



## ADMINISTRATIVE REPORT

Report Date: February 7, 2017  
Contact: Randy Pecarski  
Contact No.: 604.873.7456  
RTS No.: 11874  
VanRIMS No.: 08-2000-20  
Meeting Date: March 8, 2017

TO: Standing Committee on City Finance and Services  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: Approval of Business Improvement Area (BIA) Renewals - 2017

### ***RECOMMENDATION***

- A. THAT Council approve the application of the Vancouver Chinatown BIA Society (VCBIA) as described in this report and instruct the Director of Legal Services, in consultation with the Director of Planning, to bring forward by-laws to re-establish the Chinatown BIA, to establish a new funding ceiling, and to remit monies for the business promotion scheme.
- B. THAT Council approve the application of the Strathcona Business Improvement Association (SBIA) as described in this report and instruct the Director of Legal Services, in consultation with the Director of Planning, to bring forward by-laws to re-establish the Strathcona BIA, to establish a new funding ceiling, and to remit monies for the business promotion scheme.

### ***REPORT SUMMARY***

This report provides background information on the BIA creation, renewal and expansion process, the procedure for property-owner and business notifications, an analysis of objections received in response to the notifications, an overview of possible Council actions, and recommendations based on objections received as of the date of the report.

### ***BIA Renewal Council Initiatives***

The following two BIAs must be re-designated (renewed) by Council in order to continue:

- Chinatown BIA                      7-year renewal term
- Strathcona BIA                      7-year renewal term

For both of the BIAs, Council must first approve re-designation (renewal) of the business improvement area before it can approve the respective budgets. This report recommends that Council approve the proposed renewals for the terms specified above and instruct staff to prepare by-laws to re-establish each BIA, to establish the respective new funding ceilings, and to remit monies for the business improvement schemes.

**COUNCIL AUTHORITY/PREVIOUS DECISIONS*****BIA Renewal Council Initiatives*****Vancouver Charter**

Sections 455 through 463 of the *Vancouver Charter* make provision for the creation, renewal, expansion and funding of Business Improvement Areas (BIAs). Taxation of properties in an area pays for a variety of programs to promote and enhance the area.

BIAs are a form of Local Improvement. Under Charter section 506(2)(a), approval of a Local Improvement Council Initiative requires a resolution passed by at least two-thirds of all the Council members present. Section 506(2)(b) provides that a “sufficient number” of notices of objection to defeat a Council Initiative is deemed to be more than *one-half* of the assessed property owners, representing more than *one-half* of the value according to the last revised real-property assessment roll, of the parcels liable to be assessed. However, Council guidelines also apply, and provide an additional standard for BIA approval.

**Council Policy**

Council policy with respect to BIA applications has been to identify the “sufficient number” of objections to be either *one-third* of the assessed owners, representing at least *one-third* of the assessed value *OR* one-third of the *business tenants*, counted separately.

The one-third guideline has been used to recognize that Council Initiatives require those who oppose an application to make the case that the levy is not desired. Typically, local improvements involve only a few property owners, who have petitioned to have the work done. This is usually not the case for BIA applications, which may have many property owners, and in which the task of assembling sufficient opposition is difficult. For this reason, Council policy is to consider rejection if one-third, rather than one-half, of the owners or tenants oppose the application.

**Commencement of Council Initiatives**

On November 29, 2016 (*Approval of Council Initiatives -Business Improvement Area (BIA) Renewals - 2017*), Council considered renewal applications for two BIAs. Council approved commencement of the respective Council Initiatives, referred the applications to Court of Revision, and instructed staff to notify affected property owners and businesses prior to a decision on the Initiatives.

***CITY MANAGER'S/GENERAL MANAGER'S COMMENTS***

The City Manager and the General Manager of Planning, Urban Design and Sustainability RECOMMEND approval of the foregoing.

