



**Office of the Chief Administrative Officer**

<b>To:</b>	Mayor Cote and Members of Council	<b>Date:</b>	February 28, 2022
<b>From:</b>	Jacque Killawee City Clerk	<b>File:</b>	05.1035.10
		<b>Item #:</b>	2022-142
<b>Subject:</b>	<b>Renewal of Downtown New Westminster Business Improvement Areas – Results from Notification of Affected Property Owners</b>		

## RECOMMENDATION

That the report dated February 28, 2022, regarding the results from the notification of property owners affected by the renewal for the Downtown New Westminster Business Improvement Areas (Primary and Secondary) be received for information.

That Council approve the Downtown New Westminster Business Improvement Area (Primary Area) Bylaw No. 8288, 2021 and Downtown New Westminster Business Improvement Area (Secondary Area) Bylaw No. 8289, 2021 for adoption.

## PURPOSE

To report on the results of the Downtown BIA renewal process and seek Council's approval of the related bylaws.

### STATEMENT OF SUFFICIENCY

*In accordance with Section 212 (4) of the Community Charter, the City Clerk has determined that written opposition to the initiative plan for the renewal of the Downtown New Westminster Business Improvement Areas (Primary and Secondary) from property owners liable to be specially charged for both areas is insufficient to prevent Council from proceeding with the plan.*

## **SUMMARY**

The Downtown New Westminster Business Improvement Society requested Council by letter dated September 22, 2021 (Attachment 1) to proceed with the renewal of the Primary and Secondary Downtown Business Improvement Areas (BIA) for a four year term, as the previous four-year term expired on December 31, 2021. On October 4, Council gave first, second and third reading to Downtown New Westminster Business Improvement Area (Primary Area) Bylaw No. 8288, 2021 [A bylaw to establish a Business Improvement Area Service] and Downtown New Westminster Business Improvement Area (Secondary Area) Bylaw No. 8289, 2021 [A Bylaw to designate a Business Improvement Area Service]. Third reading of these bylaws was subsequently repealed, the bylaws were amended, and Council gave third reading as amended on December 13, 2021.

Prior to submission of these bylaws to Council for final consideration, the *Community Charter* requirements for proper notification of the initiative plan to affected property owners and an opportunity for property owners to provide written opposition to the plan must be met.

## **BACKGROUND**

In 1989 Council designated, by bylaw, two business improvement areas in downtown New Westminster and renewed the areas again in 1992, 1997, 2002, 2007, and 2017. The four year term for the Downtown New Westminster Business Improvement Areas (Primary and Secondary) expired on December 21, 2021. The Downtown Business Improvement Society has requested Council renew the BIA for a four year term under the same conditions, and would therefore be renewable again in the year 2025.

The purpose of the business promotion schemes for the areas is for:

- a) the encouragement of business in the Business Improvement Area in order to complement and expand the present business mix;
- b) the strengthening of businesses in the Business Improvement Area by undertaking beautification projects and promotional initiatives including special events and by advertising and promoting existing businesses;
- c) the carrying out of research and the preparation of reports including measures to enhance the economic vitality of the Business Improvement Area; and
- d) the improvement, beautification or maintenance of streets, sidewalks or municipally-owned land, buildings or structures in the Business Improvement Area.

In accordance with the Community Charter, Section 213, in order for Council to proceed with the renewal of the initiative plan for the Downtown New Westminster Business Improvement Areas (Primary and Secondary) affected property owners must first be given an opportunity to respond. Notices were published in the local paper (January 6

and 13, 2022) (Attachment 2) and individualized notices were sent to affected property owners (Attachment 3a and 3b). Property owners were given one month to submit written opposition to the initiative plan. The deadline for receiving submissions was February 14 at 4:30 p.m.

Section 212 of the Community Charter requires that a work for which notice is given in accordance with Section 213 may be undertaken as a local improvement **unless**, within one month after second publication of the notice (January 13, 2022), **property owners, representing at least 50% of the value of the parcels** that are liable to be specially charged, petition the Council **not** to proceed.

Section 212 of the Community Charter requires that the sufficiency of a petition is to be determined by the municipal officer assigned responsibility for corporate administration (the City Clerk). The City Clerk must verify whether submissions of opposition are made in accordance with Section 213 of the Community Charter, and whether they constitute property owners representing at least 50% of the assessed value of the affected properties. If there is a determination of sufficiency, it must be evidenced by a certificate of the City Clerk.

## **ANALYSIS**

In accordance with Section 212 of the *Community Charter*, the following information is provided for Council's consideration:

### **A. Bylaw No. 8288, 2021 (Primary Area)**

Number of Properties in BIA (Primary Area)	124
Number of Property Owners Opposed	0

According to the above results, the petition in opposition to the initiative plan for the Primary Area is certified as **insufficient** and Council **may** proceed with consideration of final adoption of Bylaw No.8288, 2021.

### **B. Bylaw No. 8289, 2021 (Secondary Area)**

Number of Properties in BIA (Secondary Area)	127
Number of Property Owners Opposed	2
Percentage of Properties Opposed	1.6%
Total Assessed Values (2021)	\$290,924,904
Total Assessed Values Opposed	\$6,035,000
Percentage of Assessed Value Opposed	2.1%

The list of properties who oppose the initiative plan is provided in Attachment 4. According to the above results, the petition in opposition to the initiative plan for the

Secondary Area is certified as **insufficient** and Council **may** proceed with consideration of final adoption of Bylaw No.8289, 2021.

### **FINANCIAL IMPLICATIONS**

There are no financial implications of this decision.

### **OPTIONS**

The results from the petition in opposition to the initiative plan for the Primary and Secondary Areas of the BIA have been certified as **insufficient**, therefore Council has the following options available to them:

1. That the report dated February 28, 2022 regarding the results from the notification of property owners affected by renewal of the Downtown New Westminster Business Improvement Areas (Primary and Secondary) be received for information;
2. That Council approve the Downtown New Westminster Business Improvement Area (Primary Area) Bylaw No. 8288, 2021 and Downtown New Westminster Business Improvement Area (Secondary Area) Bylaw No. 8289, 2021 for adoption.
3. That Council instruct staff not to proceed with adoption of Bylaws No. 8288, 2021 and 8289, 2021 and provide alternate direction.

Staff recommend Options 1 and 2.

### **ATTACHMENTS**

- Attachment 1: Letter from Downtown New Westminster Business Improvement Society dated September 22, 2021
- Attachment 2: Copy of notice published in the January 6 and 13, 2022 editions of the Record newspaper
- Attachment 3a: Sample notification letter sent to the property owners of the parcels liable to be specially charged for the Primary Area
- Attachment 3b: Sample notification letter sent to the property owners of the parcels liable to be specially charged for the Secondary Area
- Attachment 4: List of property owners opposed to the renewal of initiative plan for the Secondary Area

**APPROVALS**

This report was prepared by:

Jacque Killawee, City Clerk

This report was approved by:

Jacque Killawee, City Clerk

Lisa Spitale, Chief Administrative Officer