



ADMINISTRATIVE REPORT

Report Date: March 1, 2013
Contact: Jane Pickering
Contact No.: 604.873.7456
RTS No.: 09986
VanRIMS No.: 08-2000-20
Meeting Date: March 13, 2013

TO: Standing Committee on Planning, Transportation and Environment
FROM: General Manager, Planning and Development
SUBJECT: Approval of BIA Renewals and Approval of 2013-14 BIA Budgets:
Dunbar Village BIA and Robson Street BIA

RECOMMENDATION

- A. THAT Council approve the application of the Dunbar Village Business Association as described in this Report, AND THAT Council instruct the Director of Legal Services, in consultation with the Director of Planning, to bring forward by-laws to re-establish the Dunbar Village BIA, establish a new funding ceiling, and to remit monies for a business promotion scheme.
- B. THAT Council approve the application of the Robson Street Business Association as described in this Report, AND THAT Council instruct the Director of Legal Services, in consultation with the Director of Planning, to bring forward by-laws to re-establish the Robson Street BIA, establish a new funding ceiling, and to remit monies for a business promotion scheme.
- C. THAT Council approve the 2013-14 fiscal year Budget for the Dunbar Village BIA as described in this Report, approve a grant to the BIA in the amount of \$155,250, AND THAT Council instruct the Director of Legal Services to bring forward the appropriate rating by-laws to recover the amount of the grant.
- D. THAT Council approve the 2013-14 fiscal year Budget for the Robson Street BIA as described in this Report, approve a grant to the BIA in the amount of \$649,240 AND THAT Council instruct the Director of Legal Services to bring forward the appropriate rating by-laws to recover the amount of the grant.

REPORT SUMMARY

This report has two purposes as follows:

1. To approve BIA Renewal applications for Dunbar Village BIA and Robson Street BIA and, subject to approval of the renewals;
2. To approve the 2013-14 Budgets for the Dunbar Village BIA and Robson Street BIA.¹

BIA Renewal Council Initiatives

For each of the two BIAs, Council must first approve re-designation (renewal) of the business improvement area before it can approve the respective budgets. The purpose of Section 1 of this report is:

- To request Council's approval for the renewal of each of two BIAs - Dunbar Village BIA and Robson Street BIA; and
- For each BIA, to instruct staff to prepare by-laws to re-establish the BIA, establish a new funding ceiling, and remit monies for a business improvement scheme.

Section 1 of this report provides background information on the BIA creation and renewal 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.

Approval of BIA Budgets

If Council approves renewal of the Dunbar Village BIA and/or Robson Street BIA, they may then consider approval of the respective BIA budgets.

The purpose of Section 2 of this report is:

- To request Council's approval of the 2013-14 budgets for the two renewing BIAs,
- To approve recoverable grants to these BIAs; and
- To instruct staff to prepare appropriate rating by-laws.

Section 2 of this report provides a summary of the two BIA budgets, as well as additional financial information from the BIAs' audited financial statements or otherwise as reported by the BIAs. Background information on BIA budgets and the budget approval process is provided in *Approval of 2013-14 Business Improvement Area (BIA) Budgets*, which deals with the budget approvals for the other 20 BIAs.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Approval of BIA Budgets

Under Section 456(1) of the Vancouver Charter, Council may by majority vote grant money to an applicant that has as one of its aims, functions, or purposes the planning and implementation of a business improvement scheme. Section 456(2) requires that all grants to the BIAs be recovered through a special tax levy on Class 5 and 6 commercial properties in the BIA area.

¹ Approval of the budgets for the other 20 BIAs are reported in *Approval of 2013-14 Business Improvement Area (BIA) Budgets* dated February 26, 2013.

BIA Renewal Council Initiatives

Vancouver Charter

Sections 455 through 463 of the Vancouver Charter make provision for the creation, renewal 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 - Dunbar Village BIA and Robson Street BIA

On November 28, 2012 (*Approval of Council Initiatives - BIA Renewals*), Council considered the following Business Improvement Area (BIA) applications:

- Dunbar Village BIA - Renewal
- Robson Street BIA - Renewal

Council approved commencement of Council Initiatives for the two BIAs, 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 RECOMMENDS approval of the foregoing.

The General Manager of Planning and Development Services RECOMMENDS approval of the foregoing.