## ***REPORT***

### ***Background/Context***

#### ***Background***

Before a BIA designation, expansion or renewal application can be approved, the proposal must be considered by Council:

- Prior to considering the BIA application, the Council directs staff to notify all commercial property owners and business tenants in the affected area, providing information on the proposed levy, and details on filing objections; and
- After the one-month period for objections, Council is advised of the numbers and commercial assessed value of objections received, and also hears delegations, if any. Council policy is that if one third of property owners, representing one third of the commercial assessed property value, or one third of business tenants, counted separately, object, the BIA proposal will be defeated.
- If approved, Council directs that a by-law be prepared:
  - Establishing or re-establishing the BIA, or expanding the BIA boundaries; and
  - Establishing a funding ceiling.

Further explanation of the notification and approval process follows.

### ***Process for Notification of Property Owners and Business Tenants***

#### **Applicant Outreach to Affected Owners and Businesses**

As outlined in the BIA Council initiative report dated November 15, 2016, BIA sponsors (applicant groups) are required to conduct an extensive outreach process to engage affected commercial property owners and business tenants within the proposed BIA, BIA Expansion, or BIA renewal, area. If, after completion of outreach, the BIA proposal seems to be generally supported, Council may approve commencing a BIA Council Initiative, forward the application to a Court of Revision, and instruct staff to notify the affected owners and tenants prior to Council deciding whether or not to approve the application.

#### **Notifications**

BIA applications are a form of Local Improvement. As such, the City is required to mail to the owners of parcels liable to be assessed: (a) notification of the project, (b) the designated area, and (c) the estimated annual rate. Council may approve a BIA if, within one month of the notification, the requisite number of property-owner objections have not been received. While the *Vancouver Charter* does not require notification of tenants, it is City policy to notify business owners of a BIA proposal. Property owners and business tenants in the areas affected by the BIA proposals have been notified as follows:

- Individually addressed letters were sent, postmarked on or before December 9, 2016, to all property owners affected by the BIA applications (Appendix A).
- Due to business turnover, and to ensure all affected business owners were notified, letters were hand delivered on or before December 12, 2016, to all businesses affected by the BIA applications (Appendix B).

### ***Tabulation of Objections - Issues and Considerations***

#### **Distinguishing Property-Owner and Business-Tenant Objections**

The *Vancouver Charter* requires the City to tabulate *all* property-owner objections to determine whether or not a BIA application is defeated. However, it is Council policy to also receive and tabulate objections from business tenants. The two tabulations would produce duplication where letters are received from businesses who also *own* the property or commercial strata unit they occupy (i.e. are not tenants). Therefore, past practice has been to count all objection letters from property-owner businesses as ‘property owner’ objections rather than as ‘business tenant’ objections.

#### **Petitions and Form-letters**

The City’s notification instructs recipients to register objections in the form of an original letter because the identity and authority of the writer is more readily discernible than a signature on a mass petition. Also, with a mass petition, there is uncertainty around the degree to which petitioners are influenced by information from petition organizers. Similar considerations apply to mass-reproduced ‘form-letters’ that have been collected by opposition organizers in the same way as petitions.

#### **Privacy Issues**

To protect the confidentiality of respondents, under the provisions of the *Freedom of Information and Protection of Privacy Act*, the identity of persons submitting objections is not made available to BIA applicants, supporters, opponents, or the public. However, the City Clerk will have available for Council copies of all objections received prior to the meeting date.

#### ***Strategic Analysis***

##### ***Tabulation of Objections - Results***

Notification letters sent to affected property owners/business tenants specified that objections to the BIA application may be submitted in the form of a letter to the City Clerk, with the letter being received by 5 pm on January 20, 2017.

The following sections provide separate information specific to the respective BIA Renewal Initiatives, including notification data for the applications, and tabulations of objections received as of 5 pm on January 20, 2017.

If objections or counter-petitions arrive after the submission deadlines, a supplementary memo with updated opposition data will be distributed should Council wish to consider late objections or other correspondence such as petitions. Council will also have an opportunity to hear delegations, if any.

