

Infrastructure Services Report to
Executive Committee
2024 March 12

ISC: UNRESTRICTED
EC2024-0244

2024 Local Improvement Bylaws for Stephen Avenue Mall and Barclay Mall

PURPOSE

The purpose of this report is to seek Council approval of proposed Bylaws 1L2024 and 2L2024 for the undertaking of enhanced maintenance of Stephen Avenue Mall and Barclay Mall as local improvements in 2024 (the “**Local Improvements**”).

PREVIOUS COUNCIL DIRECTION

Council approved Bylaws 1L2023 and 2L2023 for the enhanced maintenance of Stephen Avenue Mall and Barclay Mall in 2023 as local improvements (Attachment 1) on 2023 March 14.

RECOMMENDATION:

That the Executive Committee:

- Forward this report to 2024 March 19 Regular Council Meeting.

That the Executive Committee recommend Council:

- Give three readings to proposed Bylaw 1L2024; and
- Give three readings to proposed Bylaw 2L2024.

RECOMMENDATION OF THE EXECUTIVE COMMITTEE, 2024 MARCH 12:

That Council:

1. Give three readings to **Proposed Bylaw 1L2024**; and
2. Give three readings to **Proposed Bylaw 2L2024**.

CHIEF ADMINISTRATIVE OFFICER/GENERAL MANAGER COMMENTS

GM concurs with this report.

HIGHLIGHTS

- Since the 1980's, The City of Calgary (“**The City**”) has used the enhanced mall maintenance program to deliver enhanced maintenance to portions of Stephen Avenue Mall (8 Avenue between 1 Street SE and 4 Street SW) and Barclay Mall (3 Street SW between Barclay Parade and 9 Avenue SW) (the “**Program**”).
- It is proposed that the cost of the Program for 2024 is to be shared equally by The City and adjacent property owners through the local improvement tax Bylaws 1L2024 and 2L2024.
- The Program enables The City to improve the condition of street furniture including surface repairs, to perform additional snow and ice control, and to provide enhanced street cleaning and street lighting. Also, it helps to attract business, residents, and tourism to downtown Calgary and contribute to Calgary's overall economy.

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- Stephen Avenue Mall and Barclay Mall are important pedestrian corridors in downtown Calgary. The proposed Local Improvements will allow The City to continue to provide a vibrant, attractive, and safe space for visitors, businesses and Calgarians while encouraging sustainable modes of transportation.

DISCUSSION

The Local Improvements are proposed to prevent deterioration of existing infrastructure, maintain, or improve accessibility, and enhance the appearance of Stephen Avenue Mall and Barclay Mall.

The costs of the Local Improvements are to be shared equally (50/50) between The City and the adjacent property owners. This aligns with the Calgary Transportation Plan by helping to facilitate and provide mobility choices in the City Centre while promoting safety for all transportation system users. A council may by law require the municipality to pay the cost of any part of a local improvement that the council considers to be of benefit to the whole municipality. The proposed Local Improvements will improve safety, cleanliness, and accessibility of the said two malls, encourage social interaction, pedestrian travel by means of walking and promotes the use of other modes of transportation such as bikes, scooters, and transit and will contribute to the heritage perseverance and vitality of downtown Calgary. Also, it helps to attract business, residents, and tourism to downtown Calgary and contribute to Calgary's overall economy.

The *Municipal Government Act*, R.S.A. 2000 c. M-26, as modified by The City of Calgary Charter, 2018 Regulation, governs the local improvement process. As required by section 396 of the MUNICIPAL GOVERNMENT ACT, a Notice of Intention to Undertake a Local Improvement ("**Notice**") is mailed to each affected property owner outlining the type of proposed construction, the estimated construction cost, the annual rate per metre and the property owner's estimated share of the cost. It also provides an instruction on how to file a petition against if they object to the proposed local improvement ("**Petition Against**"), to be filed within 30 days from the date of the Notice. Petition Against form can be obtained by calling The City of Calgary Operations Centre at 311.