REPORT

REPORT SECTION 1 - BIA RENEWAL COUNCIL INITIATIVES

Background/Context

Background

Before a BIA creation 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, 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 establishing (or, in the case of renewals, re-establishing) the BIA boundaries and funding ceiling be prepared.

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 9, 2012, 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, 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 January 31, 2013, to all property owners affected by the BIA applications.

Due to business turnover, and to ensure all affected business owners were notified, letters were hand delivered on or before February 1, 2013, to all businesses affected by the BIA applications.

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.

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, 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 renewal application(s) may be submitted in the form of a letter to the City Clerk, with the letter being received by 5:00pm on February 28, 2013.

The following sections provide information specific to each of the BIA Renewal Initiatives, including notification data for the application, and a tabulation of objections received as of 5:00pm February 28, 2013.

If objections or counter-petitions arrive after the submission deadline, 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.

Representatives from the applicants will attend to respond to questions from Council.

DUNBAR VILLAGE BIA RENEWAL APPLICATION: Analysis and Results

Application to Re-establish (Renew) BIA

On November 28, 2012, Council considered an application by the Dunbar Village Business Association (DVBA) to commence a Council Initiative to re-establish (renew) the Dunbar Village BIA (Appendix A). 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 \$118 to \$22,913 annually, depending upon the assessed value of the property. No properties will have a levy under \$100, about 80 properties will have a levy between \$100 and \$1,000, and 40 properties will be charged over \$1,000 annually.

As the BIA levy will be based on the 2013 property assessment, the actual BIA levies may differ slightly from the estimates provided in the City’s notification, which was based on the 2012 assessment.

Notification

Individually addressed letters (Appendix B) were mailed, postmarked on or before January 31, 2013, to 94 property owners, owning 122 legal parcels located within the BIA area. No letters were returned undeliverable. Letters (Appendix C) were hand delivered to all 211 businesses within the BIA area.

Letters of Opposition

The table below shows the shows the letters of objection, by number and assessed value, received as of 5pm, February 28, 2013. 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.

Objection Categories	Needed to defeat BIA under Council 1/3 policy (1/3 = 33.33%)	Letters of opposition as of February 28, 2013	
		#	% of total
# of property owners*	31	3	3.2 %
# of assessed properties*	41	3	2.5 %
total assessed value	\$78,601,933	\$629,700	0.3 %
OR # of business tenants	70	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 February 28, 2013, neither the number of business tenants, nor the number and assessed value of properties /property owners is sufficient to defeat the proposed BIA renewal. However, should Council receive, on March 13, 2013, a petition or delegations indicating additional opposition, then these would need to be assessed against the one-third guideline. If this is the case, Council may wish to defer decision and have staff calculate the level of opposition.

ROBSON STREET BIA RENEWAL APPLICATION: Analysis and Results

Application to Re-establish (Renew) BIA

On November 28, 2012, Council considered an application by the Robson Street Business Association (RSBA) to commence a Council Initiative to re-establish (renew) the Robson Street BIA (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 \$654 to \$66,204 annually, depending upon the assessed value of the property. No properties will have a levy under \$100, about 5 properties will have a levy between \$100 and \$1,000, and 50 properties will be charged over \$1,000 annually.

As the BIA levy will be based on the 2013 property assessment, the actual BIA levies may differ slightly from the estimates provided in the City’s notification, which was based on the 2012 assessment.

Notification

Individually addressed letters (Appendix E) were mailed, postmarked on or before January 31, 2013, to 38 property owners, owning 55 legal parcels located within the BIA area. No letters were returned undeliverable. Letters (Appendix F) were hand delivered to all 169 businesses within the BIA area.

Letters of Opposition

The table below shows the shows the letters of objection, by number and assessed value, received as of 5pm, February 28, 2013. 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.

Objection Categories	Needed to defeat BIA under Council 1/3 policy (1/3 = 33.33%)	Letters of opposition as of February 28, 2013	
		#	% of total
# of property owners*	13	2	5.3 %
# of assessed properties*	18	9	16.4 %
total assessed value	\$289,303,167	\$21,800,800	2.5 %
OR # of business tenants	56	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 February 28, 2013, neither the number of business tenants, nor the number and assessed value of properties /property owners is sufficient to defeat the proposed BIA renewal. However, should Council receive, on March 13, 2013, a petition or delegations indicating additional opposition, then these would need to be assessed against the one-third guideline. If this is the case, Council may wish to defer decision and have staff calculate the level of opposition.