#### **CHINATOWN BIA RENEWAL APPLICATION: Analysis and Results**

##### **Application to Re-establish (Renew) BIA**

On November 29, 2016, Council considered an application by the Chinatown BIA Society (VCBIA) to commence a Council Initiative to re-establish (renew) the Chinatown BIA (map,

Appendix C). Council referred the application to Court of Revision and directed staff to notify affected owners and businesses prior to considering the Initiative.

The proposed BIA levy ranges from \$18.47 to \$34,754.88 annually, depending upon the assessed value of the property. Fifty three properties will have a levy under \$500, 86 properties will have a levy between \$500 and \$2,000, and 59 properties will be charged over \$2,000 annually.

As the BIA levy will be based on the 2017 property assessment, the actual BIA levies may differ slightly from the estimates provided in the City's notification, which was based on the 2016 assessment.

### **Notification**

Individually addressed letters were mailed, postmarked on or before December 9, 2016, to 143 property owners, owning 198 assessed properties located within the BIA area. Letters were hand delivered to all 404 businesses within the BIA area.

### **Letters of Opposition**

The table below shows the letters of objection, by number and assessed value, received as of 5 pm on January 20, 2017. For information, should Council wish to apply the one-third guideline, the centre column shows the numbers and assessed value of objections (subject to adjustments) needed to defeat the proposed BIA renewal.

<b>Objection Categories</b>	<b>Needed to defeat BIA under Council 1/3 policy (1/3 = 33.33%)</b>	<b>Letters of opposition as of January 20, 2017</b>	
		<b>#</b>	<b>% of total</b>
# of property owners*	48	4	2.8 %
# of assessed properties*	66	7	3.5 %
total assessed value	\$198,910,818	\$10,304,000	2.6%
OR # of business tenants	135	0	0 %

\*Note: Since there are many multiple owners, the number of assessed properties is greater than the number of actual owners.

### **Results**

As of January 20, 2017, neither the number of business tenants, nor the number and assessed value of properties /property owners is sufficient to defeat the proposed BIA renewal.

### **STRATHCONA BIA RENEWAL APPLICATION: Analysis and Results**

#### **Application to Re-establish (Renew) BIA**

On November 29, 2016, Council considered an application by the Strathcona Business Improvement Association (SBIA) to commence a Council Initiative to re-establish (renew) the Strathcona BIA (map, Appendix D). Council referred the application to Court of Revision and directed staff to notify affected owners and businesses prior to considering the Initiative.

The proposed BIA levy ranges from \$95.85 to \$17,166.88 annually, depending upon the assessed value of the property. Forty five properties will have a levy under \$500, 237 properties will have a levy between \$500 and \$2,000, and 133 properties will be charged over \$2,000 annually.

As the BIA levy will be based on the 2017 property assessment, the actual BIA levies may differ slightly from the estimates provided in the City's notification, which was based on the 2016 assessment.

### **Notification**

Individually addressed letters were mailed, postmarked on or before December 9, 2016, to 309 property owners, owning 415 assessed properties located within the BIA area. Letters were hand delivered to all 504 businesses within the BIA area.

### **Letters of Opposition**

The table below shows the letters of objection, by number and assessed value, received as of 5 pm on January 20, 2017. For information, should Council wish to apply the one-third guideline, the centre column shows the numbers and assessed value of objections (subject to adjustments) needed to defeat the proposed BIA renewal.

<b>Objection Categories</b>	<b>Needed to defeat BIA under Council 1/3 policy (1/3 = 33.33%)</b>	<b>Letters of opposition as of January 20, 2017</b>	
		<b>#</b>	<b>% of total</b>
# of property owners*	103	4	1.3%
# of assessed properties*	139	5	1.2 %
total assessed value	\$258,366,494	\$9,367,800	1.4%
OR # of business tenants	168	0	0 %

\*Note: Since there are many multiple owners, the number of assessed properties is greater than the number of actual owners.

### **Results**

As of January 20, 2017, neither the number of business tenants, nor the number and assessed value of properties /property owners is sufficient to defeat the proposed BIA renewal.

### ***Implications/Related Issues/Risk***

#### ***Financial***

There are no financial implications.