To be considered sufficient, a Petition Against must be signed by at least two-thirds of the affected property owners representing at least half of the assessed property value. If a sufficient Petition Against is filed within 30 days from the sending of the Notice, Council must not proceed with the local improvement (Section 396(3) of the MUNICIPAL GOVERNMENT ACT). If a sufficient Petition Against is not filed within 30 days from the sending of the Notice, Council may undertake the local improvement and impose the local improvement tax at any time in the 5 years following the sending of the Notice (Section 396(4) of the MUNICIPAL GOVERNMENT ACT, as modified by The City of Calgary Charter, 2018 Regulation).

A local improvement tax bylaw must be passed by Council in respect of each local improvement.

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EXTERNAL ENGAGEMENT AND COMMUNICATION

- | | |
|--|--|
| <input checked="" type="checkbox"/> Public engagement was undertaken | <input type="checkbox"/> Dialogue with interested parties was undertaken |
| <input type="checkbox"/> Public/interested parties were informed | <input type="checkbox"/> Public communication or engagement was not required |

Notices for the Local Improvements were sent to affected property owners on 2023 December 12. No Petition Against forms were requested and filed by any affected property owner(s).

IMPLICATIONS

Social

The Program assists in encouraging social interaction along Stephen Avenue Mall and Barclay Mall by improving safety, area cleanliness and accessibility. This contributes to the heritage perseverance and vitality of downtown Calgary.

Environmental

Because the Program improves safety, cleanliness and accessibility of Stephen Avenue Mall and Barclay Mall, it encourages pedestrian travel by means of walking and promotes the use of other modes of transportation such as bikes, scooters, and transit.

Economic

Attracting visitors and business to Stephen Avenue Mall and Barclay Mall foster economic activity. The cost-sharing for the Program delivers a more desirable space while limiting costs to both The City and adjacent property owners.

Service and Financial Implications

Existing operating funding - base

For 2024, the estimated cost of the local Improvement for Stephen Avenue Mall is \$407,167 and the estimated cost for Barclay Mall is \$283,845 (see Table 1 below), with an estimated total amount of \$691,012. The normal maintenance costs of the said two malls (estimated at \$91,809.70 in 2023), will be deducted from the estimated total of \$691,012 and the residual costs will be shared equally between The City and the adjacent property owners benefitting from the Local Improvements.

The normal maintenance cost and The City's portion of the Local Improvements will continue to be funded through the Mobility operating budget. The costs are comparable to the same as 2023.

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Table 1: Maintenance Costs – Stephen Avenue Mall and Barclay Mall

Maintenance Costs	2024 Stephen Avenue Mall Budget	2024 Barclay Mall Budget
Total	\$407,167	\$283,845
Less: Normal Maintenance	\$(40,717)	\$(51,093)
Shareable Costs	\$366,451	\$232,752
Property Owners Share (50%)	\$183,226	\$116,376
City Share (50%)	\$183,226	\$116,376

The costs of the Local Improvements for 2024 are set forth in Schedule “1” of Bylaws 1L2024 (Attachment 2) and 2L2024 (Attachment 3). Maintenance related to the walking and wheeling lane on THE WEST END OF 8 AVENUE SW is not part of these Local Improvements and is funded separately under the snow clearing budget.

The local improvement tax will be levied in 2025.

RISK

The City’s ability to complete the enhanced maintenance of Stephen Avenue Mall and Barclay Mall that is being expected by large number of people spending time in that downtown corridor could negatively be impacted if the proposed Bylaws 1L2024 and 2L2024 are not approved.

ATTACHMENTS

1. Background and Previous Council Direction
2. **Proposed Bylaw 1L2024**
3. **Proposed Bylaw 2L2024**
4. Presentation

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Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Doug Morgan	Operational Services	Approve
Troy McLeod	Operational Services	Approve
Thom Mahler	Planning & Development Services	Inform
Michael Thompson	Infrastructure Services	Inform

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City Clerks: C. Doi / A. Degrood