REPORT SECTION 2 - APPROVAL OF BIA BUDGETS

Strategic Analysis

BIA Budgets Analysis

DUNBAR VILLAGE BIA BUDGET FOR 2013-2014

The Dunbar Village Business Association (DVBA) has submitted the following business promotion scheme and budget for Council’s approval and has requested a recoverable grant of

\$155,250² for 2013-14 (4.5% increase above 2012-13). The business promotion scheme and budget was approved by the majority of members present at a general meeting held on June 20, 2012, and reapproved at a special general meeting for BIA renewal on October 4, 2012.

REVENUE

a.	Grant Request (BIA Levy)	\$155,250	
b.	Surplus (Contingency) Carried Forward	<u>5,000</u>	
	TOTAL		\$160,250

EXPENDITURES

a.	Marketing & Promotion; Street Festivals/Events, Advertising	\$62,950	
b.	Beautification; Banners, Baskets/Gardening, Art, Seas. Lights	48,300	
c.	Administration; Staffing, Office Exp., Operations	44,000	
d.	Contingency	<u>5,000</u>	
	TOTAL		\$160,250

Further details of the proposed budget are provided in Appendix G. This is the first year of the DVBA's second five-year mandate.

Additional Financial Information (2011-12 prior year end)

The DVBA reported a positive 2011-12 year-end balance in the amount of \$96,185 (BIA fund), and a balanced operating budget. The balance includes the April disbursement for the 2012-13 fiscal year which was received in fiscal 2011-12 prior to year end. A portion of the balance represents 'HST Receivables' rather than unspent income, i.e. HST rebates from 2008-2012 that have not yet been received.

ROBSON STREET BIA BUSINESS PROMOTION SCHEME AND BUDGET 2013-2014

The Robson Street Business Association (RSBA) has submitted the following business promotion scheme and budget for Council's approval and has requested a recoverable grant of \$649,240³ for 2013-14 (40% increase over 2012-13). The business promotion scheme and budget was approved by the majority of members present at the annual general meeting held on September 24, 2012.

REVENUE

a.	Grant Request (BIA Levy)	\$649,240	
b.	Projected interest	<u>500</u>	
	TOTAL		\$649,740

² Grant for 2012-13 fiscal year was \$148,500. The modest increase for 2013-14 was contemplated in the DVBA renewal proposal and funding ceiling approved by Council, and reflects the BIA's intention to attain funding sufficient to accomplish BIA goals and aspirations.

³ Grant for 2012-13 fiscal year was \$462,343. The increase for 2013-14 was contemplated in the RSBA renewal proposal and funding ceiling approved by Council, and reflects the BIA's intention to attain funding sufficient to accomplish BIA goals and aspirations.

EXPENDITURES

a.	Marketing & Promotion; Social Media	\$100,000	
b.	Safety & Security	126,500	
c.	Street Enhancement - Banners, Baskets, Lighting; Cleaning	282,000	
d.	Office & Administration, Office Rent, Wages & Benefits	120,000	
e.	Comm. Relations; Newsletters, Vending Permits, Fair Tax	8,500	
f.	Contingency	<u>12,740</u>	
	TOTAL		<u>\$649,740</u>

Details of the budget are attached as Appendix H. This is the first year of the RSBA's fifth renewal mandate (five year term).

Additional Financial Information (2011-12 prior year end)

The RSBA reported a positive 2011-12 year-end balance of \$41,014 after a budget deficit of \$4,994. The deficit was a result of minor overspending on various items with board direction to expend the available fund balance if needed. The remaining balance was earmarked for a major decorative lighting project that the RSBA hopes to implement in fiscal 2013-14.

Implications/Related Issues/Risk (if applicable)

Financial

A comparison of the Dunbar Village and Robson Street BIAs' 2012-13 and 2013-14 budgets is provided in Appendix I. BIA members (commercial property owners and business tenants) approve the BIAs' budgets by vote at Annual General Meetings. As BIA levies average only about 4.7 percent of Class 5 and 6 property owners' commercial property tax bill, the overall impact on their tax bills is relatively small. To date, very few concerns have been registered about BIA budgets and the corresponding BIA tax levies in their areas.

