

REPORT

Office of the Chief Administrative Officer

To: Mayor Johnstone and Members of Council
Date: October 16, 2023

From: Lisa Spitale,
Chief Administrative Officer
File:

Item #: 2023-660

**Subject: Uptown Business Association Business Improvement Association
Renewal: 2024 – 2028**

RECOMMENDATION

THAT renewal of the Uptown Business Improvement Area by Council initiative, at the request of the Uptown Business Association, be commenced;

THAT Uptown Business Improvement Area Bylaw No. 8424, 2023 be forwarded for Council's consideration of three readings; and

THAT staff be directed to proceed with the notice requirements under the *Community Charter*.

PURPOSE

To initiate the renewal of the Uptown Business Improvement Area under the initiative plan as defined in the *Community Charter*.

BACKGROUND

A business improvement area (BIA) is a local service area established by a municipal council where business and light industry property owners finance, through a municipal grant and local service property tax scheme, activities to promote business.

The *Community Charter section 215* provides the authority for a municipality to create a Business Improvement Area (BIA) by bylaw, and establishes the rules for the establishment and operation of such an area. A municipal council can only grant money

for a business improvement area that has as one of its aims the planning and implementation of a business promotion scheme. Business promotion activities in a business improvement area are financed by the municipal grant.

The business promotion scheme must include one or more of the following:

- Carrying out studies or developing reports
- Improving, beautifying or maintaining streets, sidewalks or municipally-owned land, buildings or other structures
- Removing graffiti from buildings and other structures
- Conserving heritage property
- And generally encouraging business

Before a business improvement area can be established or renewed, the property owners in the area must indicate whether they favour or oppose its establishment/renewal. Generally, this is accomplished by Council initiative - subject to petition against, whereby Council initiates the establishment or renewal of a business improvement area by providing an opportunity for a petition against the proposed service tax. Council must give notice of a petition against in accordance with the *Community Charter* and by mailing notice to affected property owners that would be subject to the local service tax. Unless Council receives a sufficient petition against within 30 days, it can proceed. The threshold for sufficient petition against is 50 percent of parcels that would be subject to the local area tax and those persons must be the owners of parcels that in total represent at least 50 percent of the assessed value of land and improvements that would be subject to the local service tax.

EXISTING POLICY AND PRACTICE

New Westminster has two BIA’s, one in the Downtown commercial area and the other in the Uptown commercial area. The Uptown Business Association was established in 2013, for a five year period, and then renewed in 2018 for another five year period, ending in 2023. The Uptown Business Improvement Association (BIA) has been broadly supported during past renewal processes.

- The 2013 establishment recorded 4 of 50 properties opposed (8%), equal to 2% of assessed value opposed
- The 2018 renewal recorded 3 of 49 properties opposed (6%), equal to 1% of assessed value opposed

Past Council policy has been to support the Uptown BIA process when requested to do so. It is therefore recommended that the process be initiated for proposed renewal of the BIA in 2023 for a further five year term commencing in 2024.

DISCUSSION

The Uptown Business Association of New Westminster (UBA) is a not-for-profit society

incorporated on October 15, 2013 under the *Society Act* of British Columbia. The constitution of the society states its purpose to be:

- a. To promote business in the uptown area of New Westminster, British Columbia;
- b. To receive donations, gifts, funds and property from all sources and to hold and invest such funds and property and to administer and distribute such funds and property for the purposes of the Society;
- c. To develop sources of income as may from time to time be appropriate; and
- d. To do all such other things as are incidental and ancillary to the attainment of the foregoing purposes and the exercise of the powers of the Society.

At the September 18, 2023 Uptown Business Association board meeting, the membership passed a resolution to request a five-year renewal term for the Uptown Business Improvement Area, based on four program pillars: Street Beautification, Street Activation, Promotion and Marketing and Outreach. **Attachment 1** includes the formal request by the Uptown Business Association for Council to initiate the process along with their mandate and business promotion scheme for renewal. In summary, the request includes the following parameters:

Term: 5 Years

Area: Fifth Avenue to the south, Eighth Avenue to the north, Fifth Street to the east and Eighth Street to the west. The area remains the same as the 2018 established boundaries.

Annual Levy:

Year	Amount
2024	\$150,000
2025	\$154,000
2026	\$158,000
2027	\$162,000
2028	\$166,000

The parameters of the renewal have been included in **Attachment 2**, Uptown Business Improvement Area Bylaw No. 8424, 2023, for Council’s consideration.

Renewal Process

The process of renewal under the initiative plan is reasonably intensive and is summarized by the following steps:

Activity	Target Date
1 BIA establishing bylaw delineating area and establishing dollar amount for each year, given 3 readings, not adopted until after the report on sufficiency of petition against.	Oct. 16, 2023
2 Mailing of notice to all affected property owners per last revised assessment roll and first notice provided via City Pages email per Public Notice Bylaw of intention to establish BIA for a four year period commencing January 1, 2024.	Oct. 19, 2023

Activity		Target Date
3	Second notice provided via posting to Library notice boards per Public Notice Bylaw. Property owners have 30 days from the date of this notice to respond in the negative (petition against).	Oct. 20, 2023
4	Documentation of responses by property owners (report on sufficiency of petition against) by City Clerk. The petition against must be signed by property owners representing at least 50% of the number of property owners and 50% of the assessed values in the designated areas in order to be successful.	Nov. 20, 2023
5	BIA establishing bylaw adopted if petition against is not successful.	Dec. 11, 2023
6	Council bylaw directing staff to prepare BIA Assessment Roll and set time of Assessment Roll Review Panel.	Spring 2024
7	Parcel Tax Roll Review Panel advertised, and detailed notices mailed to all property owners.	Spring 2024
8	Review Panel held to confirm Parcel tax Roll.	Spring 2024
9	Local Service Parcel Tax bylaws prepared and adopted.	Spring 2024
10	Levy calculated and billed with normal property tax notices.	Spring 2024

FINANCIAL IMPLICATIONS

Annual BIA budgets are funded through a local area service property tax on business and light industry properties (BC Assessment Class 5 and Class 6 properties) within the boundaries established by the BIA bylaw. Through that tax, the grant provided by the municipality for the business promotion schemes of the business improvement area is recovered. Since BIAs are funded through a special property levy on commercial properties within the designated BIA boundaries, there are no financial implications to the City of New Westminster.

INTERDEPARTMENTAL LIAISON

This report has been prepared by Office of the CAO and Finance Department staff.

OPTIONS

The following options are presented for Council's consideration:

1. THAT renewal of the Uptown Business Improvement Area by Council initiative, at the request of the Uptown Business Association, be commenced;

 THAT Uptown Business Improvement Area Bylaw No. 8424, 2023 be forwarded for Council's consideration of three readings; and

 THAT staff be directed to proceed with the notice requirements under the *Community Charter*.

2. That Council provide staff with alternative direction.

Staff recommends Option 1.

ATTACHMENTS

Attachment 1: Uptown Business Association BIA Renewal Letter Sept. 19, 2023

Attachment 2: Uptown Business Improvement Area Bylaw No. 8424, 2023

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