### ***CONCLUSION***

Two BIAs have applied to renew their respective BIAs. In November, 2016, Council approved commencement of Council Initiatives and instructed staff to notify affected commercial property owners and business tenants. As of January 20, 2017, very few objections had been received in response to the notifications; therefore, this report recommends approval of the BIA renewals.

\* \* \* \* \*



PLANNING, URBAN DESIGN AND SUSTAINABILITY  
Planning Division  
City-wide and Regional Planning

November 30, 2016

Name of Property Owner

Street Address

CITY, PROVINCE VXX XXX

**RE: PROPOSED RENEWAL OF CHINATOWN BUSINESS IMPROVEMENT AREA (BIA)  
SPECIAL ASSESSMENT NOTIFICATION**

COORDINATE: 000-000-00-0000

PROPERTY ADDRESS: STREET ADDRESS, VANCOUVER

City of Vancouver records indicate you are the owner of the above property. The Vancouver Chinatown BIA Society is proposing to renew a BIA in your area.

To cover the cost of services, a BIA levy would continue to be added to your property tax. Information about the services to be provided, and the process for approval of the BIA renewal, is attached.

If the BIA renewal is approved, your estimated share would be: \$0,000.00

Based on your included commercial assessed property value of: \$0,000,000.00

*A Court of Revision will be held on Tuesday, February 7, 2017 at 6:00 p.m. in Council Chambers, 3rd floor, City Hall. At that time Council will hear complaints from property owners concerning errors only with respect to the names of the assessed owners and the length of the frontage of other measurements of the parcel, and any variation applied pursuant to section 508 (g) and (j) of the Vancouver Charter.*

*A copy of the Special Assessment Roll, which includes the names of property owners, is filed in the office of the Collector of Taxes, ground floor of City Hall, and is available for inspection during office hours.*

If you have questions, the attached materials provide phone numbers to contact the Vancouver Chinatown BIA Society and the City of Vancouver BIA Program.

Yours truly,

Peter Vaisbord, BA, LLB, MA(Pln)  
Coordinator, BIA Program

453 W. 12th Ave., Vancouver, BC V5Y 1V4  
tel: 604.871.6304  
[peter.vaisbord@vancouver.ca](mailto:peter.vaisbord@vancouver.ca)

PV/pv

Enclosures



PLANNING, URBAN DESIGN AND SUSTAINABILITY  
Planning Division  
City-wide and Regional Planning

November 30, 2016

Name of Property Owner

Street Address

CITY, PROVINCE VXX XXX

**RE: PROPOSED RENEWAL OF STRATHCONA BUSINESS IMPROVEMENT AREA (BIA)  
SPECIAL ASSESSMENT NOTIFICATION**

COORDINATE: 000-000-00-0000

PROPERTY ADDRESS: STREET ADDRESS, VANCOUVER

City of Vancouver records indicate you are the owner of the above property. The Strathcona Business Improvement Association is proposing to renew a BIA in your area.

To cover the cost of services, a BIA levy would continue to be added to your property tax. Information about the services to be provided, and the process for approval of the BIA renewal, is attached.

If the BIA renewal is approved, your estimated share would be: \$0,000.00

Based on your included commercial assessed property value of: \$0,000,000.00

*A Court of Revision will be held on Tuesday, February 7, 2017 at 6:00 p.m. in Council Chambers, 3rd floor, City Hall. At that time Council will hear complaints from property owners concerning errors only with respect to the names of the assessed owners and the length of the frontage or other measurements of the parcel, and any variation applied pursuant to section 508 (g) and (j) of the Vancouver Charter.*

*A copy of the Special Assessment Roll, which includes the names of property owners, is filed in the office of the Collector of Taxes, ground floor of City Hall, and is available for inspection during office hours.*

If you have questions, the attached materials provide phone numbers to contact the Strathcona Business Improvement Association and the City of Vancouver BIA Program.