Should Council approve the BIA budgets and rating by-laws prepared for Council's enactment, these funds will be advanced to the BIA societies in April and recovered through the 2013 property taxes. There is no net impact to the 2013 operating budget.

CONCLUSION

The Dunbar Village BIA and the Robson Street BIA must be renewed by Council in order to continue operation. If Council renews the two BIAs, their 2013-14 budgets must be approved before they can receive funding. This report contains recommendations to accomplish both purposes.

BIA Renewals

As of February 28, 2013, very few objections had been received in response to notifications for the Dunbar Village or Robson Street BIA renewals; therefore, this report recommends approval the two BIA renewals.

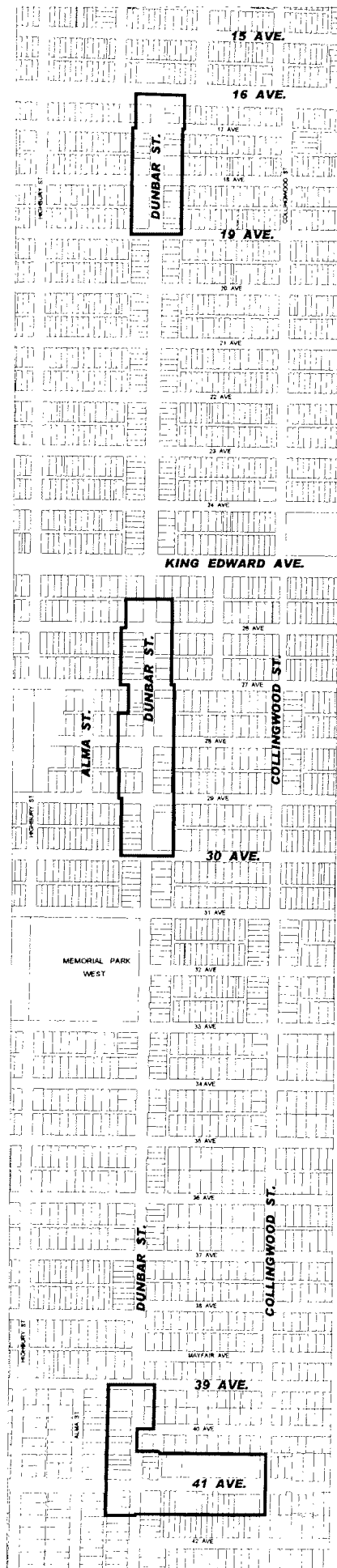
However, in the event Council receives a petition or delegations indicating additional opposition, Council may wish to defer decision pending a determination of whether or not the objections reflect one-third of the assessed property value.

BIA Budgets

Appendix I compares both of the 2013-14 BIA budgets with their corresponding budgets from 2012-13. The Dunbar Village BIA is proposing a 4.5% budget increase for 2013-14. The Robson Street BIA proposes a budget increase of 40%. In the case of BIAs seeking a renewed term, larger budget increases are fairly typical, as BIA boards move to implement new or enhanced programs identified by their members during renewal outreach and planning. The Robson Street BIA's proposed increase was contemplated in the BIA's renewal proposal and funding ceiling approved by the BIA members at its annual general meeting and reflects the BIA's intention to attain funding sufficient to accomplish BIA goals and aspirations.

The budgets of both BIAs were approved by the BIA memberships at their annual general meetings, and the proposed Business Promotion Schemes are in keeping with the spirit of the BIA legislation. The BIAs have complied with the requirements set out in the City's BIA Grant Allocation By-law and the City's BIA Operational Guidelines (Appendices J and K). The City has received the BIAs' 2011-12 audited financial statements. This report recommends approval of the 2013-2014 BIA budgets as submitted.

* * * * *



Dunbar Village B.I.A.



**NOTICE OF INTENTION TO RENEW DUNBAR VILLAGE BIA
REVISED NOTIFICATION***

** REVISED NOTIFICATION: PLEASE DISREGARD THE PREVIOUS NOTIFICATION DATED NOVEMBER 28, 2012, WHICH CONTAINS A CLERICAL ERROR REGARDING YOUR ESTIMATED BIA LEVY IN 2013. THE ATTACHED SPECIAL ASSESSMENT NOTIFICATION PROVIDES THE CORRECT LEVY AMOUNT AND THE DATE & TIME FOR THE COURT OF REVISION. THIS LETTER PROVIDES INFORMATION ABOUT THE PROPOSED BIA RENEWAL INITIATIVE AND INSTRUCTIONS FOR FILING OBJECTIONS.*

January 31, 2013

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.

