

Existing Beltline Community Investment Fund Terms of Reference

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1 INTRODUCTION

1.1 BACKGROUND

The Beltline Area Redevelopment Plan (approved 2006 May 15, Bylaw 2P2006) allows for the earning of bonus density through cash contributions to a community investment fund, the Beltline Community Investment Fund (BCIF). The Fund was created in conjunction with the density bonusing policies outlined in the Beltline Area Redevelopment Plan and implemented through the Land Use Bylaw 1P2007. At the discretion of the Approving Authority, any development desiring to utilise the density bonus provisions of the Land Use Bylaw is eligible to make a contribution to the BCIF. The collected monies facilitate and finance improvements to the public realm in the Beltline community.

With adoption of the ARP on 2006 May 15 Council determined that the following projects were eligible for BCIF funding, or that cash contributions for bonusing be directed to these projects:

- Central Memorial Park Redevelopment¹;
- 11th Avenue SW streetscape improvements;
- 12th Avenue SE streetscape improvements;
- 17th Avenue Urban Design Strategy Implementation;
- 13th Avenue Greenway Design and Development.

1.2 STATUS

Since 2006 May, The City has been accepting contributions to the Beltline Community Investment Fund as part of the density bonusing system for development permit applications within the Beltline.

1.3 PURPOSE

The purpose of this document is to define the Terms of Reference of the Beltline Community Investment Fund.

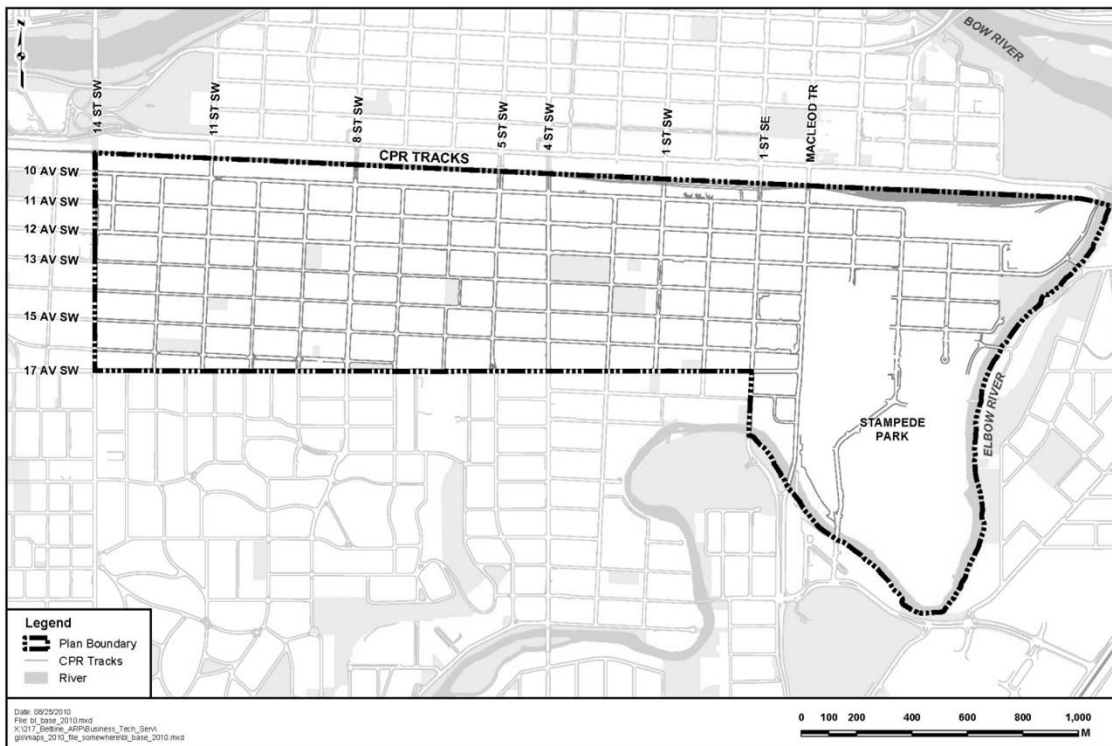
¹ Redevelopment of Central Memorial Park was completed in 2010.

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2 TERMS OF REFERENCE

2.1 AREA OF APPLICABILITY

The regulations of the BCIF apply in the Beltline area as defined in the Beltline Area Redevelopment Plan (see Map 1 below).



