

Community Services Report to
SPC on Community and Protective Services
2019 September 11

ISC: UNRESTRICTED
CPS2019-1037

Establishment of the Crescent Heights Village Business Improvement Area

EXECUTIVE SUMMARY

On 2019 March 29 City Administration received a request to establish a Business Improvement Area (BIA), to be called the Crescent Heights Village BIA. The request meets the legislative requirements of the Business Improvement Area Regulation, AR 93/2016 (the Regulation). A petition opposing the request was submitted on 2019 June 13 by business owners within the proposed BIA. The petition was declared to be not sufficient.

As the request for establishment of a BIA has met legislative requirements and the petition is not sufficient, Administration is recommending that Council consider approving this request to establish the BIA. Administration has prepared the proposed wording for a bylaw for the establishment of the Crescent Heights Village BIA for Council's consideration.

ADMINISTRATION RECOMMENDATION:

That the Standing Policy Committee on Community and Protective Services recommend that Council:

1. Approve the establishment of the Crescent Heights Village Business Improvement Area as outlined (Attachment 1);
2. Give three readings to a proposed Bylaw to establish the Crescent Heights Village Business Improvement Area (Attachment 2); and
3. Appoint, by resolution, the individuals listed in Attachment 3 as the interim Crescent Heights Village Business Improvement Area board until an Annual General Meeting is held and board members are approved by Council by Q1 2020.

RECOMMENDATION OF THE STANDING POLICY COMMITTEE ON COMMUNITY AND PROTECTIVE SERVICES, DATED 2019 SEPTEMBER 11:

That Council:

1. Approve the establishment of the Crescent Heights Village Business Improvement Area as outlined (Attachment 1);
2. Give three readings to the proposed **Bylaw 32M2019** to establish the Crescent Heights Village Business Improvement Area (**Attachment 2**); and
3. Appoint, by resolution, the individuals listed in Attachment 3 as the interim Crescent Heights Village Business Improvement Area board until an Annual General Meeting is held and board members are approved by Council by Q1 2020

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PREVIOUS COUNCIL DIRECTION / POLICY

On 2014 November 3 Council adopted PFC2014-0760 Business Revitalization Zones 2015-2018 Business Plan, which identifies the growth of new BIAs (formerly known as Business Revitalization Zones or BRZs) as a key outcome.

BACKGROUND

In 1983 June, the Government of Alberta amended the *Municipal Government Act* Alberta (MGA) to empower municipalities to enact a bylaw to establish a Business Improvement Area (BIA). Council's authority to establish a BIA is found in sections 50 to 52 of the MGA, and Sections 2 to 6 of the Business Improvement Area Regulation AR 93/2016 (the Regulation). The MGA sets out the purposes of the BIA, to: improve, beautify and maintain property in the area; develop, improve and maintain public parking; and promote the areas as a business or shopping district. The bylaw establishes a board to govern the BIA, and the board members are appointed by Council.

BIA operations are funded through a tax paid by all taxable businesses in the BIA and collected from business operators. The tax enables the business owners to collectively fund activities to promote and improve the economic vitality of their area for purposes set out in the MGA. Calgary currently has 12 BIAs, established between 1984 and 2017.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The businesses in support of the proposed BIA seek to work together to administer an organization that will improve and promote business in the community, and revitalize the distinct cultural and societal diversity in the community. The proposed initiatives fall within section 50 of the MGA.

Engagement with local businesses that would be included in the new BIA occurred from fall 2018 up to the time of writing of this report. Business owners and local community members created a brochure about the proposed BIA in both English and Chinese and presented it in-person to business owners. Business owners were invited to an information session with presentations from three established BIAs, and The City of Calgary Main Streets team, Green Line team members and BIA Partnership Coordinator. Four pop-up events were also held on 2018 November 28, 2018 December 5, 2018 December 9 and 2019 January 14 at local businesses. Attachment 4 has further details about the request to establish a BIA, and engagement activities.

Administration assessed the request to establish a Crescent Heights Village Business Improvement Area for compliance with sections 3(1) and (2) of the Regulation. The Regulation requires the request be signed by at least 25 per cent of the businesses that would be liable to pay the BIA tax if the BIA were established. The request submitted included valid signatures from 41 of the 112 businesses, which amounts to 36.6 per cent of the businesses in the proposed BIA. On 2018 April 18, City Clerk's mailed a notice of request letter to every business in the proposed area that would be a taxable business if an area was established as required under Section 3(3) of the Regulation.