In 2012, the Dunbar Village Business Association (DVBA) approached the City with an application to renew its BIA mandate, which expires on March 31, 2013. 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 Special General Meeting (SGM), the Dunbar Village Business Association notified all property owners and business tenants of a proposed resolution to renew the BIA. The proposed renewal was approved at the SGM, 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 28, 2012, 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 DVBA 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 commercial 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 2013. 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 initiative, 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 (eg. owner or property manager), the property owner name (if different) and property information (eg. address, folio number or legal description). Written objections against the proposal should be filed with the City Clerk before 5pm on Thursday, February 28, 2013.**

Should the BIA renewal initiative be approved by City Council, DVBA 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
Coordinator, BIA Program
peter.vaisbord@vancouver.ca
Phone: 604.871.6304

Enclosures



PLANNING & DEVELOPMENT SERVICES
City-Wide & Regional Planning
BIA Program

**NOTICE OF INTENTION TO RENEW DUNBAR VILLAGE BIA
REVISED NOTIFICATION***

** REVISED NOTIFICATION: PLEASE DISREGARD THE PREVIOUS NOTIFICATION DATED NOVEMBER 28, 2012, WHICH CONTAINED A CLERICAL ERROR. THIS LETTER PROVIDES A NEW DEADLINE FOR OBJECTIONS TO THE PROPOSED BIA RENEWAL INITIATIVE.*

January 31, 2013

Dear Business Owner:

I am writing to advise you that the Dunbar Village Business Association (DVBA) 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.

In 2012, the Dunbar Village Business Association approached the City with an application to renew its BIA mandate, which expires March 31, 2013. 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 Special General Meeting (SGM), the Dunbar Village Business Association notified all property owners and business tenants of a proposed resolution to renew the BIA. The proposed renewal was approved at the SGM, 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 28, 2012, 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 DVBA 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 DVBA.

After you have reviewed the material, if you support the proposed BIA renewal initiative, 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 Thursday February 28, 2013*.

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.