Map 1: Beltline Area Boundary

2.2 PURPOSE OF THE BELTLINE COMMUNITY INVESTMENT FUND

As development intensity within the Beltline increases, increased demands are placed on the public realm. Elements such as public parks and open spaces, sidewalks, lanes and roads are impacted by the additional residents and users of the area. In order to support both existing and future residents with a quality public environment, inclusive of additional or improved parks and open space and enhanced existing spaces and facilities, funding will be needed for these elements. Upgrading the public environment will ensure vibrancy, promote local initiatives and guarantee that the Beltline is a more attractive residential and business location now, as well as in the future.

The BCIF will be used for projects within the Beltline related to public realm improvements, including, but not limited to: public open space design, redevelopment, enhancement or acquisition; streetscape design and upgrading; improvements within City rights-of-way; implementation of urban design strategies and public art on public

land. (see also Section 2.6) Projects to be funded in whole or in part with the BCIF should, where required, be included within the appropriate business unit's approved Capital Budget. Where possible, projects will be funded through multiple sources, including mill rate support, or other public or private funding sources.

2.3 TYPE OF FUND

The BCIF is an interest-bearing capital deposit fund administered by the Land Use Planning and Policy Business Unit of the City of Calgary. The regulations of The City of Calgary's capital financing program apply to it.

2.4 ACCEPTANCE OF THESE TERMS

By applying for, and accepting, a development permit utilising the density bonus instrument through a contribution to the BCIF, the applicant accepts these Terms of Reference.

2.5 ADMINISTRATION

2.5.1 Administrative Committee

The BCIF's Administrative Committee must at all times be fully aware of the development priorities and policies as developed by The City's business units and as directed by Council. Intimate knowledge of the planning context of the Beltline Community from the perspective of the development industry and community association is equally important. Achieving a high level of interdisciplinary integration is furthermore key to ensuring BCIF monies are allocated most effectively.

In light of this, the BCIF shall be managed by an Administrative Committee that will be chaired by the Manager of Centre City Planning and Implementation of Land Use Planning and Policy (LUPP). The Committee shall be composed of a representative from each of the following City business units and key stakeholder groups:

1. Chair: Manager of Centre City Planning and Implementation, LUPP;
2. Centre City Implementation, LUPP;
3. Transportation;
4. Parks;
5. Beltline Community Association;
6. A representative from the development industry, as appointed by Urban Development Institute (UDI);
7. Two representatives of the Business Revitalization Zones in the Beltline;
8. Ward Alderman.

The composition of the Committee is intended to ensure that the Administrative Committee is fully aware of any proposed projects in City business planning units that have the most direct bearing on the public realm, while also incorporating knowledge of the priorities of the community and industry.

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2.5.2 Appointment to the Committee

The three City representatives shall be appointed by their respective business units. The three stakeholder representatives shall be appointed by their respective organizations. It is at the respective organizations' discretion to determine the appropriate method for selecting their representatives.

2.5.3 Term of Committee Members

The term of Chair of the Committee shall be for so long as the person holds the position of the Manager Centre City Planning and Implementation, LUPP. The terms of the Administrative Committee members representing City business units shall be determined by the respective business units. The term of the Administrative Committee members representing the public stakeholders shall be determined by their respective organizations.

2.5.4 Committee Responsibilities

The Committee is responsible for:

- Consultation with business units and community stakeholders;
- Reviewing applications for funding;
- Recommending projects for funding through the BCIF for Council's approval;
- Funding decisions up to an amount of \$75,000.00 total per project;
- Financial oversight of the BCIF;
- Monitoring of projects; and
- Reporting to Council.

2.5.5 Administrative Committee Meetings

The Committee should strive to meet once per quarter year, or as deemed necessary by the members, to discuss ongoing and planned developments, relevant issues and possible public realm improvement projects and to examine potential project opportunities. In the event that a member cannot attend a meeting in person, he/she may appoint a delegate to attend in his/her stead. Written minutes of the meetings shall be kept.

The Chair should strive to set the meeting dates and venues such that all members can attend. Meetings should be announced 10 work days in advance.

The Committee shall determine its meeting protocols and method of decision making.

2.5.6 Project Decisions and Recommendations to City Council

The Administrative Committee will decide by majority vote which projects it shall approve for funding and/or recommend to Council for funding approval. In the event of a tie, the proposal shall be considered defeated.