Pursuant to the Regulation, a petition objecting to the establishment of a BIA may be submitted. A petition was received by The City on 2019 June 13 objecting to the establishment of the Crescent Heights Village Business Improvement Area. The petition was reviewed by

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Administration to determine whether it met the legislative requirements. The number of businesses eligible to sign the petition was 112 and there was a total of 26 valid signatures to the petition, totalling 23.2 per cent of the businesses within the proposed BIA. As the petition did not meet the 50 per cent threshold required by the Regulation, it was declared insufficient. On 2019 June 28 a letter was sent by Administration to the individual that submitted the petition informing them that the petition was deemed to be insufficient under the requirements of the Regulation.

Stakeholder Engagement, Research and Communication

Administration provided information and assistance to both the organizers of the request to establish the BIA, and organizers of the petition opposing the establishment of the BIA.

Both those wanting to establish the Crescent Heights Village BIA and those opposing the establishment of the BIA have been notified via email by Administration that this report will be brought forward at the 2019 September 11 Standing Policy Committee on Community & Protective Services and September 30 Combined Council meetings.

Strategic Alignment

BIAs encompass networks of businesses that support *Calgary in the New Economy: An Economic Strategy for Calgary*, more specifically the Business Environment Area of Focus, through activities that support local economic development, placemaking and revitalization. Their activities also contribute to the *Cultural Plan for Calgary* and Tourism Calgary's *Destination Strategy*. BIA's located in the downtown contribute to implementation of The City's Downtown Strategy.

The BRZ/BIA 2015-2018 Business Plan identifies the growth of new BIAs as a key outcome.

Social, Environmental, Economic (External)

BIAs provide an opportunity to promote Calgary, support economic activity and neighbourhood revitalization. Under *One Calgary*, Administration's support for BIAs are included within the Economic Development and Tourism line of service. BIA's support the implementation of *Calgary in the New Economy: An economic strategy for Calgary*, The City of Calgary's Downtown Strategy, the *Cultural Plan for Calgary*, Centre City Plan and the *Resilient Calgary Strategy*.

BIA board members are local business community volunteers appointed by Council under the terms of The City's bylaw that established the BIA. The board is responsible for addressing the needs of the defined area as identified by the business owners that are liable to pay the BIA tax.

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Financial Capacity

Current and Future Operating Budget:

There are no operating budget implications associated with this report. The revenue paid by taxpayers in the BIA will be transferred directly to the interim and then established BIA board.

Current and Future Capital Budget:

There are no capital budget implications as a result of this report.

Risk Assessment

The request to establish the proposed BIA and the petition were reviewed for compliance with the MGA and the Regulation. The legislation was reviewed to determine Council's obligation to consider the request and Council's authority to pass a bylaw to establish the BIA.

While the request meets the legislative requirements to form a BIA, the lack of complete consensus among the potential BIA taxpayers is evidenced by the filing of a petition. Under Section 226(3) of the MGA, Council is not required to take any notice of a petition that is not sufficient, however, Council may still consider both the support and the opposition to the BIA when deciding whether to pass a bylaw to establish the proposed BIA.

The proposed boundary of the BIA does not infringe on any of the 12 currently established BIA boundaries. Members of the BIA request to establishment group have met with the Chinatown BIA Executive Director to discuss any potential joint opportunities, as appropriate, should the BIA be established.

REASON(S) FOR RECOMMENDATION(S):

The request to establish the Crescent Heights Village BIA meets the legislative requirements. The petition submitted opposing the BIA establishment was not sufficient. When a petition is not sufficient, the BIA regulation requires Council to consider the request.

BIAs are a defined geographical area that come together to improve said area. Under the MGA, the purposes of a BIA are to improve, beautify and maintain property in the area; develop, improve and maintain public parking; and promote the areas as a business or shopping district. Administration has prepared a bylaw to establish the proposed BIA.

ATTACHMENT(S)

1. Attachment 1 – Proposed Crescent Heights Village Business Improvement Area (BIA) map
2. Attachment 2 – **Proposed Bylaw 32M2019**
3. Attachment 3 – Proposed interim Crescent Heights Village BIA board
4. Attachment 4 – Documents relating to Crescent Heights Village BIA proposal