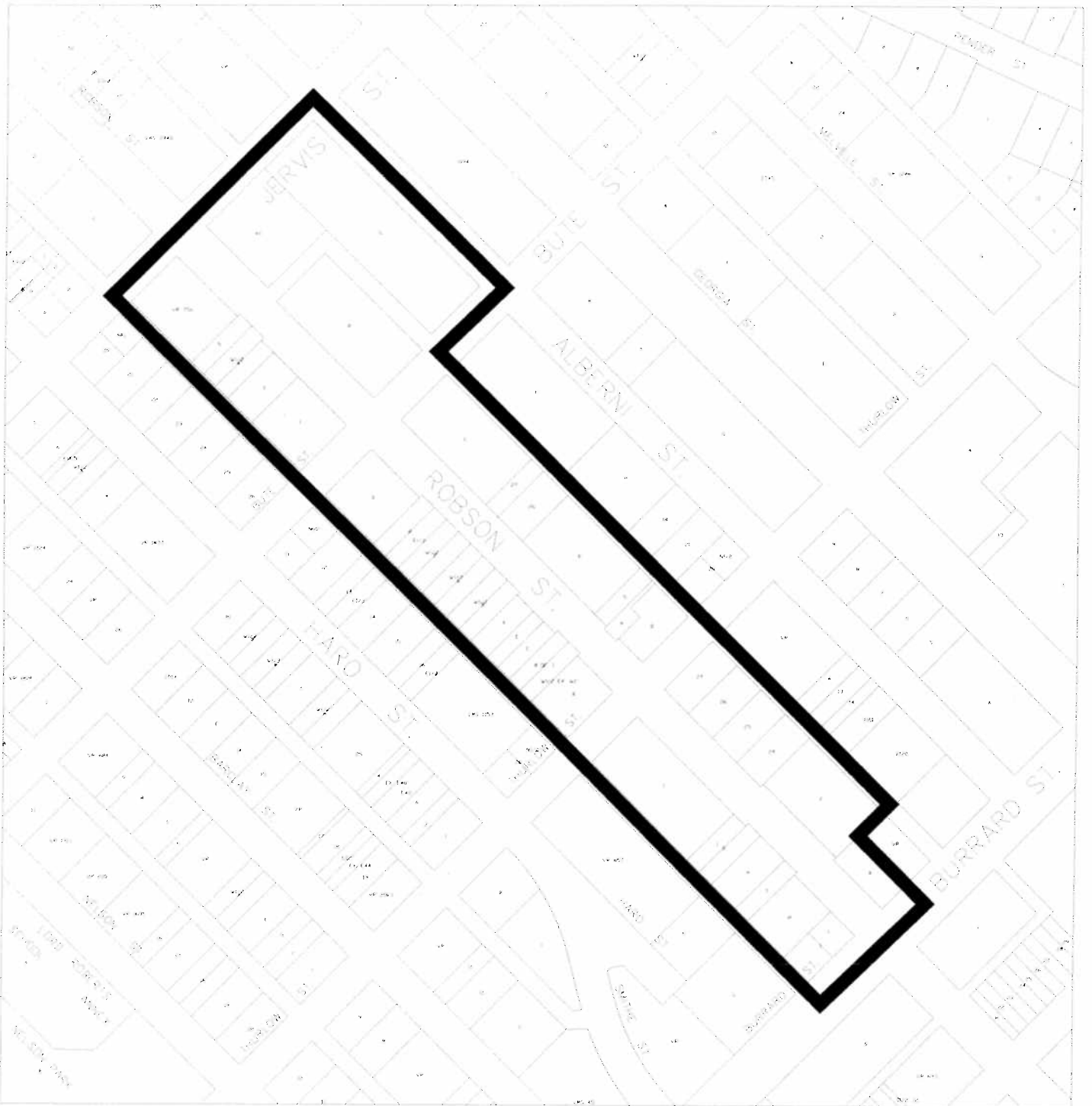
Should the BIA renewal be approved by City Council, DVBA will still need to obtain approval of the program and budget from its membership on an annual basis (at its annual general meetings) before Council releases funds. If you wish further information about the City's role in the BIA process, please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

Yours truly,



Peter Vaisbord
Coordinator, BIA Program
peter.vaisbord@vancouver.ca
Phone: 604.871.6304

Enclosures



Robson Street B.I.A.





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January 31, 2013

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.

In 2012, the Robson Street Business Association (RSBA) approached the City with an application to renew its BIA mandate, which expires on March 31, 2013. 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), the Robson Street Business 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 28, 2012, 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 RSBA 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 commercial 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 2013. 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 initiative, 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 (eg. owner or property manager), the property owner name (if different) and property information (eg. address, folio number or legal description). Written objections against the proposal should be filed with the City Clerk before 5pm on Thursday February 28, 2013.

Should the BIA renewal initiative be approved by City Council, RSBA 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
Coordinator, BIA Program
peter.vaisbord@vancouver.ca
Phone: 604.871.6304

Enclosures



**NOTICE OF INTENTION TO RENEW ROBSON STREET BIA
REVISED NOTIFICATION***

** REVISED NOTIFICATION: PLEASE DISREGARD THE PREVIOUS NOTIFICATION DATED NOVEMBER 28, 2012, WHICH CONTAINED A CLERICAL ERROR. THIS LETTER PROVIDES A NEW DEADLINE FOR OBJECTIONS TO THE PROPOSED BIA RENEWAL INITIATIVE.*

January 31, 2013

Dear Business Owner:

I am writing to advise you that the Robson Street Business Association (RSBA) 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.

In 2012, the Robson Street Business Association approached the City with an application to renew its BIA mandate, which expires March 31, 2013. 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), the Robson Street Business 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 28, 2012, 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 RSBA 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).