2.5.7 Dialogue with Business Units

The Administrative Committee must be well aware of various business units' planning activities, such as those of Transportation, Roads, Transit, etc. in order to ensure public realm development activities occur in an integrated, comprehensive and mutually supportive manner. Dialogue with the other business units will be managed by the LUPP Administrative Staff as required. Dialogue may occur by inviting representatives of business units or other stakeholders to the Committee meetings.

Therefore, the Administrative Staff should consult with other business units as required on ongoing and planned projects and potential unit priorities and constraints. The business units' recommendations should be taken into consideration by the Committee when it compiles the list of Strategic Projects for the BCIF and determines fund allocations. In so doing, the Committee must ensure that the BCIF is not used to substitute City budgets where these can and should be used to finance a project.

2.5.8 Administrative Staff

The daily operation of the Fund and support to the Administrative Committee will be undertaken by staff of the Land Use Planning and Policy business unit. The Administrative Staff is responsible for:

- Supporting the Administrative Committee;
- Liaising with business units and key stakeholder groups;
- Allocation of funds to receiving projects;
- Financial tracking of Fund monies;
- Monitoring of projects and development;
- Reporting to the Administrative Committee; and
- Organisational matters of committee meetings, e.g. minutes.

2.6 ELIGIBLE PROJECTS

2.6.1 Public Realm Improvement Projects

The BCIF is to be used for projects on public lands or within public rights-of-way within the Beltline related to public realm improvements, including but not limited to:

- Public open space design, redevelopment or enhancement;
- Streetscape design and improvements;
- Implementation of urban design strategies and public art on public land; and
- Public open space acquisition.

Projects to be funded in whole or in part by the BCIF should, where required, be included within the approved capital budget. Where possible, projects will be funded through multiple sources, including mill rate support.

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2.6.2 Other Projects

Although the BCIF is primarily to be used for capital projects, it is also vital that the BCIF be employed to not only create the public spaces or public realm enhancements, but to also plan for their development. Therefore, eligible projects may also include design competitions, conceptual design studies, consultancy services and financial contributions to other City budgets or departments to support sustainable development and enhancement measures in the community. Fund contributions may also be used to leverage larger contributions from third parties, i.e. grant monies, or seed monies. Collaboration with other City business units on joint projects is encouraged. Operation and maintenance costs shall not be funded through the BCIF.

2.6.3 Location and Selection of Projects

The BCIF may support projects in all areas of the Beltline as defined in the Beltline Area Redevelopment Plan. Efforts should be made to distribute funds equally in all of the area's four communities. Contributors may not place terms on their contributions to the BCIF, e.g. for a specific project, a geographic location, or suggest a project at the time of contribution. Recommendation of projects and allocation of monies shall occur in accordance with the approved Strategic Project list and at the discretion of the Committee. However, the Administrative Committee should endeavour to identify potential investment projects that can be undertaken in a timely manner, ideally such that their implementation coincides with, or precedes, completion of the higher-density development.

2.7 APPLICATION PROCESS

2.7.1 Requirements

To be considered for funding through the BCIF a project must be submitted to the Administrative Committee for review. This applies both to projects that are initiated by City business units as well as projects proposed by external, community stakeholders. It is at the discretion of the Administrative Committee to determine the information required for the application; however, as a guideline, applications should include the following:

- A description of the project;
- An explanation of the project's benefit to the public realm and alignment with relevant City policies and plans;
- A description of the necessary works required, i.e. text, maps, sketches, drawings, schedules; and
- A work schedule/project overview and cost estimate/quote verifying that the proposed project budget is feasible.

The Administrative Committee may also invite applicants to attend a Committee meeting to discuss the proposal or provide a presentation of its contents.

The Administrative Committee, with support from the Administrative Staff, will review the documents and may consult with City business units that may be affected by, or involved in, the project.

2.7.2 Timelines

Applications should be submitted to the Administrative Staff at latest 4 weeks prior to a scheduled Committee meeting. The Committee will strive to complete its assessment and make its decision known to the applicant in a timely manner.

2.8 FUND ALLOCATION

2.8.1 Allocation Principles

With the purpose of the BCIF being to advance public realm improvements as development densities increase, the objective is to support implementation in such a manner that the positive effects of the funded projects are achieved prior to, or upon completion of, the higher densities. The completion of projects directly associated with a contributing project's higher density development will, however, not always be feasible or may require extended lead-in times. Furthermore, supported projects can have a beneficial effect on the community even though they are in no direct spatial or chronological relation to the contributing project.

