanied by an associated proposed amendment to the Strathcona Area Redevelopment Plan (Bylaw 17279). Sustainable Development supports this proposed bylaw.

PROPOSED REZONING

FILE: LDA15-0137

SUSTAINABLE DEVELOPMENT

DATE: July 6, 2015

Address	Legal Description	From	To
8102-104 Street NW	Lot 1, Block 62, Plan I	DC1	DC1
8103-104 Street NW	Lots 16-19, Block 61, Plan I	DC1	DC1
8110-104 Street NW	Lots 2-3, Block 62, Plan I	DC1	DC1
8114-104 Street NW	Lot 4, Block 62, Plan I	DC1	DC1
8123-104 Street NW	Lot 15, Block 61, Plan I	DC1	DC1
8204-104 Street NW	Lots 1-4, Block 67, Plan I	DC1	DC1
8216-104 Street NW	Lots 5-7, Block 67, Plan I	DC1	DC1
8220-104 Street NW	Lot 6A, Block 67, Plan 0225611	DC1	DC1
8223-104 Street NW	Lot 15, Block 68, Plan I	DC1	DC1
8239-104 Street NW	Lot 16, Block 68, Plan I	DC1	DC1
8207-105 Street NW	Lots 21-22, Block 67, Plan I	DC1	DC1
8116 Gateway Boulevard NW	Lots 26-27, Block 61, Plan I	DC1	DC1
8122 Gateway Boulevard NW	Lot B, Block 61, Plan 1244HW	DC1	DC1
8222 Gateway Boulevard NW	Lots 26-27, Block 68, Plan I	DC1	DC1
8232 Gateway Boulevard NW	Lot 25, Block 68, Plan I	DC1	DC1
8236 Gateway Boulevard NW	Lot 24, Block 68, Plan I	DC1	DC1
10308-81 Avenue NW	Lots 28-29, Block 61, Plan I	DC1	DC1
10328-81 Avenue NW	Lots 20-25, Block 61, Plan I	DC1	DC1
10301-82 Avenue NW	Lot A, Block 61, Plan 1244HW	DC1	DC1
10302-82 Avenue NW	Lots 1-2, Block 68, Plan I	DC1	DC1
10309-82 Avenue NW	Lot 3, Block 61, Plan I	DC1	DC1
10310-82 Avenue NW	Lot 2, Block 68, Plan I	DC1	DC1
10314-82 Avenue NW	Lots 2-3, Block 68, Plan I	DC1	DC1
10318-82 Avenue NW	Lots 3-4, Block 68, Plan I	DC1	DC1
10319-82 Avenue NW	Lots 4-5, Block 61, Plan I	DC1	DC1
10324-82 Avenue NW	Lot 5, Block 68, Plan I	DC1	DC1
10326-82 Avenue NW	Lot 6, Block 68, Plan I	DC1	DC1
10329-82 Avenue NW	Lots 6-8, Block 61, Plan I	DC1	DC1
10330-82 Avenue NW	Lot 7, Block 68, Plan I	DC1	DC1
10335-82 Avenue NW	Lot 9, Block 61, Plan I	DC1	DC1
10336-82 Avenue NW	Lot 8, Block 68, Plan I	DC1	DC1
10340-82 Avenue NW	Lot 9, Block 68, Plan I	DC1	DC1
10341-82 Avenue NW	Lot 10, Block 61, Plan I	DC1	DC1
10345-82 Avenue NW	Lot 11A, Block 61, Plan 5144NY	DC1	DC1
10346-82 Avenue NW	Lot 10, Block 68, Plan I	DC1	DC1
10349-82 Avenue NW	Lot 12A, Block 61, Plan 5144NY	DC1	DC1
10352-82 Avenue NW	Lot 11, Block 68, Plan I	DC1	DC1
10355-82 Avenue NW	Lot 13A, Block 61, Plan 5144NY	DC1	DC1
10358-82 Avenue NW	Lots 12-14, Block 68, Plan I	DC1	DC1
10359-82 Avenue NW	Lot 14, Block 61, Plan I	DC1	DC1
10401-82 Avenue NW	Lots 6-8, Block 62, Plan I	DC1	DC1
10411-82 Avenue NW	Lots 5-8, Block 62, Plan I	DC1	DC1
10414-82 Avenue NW	Lots A-B, Block 67, Plan 1007CL	DC1	DC1
10421-82 Avenue NW	Lots 31-32, Block 62, Plan I	DC1	DC1
10422-82 Avenue NW	Lot 32, Block 67, Plan I	DC1	DC1
10428-82 Avenue NW	Lot 31, Block 67, Plan I	DC1	DC1
10431-82 Avenue NW	Lots 29-30, Block 62, Plan I	DC1	DC1
10432-82 Avenue NW	Lot 30, Block 67, Plan I	DC1	DC1
10436-82 Avenue NW	Lot 29, Block 67, Plan I	DC1	DC1
10439-82 Avenue NW	Lot 28, Block 62, Plan I	DC1	DC1
10442-82 Avenue NW	Lot 28, Block 67, Plan I	DC1	DC1
10444-82 Avenue NW	Lot 27, Block 67, Plan I	DC1	DC1
10454-82 Avenue NW	Lots 24-26, Block 67, Plan I	DC1	DC1
10455-82 Avenue NW	Lots 21-27, Block 62, Plan I	DC1	DC1
10460-82 Avenue NW	Lot 23, Block 67, Plan I	DC1	DC1
10323-83 Avenue NW	Lot 23, Block 68, Plan I	DC1	DC1
10325-83 Avenue NW	Lots 19-22, Block 68, Plan I	DC1	DC1
10335-83 Avenue NW	Lots 17-18, Block 68, Plan I	DC1	DC1
10403-83 Avenue NW	Unit 1, Condominium Plan 0822029	DC1	DC1
10407-83 Avenue NW	Unit 2, Condominium Plan 0822029	DC1	DC1
10415-83 Avenue NW	Unit 3, Condominium Plan 0822029	DC1	DC1