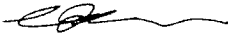
The amount of each property owner's levy varies because of different assessment values. City staff have mailed all property owners estimates of the proposed BIA levy. To determine how the proposed BIA levy could impact your business, I suggest that you discuss the matter with your landlord, and/or contact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

After you have reviewed the material, if you support the proposed BIA renewal initiative, 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 Thursday February 28, 2013.**

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, RSBA 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
Coordinator, BIA Program
peter.vaisbord@vancouver.ca
Phone: 604.871.6304

Enclosures

Dunbar Village Business Association

Budget 2013-14

Revenue

BIA Levy transferred from the City	\$	155,250	
Contingency - Carried over from previous year	\$	5,000	
Carryover from previous year	\$	-	
Total Revenue			\$ 160,250

Expenses

Street Beautification

Banners	\$	10,000	
Hanging Flower Baskets/Streetscape Gardening	\$	16,300	
Public Art Program	\$	10,000	
Seasonal Lighting Maintenance, Storage, Restoration	\$	12,000	
Streetscape Total			\$ 48,300

Marketing & Promotion

Co-op Advertising & Dunbar Life Magazine	\$	10,000	
Consulting Services & Strategic Planning	\$	1,000	
Graphic Design	\$	3,000	
Newsletter & Communication Materials	\$	1,000	
Part-Time Labour for Events & Special Projects	\$	2,200	
Partnerships & Special Projects	\$	5,000	
Street Entertainment & Special Events & Promo Items	\$	38,750	
Website Maintenance	\$	2,000	
Marketing & Promotion Total			\$ 62,950

Administration & Member Communication

Accounting & Audit	\$	3,500	
AGM	\$	1,000	
Dues, Filing Fees, Meetings & Board	\$	1,000	
Dues, Subscriptions, Board Meetings, Filing Fees	\$	2,000	
Insurance	\$	2,500	
Management Fees - Part Time	\$	30,000	
Printing, Copying, Postage	\$	1,000	
Storage Rental	\$	2,000	
Telephone & Fax	\$	1,000	
Administration Total			\$ 44,000

Total Expenses	\$	155,250	
Contingency	\$	5,000	
			\$ 160,250

Robson Street Business Association

2013-2014 BUDGET

Revenue	
BIA Levy	649,240
Interest	500
Grants	-
Total	649,740
<hr/>	
Expenditure	
Marketing & Promotion	
Social Media and Marketing	100,000
Subtotal: Marketing & Promotion	100,000
<hr/>	
Street Enhancement	
Banners	25,000
Cleaning - Custodian	25,000
Cleaning - Supplies	500
Cleaning - Power Washing	30,000
Power - Street Lighting	6,500
Tree Mini Lights	45,000
Pole-Mounted Lights (Holiday)	90,000
Hanging Flower Baskets	20,000
Traffic Count	25,000
Snow Removal	15,000
Subtotal: Street Enhancement	282,000
<hr/>	
Community Relations	
Security	126,500
Newsletters	1,000
Vending Permits	2,500
Fair Tax Coalition	5,000
Subtotal: Community Relations	135,000
<hr/>	
Administration	
Legal	-
Equipment	5,000
Computer	1,000
Audit & Accounting	5,500
Bank Charges	200
Office Rent	17,000
Parking	200
Telephone, Fax & Internet	3,500
Office/General	100
Wages & Benefits	65,000
Renewal	-
Insurance	4,500
Amortization	-
Board Meetings & AGM	7,000
Conferences - BIABC	1,000
Education	500
Membership Dues	500
Postage & Courier	500
Supplies	1,500
Temps/Secretarial	2,000
Employer Expense (Admin Only)	5,000
Subtotal: Administration	120,000
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Total Budget (Before Contingency)	637,000
Contingency	12,740
<hr/>	
Total Budget	649,740

Year over Year BIA Budget Comparison

BIA Name	2012-2013	2013-2014	% change
Dunbar Village	\$148,500	\$155,250	4.5%
Robson Street	\$462,343	\$649,240	40.0%
TOTAL	\$610,843	\$804,490	31.7%

BY-LAW NO. _____

**A By-law to Grant Money for a Business Promotion Scheme
in the _____ Business Improvement Area**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. The name of this By-law, for citation, is the “_____ BIA Grant Allocation By-law”.
2. In this By-law:

“Director” means the city’s Director of Finance;

“grant money” means any money granted to the Association by Council under section 3; and