Yours truly,

Peter Vaisbord, BA, LLB, MA(Pln)  
Coordinator, BIA Program

453 W. 12th Ave., Vancouver, BC V5Y 1V4  
tel: 604.871.6304  
[peter.vaisbord@vancouver.ca](mailto:peter.vaisbord@vancouver.ca)

PV/pv

Enclosures



PLANNING, URBAN DESIGN AND SUSTAINABILITY  
Planning Division  
City-wide and Regional Planning

November 30, 2016

Dear Property Owner(s):

The City's records indicate that you own property which is within an existing BIA. If approved, the renewal will mean a BIA levy will continue to be added to your property tax. This letter contains information about the services provided by a Business Improvement Area, the cost of the BIA levy, and your opportunity to tell the City whether you do or do not support the BIA renewal.

The City encourages Business Improvement Areas as a way for property owners and business tenants to promote business and enhance services in their area. The City collects the BIA levy as part of the property taxes and turns all of the money over to the BIA to use. The BIAs use the funds for a variety of activities to improve area profile, such as producing advertising and business directories, providing banners and other identifying material, improving business-area appearance, and enhancing safety. The BIA money is administered by a Board of Directors. The Board is comprised of commercial property owners and business tenants who are elected by all owners and tenants in the area.

Earlier this year, your BIA association approached the City with an application to renew its BIA mandate, which expires on March 31, 2017. The City requested the association discuss this proposal with owners and tenants in the BIA area to assess support for the renewal proposal. As requested, the association conducted outreach activities to inform businesses and property owners about the proposed renewal and to receive input.

As part of its Annual General Meeting (AGM), your BIA association notified all property owners and business tenants of a proposed resolution to renew the BIA. The proposed renewal was approved at the AGM, and the association requested the City to act on the BIA renewal application.

However, before the BIA renewal can be approved and the levy applied, the proposal must be considered by City Council. On November 29, 2016, City Council agreed to consider the BIA renewal. Council instructed City staff to write all the property owners and business tenants to verify the level of support for the BIA renewal proposal.

The attached materials provide information prepared by the BIA association which describes their renewal proposal and the services they offer. If you have questions about the proposed BIA renewal, I encourage you to contact the association at the number(s) provided in their material (enclosed).

The BIA levy is calculated based on each owner's share of the total assessed value of properties in the BIA area. The amount for each owner varies because of different assessed values. The attached Notice of Special Assessment indicates the amount which would be assessed against your property in 2017. Over the program's lifespan, it is possible that your share of the BIA budget may change. Each property owner's share will be reapportioned annually according to the assessed values determined by the BC Assessment Authority.

The Vancouver Charter provides that a BIA Initiative will not proceed if, within one month of mailing the notification, more than one-half in number of the then assessed owners, representing more than one-half of the value according to the last real-property assessment roll, of the parcels liable to be specially assessed have, in writing, given notice to the City Clerk that they object to the BIA Renewal Initiative. Further, Council's policy is to consider rejection of a BIA renewal initiative if 1/3 or more of the property owners or business tenants register objections.

After you have reviewed the material, if you support the proposed BIA renewal, you do not need to respond to this letter. However, if you wish to object, please submit your objection in the form of a letter to the City Clerk, Vancouver City Hall, 453 West 12th Avenue, Vancouver, BC, V5Y 1V4. The letter should include the writer's name and position of authority (e.g. owner or property manager), the property owner name (if different) and property information (e.g. address, folio number or legal description). Written objections against the proposal should be filed with the City Clerk *before 5pm on Friday January 20, 2017*.

Should the BIA renewal initiative be approved by City Council, your BIA association will still need to obtain approval of the program and budget from its membership on an annual basis (at its annual general meetings) before Council releases funds. If you wish further information about the City's role in the BIA renewal process, please call me at (604) 871-6304.