“Association” means the _____ Association.
3. Subject to the _____ BIA Designation By-Law, the terms and conditions set out in this By-law, and Council’s approval of the budget referred to in section 5, Council, by annual resolution, may grant money to the Association at such times and in such proportions as Council determines.
4. The Association may spend the grant money only to encourage, promote, and develop business in, and to improve the economics and welfare of, the area designated under the _____ BIA Designation By-law including studies, reports, management, and administration necessary to implement the business promotion scheme.
5. On or before December 31 of each year or as otherwise determined by the Director, the Association must submit to the Director a budget, based on a fiscal year commencing April 1, which contains information sufficient in detail to describe all anticipated expenses and revenues, and which the Association has approved in accordance with the requirements of its constitution and by-laws.
6. At least every three months after Council approves the budget, the Association must submit to the Director a statement of revenues and expenditures.
7. On or before September 30 of each year, the Association must cause its auditor to deliver to the Director the Association’s audited financial statements including a balance sheet, a statement of revenue and expenditures, a statement of change in financial position, and a schedule of change in financial reserves.
8. The Association must keep grant money in a separate account, and must cause the revenue and expenditures resulting from use of that separate account to be an audited schedule to the financial statements and reported separately as required by section 6.

9. The Association must not borrow if the result is an indebtedness or other obligation as to grant money which extends beyond the fiscal year in which Council approved the grant.
10. The Association must permit the Director, or Director's designate, during normal business hours on reasonable notice, to inspect all financial records the Director deems advisable to verify and obtain further particulars of budgets and financial statements of the Association as they relate to grant money.
11. The Association may invest any grant money not required for immediate use but must do so only in securities in which trustees are authorized by law to invest.
12. The Association must carry comprehensive general liability insurance of at least \$2,000,000.00 which includes the city as an additional named insured, and contains a cross coverage provision and an endorsement to give the Director 30 days' notice of change to or cancellation of the policy.
13. The Association must give notice of every general meeting at least 14 days before the date scheduled for the meeting if delivered by hand or transmitted via facsimile or electronic mail, or 21 days by any other means to the Director; to all persons who own class 5 or class 6 properties, as described in section 459 of the *Vancouver Charter*, to their address as ascertained from the most recent assessment rolls for the City of Vancouver; and to all persons who lease class 5 or class 6 properties and from which they carry on a business, to their address as determined by directories, visual inspection or any other information system.
14. If the Association alters its constitution or by-laws without first giving the Director 60 days' notice and obtaining approval from the Director, the city may withhold payment of further grant money.
15. The Association must comply with the requirements under this By-law at its own expense.
16. This By-law is to come into force and take effect on *[date]*, and is to expire and have no further force or effect after *[date]*.

ENACTED by Council this _____ day of _____, 20__

Mayor

City Clerk

BIA OPERATIONAL GUIDELINES

In addition to the terms and conditions outlined in the Grant Allocation By-law the Director of Finance recommends that funding be contingent upon the Director being satisfied that the BIA Societies are complying with seven guidelines described herein.

The general intent of the guidelines is to ensure: that each BIA Management is representative of the community; that all persons eligible to be a BIA member are notified of general meetings; and that their ability to vote on the annual budgets is not restricted.

These operational guidelines were not incorporated into the City's by-laws because they may need to be changed as more experience is gained with business improvement areas. The guidelines are as follows:

- A. Copies of all minutes shall be provided to the Director of Finance within 30 days of general meetings and director's meetings.
- B. Should a Society choose to charge an annual membership fee, in addition to the BIA levy, that fee shall not exceed \$5.00.
- C. The quorum for a general meeting shall be fifteen members.
- D. BIA members can be either (class 5 or 6) owners or tenants. In order that the views of both types of BIA members are represented, the Board of Management shall consist of both property owners and business owners who are eligible to be members.
- E. A declaration, stating that all persons eligible to be BIA members were notified of a general meeting, shall be sent to the Director of Finance not less than 7 days prior to the date scheduled for a general meeting.
- F. AGM Notice should include:
 - a detailed new budget so it can be reviewed before the AGM;
 - a list of nominees for the Board;
 - financial statements.
- G. Guidelines for bidding practices
 - Common law rule indicates that a director is disqualified from voting on any question in which he or she has a personal or pecuniary interest distinct from that of the inhabitants generally. In addition, directors are expected to disclose any disqualifying interest.
 - Three bids, closed envelopes, no post mortem undercutting.
 - Clear identical descriptions of jobs provided to all bidders.