Yours truly,



Peter Vaisbord, BA, LLB, MA(Pln)  
Coordinator, BIA Program

453 W. 12th Ave., Vancouver, BC V5Y 1V4  
tel: 604.871.6304  
[peter.vaisbord@vancouver.ca](mailto:peter.vaisbord@vancouver.ca)

PV/pv

Enclosures



PLANNING, URBAN DESIGN AND SUSTAINABILITY  
Planning Division  
City-wide and Regional Planning

**NOTICE OF INTENTION TO RENEW A BIA**

November 30, 2016

Dear Business Owner:

I am writing to advise you that the Business Improvement Association (BIA) for your area is proposing to renew its BIA mandate as required at the end of its current term. Since many lease agreements require that BIA levies be paid by the tenants, this letter provides information about the renewal proposal, possible costs, and your opportunity to tell the City whether you do or do not support the proposed renewal. Because this letter is being hand delivered, delivery may extend beyond the proposed boundaries. Before responding, please check the attached map to confirm that your business is within the BIA area.

The City encourages Business Improvement Areas as a way for property owners and business tenants to promote business and enhance services in their area. The City collects the BIA levy as part of the property taxes and turns all of the money over to the BIA to use. The BIAs use the money for a variety of activities, such as producing advertising and business directories, providing banners and other identifying material, improving business-area appearance, and enhancing safety. The BIA money is administered by a Board of Directors. The Board is comprised of commercial property owners and business tenants who are elected by all owners and tenants in the area.

Earlier this year, your BIA association approached the City with an application to renew its BIA mandate, which expires March 31, 2017. The City requested the association discuss this proposal with owners and tenants in the BIA area to assess support for the renewal proposal. As requested, the association conducted outreach activities to inform businesses and property owners about the proposed renewal and to receive input.

As part of its Annual General Meeting (AGM), your BIA association notified all property owners and business tenants of a proposed resolution to renew the BIA. The proposed renewal was approved at the AGM, and the association requested the City to act on the BIA renewal application.

However, before the BIA renewal proposal can be approved and the levy applied, the proposal must be considered by City Council. On November 29, 2016, City Council agreed to consider the BIA renewal. Council instructed City staff to write all the property owners and business tenants to verify the level of support for the BIA renewal proposal.

The attached materials provide information prepared by the BIA association which describes their renewal proposal and the services they offer. If you have questions about the proposed BIA renewal, I encourage you to contact the association at the number(s) provided in their material (enclosed).

The amount of each property owner's levy varies because of different assessment values. City staff have mailed all property owners estimates of the proposed BIA levy. To determine how the proposed BIA levy could impact your business, I suggest that you discuss the matter with your landlord, and/or contact your BIA association.

After you have reviewed the material, if you support the proposed BIA renewal, you do not need to respond to this letter. However, if you wish to object, please submit your objection in the form of a signed letter to the City Clerk, Vancouver City Hall, 453 West 12th Avenue, Vancouver, BC, V5Y 1V4. The letter should include the writer's name and position of authority (e.g. business owner or manager), and the business name and street address. Written objections against the proposal should be filed with the City Clerk *before 5pm on Friday January 20, 2017*.

The *Vancouver Charter* provides that a BIA Initiative will not proceed if, within one month of mailing the notification, more than one-half in number of the then assessed owners, representing more than one-half of the value according to the last real-property assessment roll, of the parcels liable to be specially assessed have, in writing, given notice to the City Clerk that they object to the BIA Renewal Initiative. Further, Council's policy is to consider rejection of a BIA renewal initiative if 1/3 or more of the property owners or business tenants register objections.

Should the BIA renewal be approved by City Council, your BIA association will still need to obtain approval of the program and budget from its membership on an annual basis (at its annual general meetings) before Council releases funds. If you wish further information about the City's role in the BIA process, please call me at (604) 871-6304.

Yours truly,



Peter Vaisbord, BA, LLB, MA(Pln)  
Coordinator, BIA Program

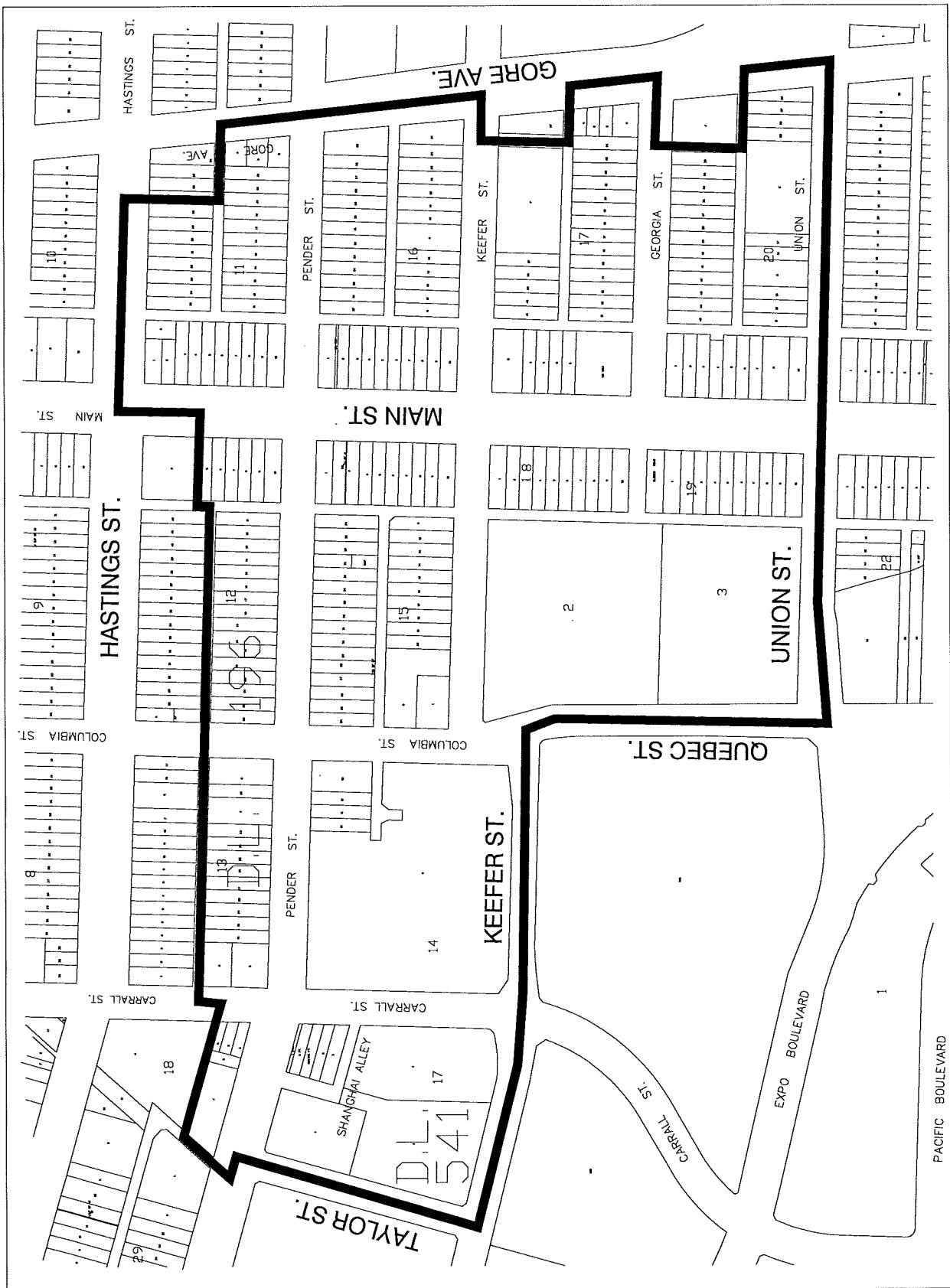
453 W. 12th Ave., Vancouver, BC V5Y 1V4  
tel: 604.871.6304  
[peter.vaisbord@vancouver.ca](mailto:peter.vaisbord@vancouver.ca)

PV/pv

Enclosures

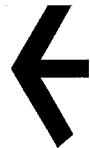
# Chinatown B.I.A.

↑  
NORTH



# **Strathcona B.I.A.**

APPENDIX D



NORTH