In light of this, and with a view toward ensuring that collected monies are employed in a timely manner, eligible projects shall be differentiated into two categories, reflecting the scale and projected implementation timeframes of the projects:

1. Strategic Projects: significant, large and/or long-term projects with projected completion periods exceeding twenty-four months; and
2. Rapid Improvement and Community Projects: to be completed within twenty-four months.

The differentiation is intended to ensure that improvement projects are ongoing in the community and visible to both the general public and to the contributing developers. Rapid Improvement Projects ensure collected monies are invested in improvements to the public realm and are not held for indefinite periods in the BCIF without allocation. The Strategic Projects category enables the collection of funds over prolonged periods. It enables the BCIF to support large-scale, strategic projects that may require a number of years until implementation can commence, or that may have to be developed in phases.

2.8.2 Strategic Projects

Thirty per cent of contributed monies to the BCIF should generally be reserved for Strategic Projects. Over time these projects will be completed and new investment projects for the BCIF will be required to continue enhancing the public realm of the Beltline Community.

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With Council's approval of the BCIF on 2006 May 15 the following, large-scale and long-term projects were approved as eligible for BCIF funding:

- Central Memorial Park Redevelopment²;
- 11th Avenue SW streetscape improvements;
- 12th Avenue SE streetscape improvements;
- 17th Avenue Urban Design Strategy Implementation; and
- 13th Avenue Greenway Design and Development.

In addition, BCIF funds have been allocated to the Volunteer Way Study project. The Administrative Committee will monitor progress of these projects, and support them as possible with BCIF funding.

On a regular basis, the Administrative Committee will compile a list of recommended Strategic Projects, which shall be funded either entirely, or in part, by BCIF monies. The projects shall contribute to the improvement of the public realm in the Beltline Community and support the vision, goals and development principles as stated in the Area Redevelopment Plan and the Centre City Plan. Guidance for the inclusion of projects on the Strategic Project List shall be found in the Centre City Plan, the Beltline Area Redevelopment Plan, the 17 Avenue SW Urban Design Strategy, public improvement projects deemed necessary, and any other plans or policies addressing the public realm in the Beltline that may be developed over time.

2.8.3 Rapid Improvement and Community Projects

To further advance timely improvements to the public realm, seventy per cent of each contribution to the Fund should either be reserved for allocation to projects initiated by The City (Rapid Improvement Projects) or projects that have been proposed by the community (Community Projects). These projects should have a projected completion date within twenty-four months. This facilitates undertaking local public realm improvements when opportunities arise in the form of Rapid Improvement Projects or ancillary projects, e.g. landscaping measures, infrastructure enhancements, street furniture purchases, etc.

A significant factor toward achieving and maintaining thriving, attractive urban communities is that the local population has a sense of place and takes ownership of its environment. Projects initiated by the community, supported and either fully or partially undertaken with participation by the community can be very effective in this regard.

Such Community Projects should occur on lands that are publicly owned, have a projected completion date within twenty-four months and must have received approval from The City business unit responsible for the site. To ensure that proposals for Community Projects have the community's support, they must be brought forward to the

² Note: Redevelopment of Central Memorial Park was completed in 2010.

Administrative Committee through the Community Association or Business Revitalization Zone (BRZ) and cannot be submitted to the Administrative Committee by individual persons or groups. The Administrative Committee may determine a deadline by which it must receive proposals in order for them to be included in the allocation decisions for the following planning period.

2.8.4 Business Unit Approval for Rapid Improvement and Community Projects

Rapid Improvement and Community Projects must be properly aligned with the work programs and operating procedures of the business units responsible for the works, e.g. Parks, Roads. It must be ensured that safety and operational standards are maintained and that all works and employed materials meet the City's or other applicable standards. Therefore, the level of involvement of community members in the execution of the projects and the use of materials sourced by the community shall be at the discretion of these business units. The business units may prohibit the direct participation of persons not employed by The City and/or decline the use of certain materials and methods if they do not meet established City standards. In such an event, business units are encouraged to consider incorporating the Community Project into their work plans or the Administrative Committee should re-evaluate whether the project can be funded through the BCIF.

2.8.5 Allocation Approval Authority

To facilitate operation of the Fund, the Administrative Committee shall have the authority to decide upon projects and allocate funds to a total amount of \$75,000.00 per individual Rapid Improvement or Community Project without previous approval by Council. This supports the timely allocation of funds and the implementation of these as illustrated above.

All Strategic Projects and allocations to receiving projects that exceed \$75,000 in total per project must be approved by Council and must be identified in the relevant City business unit's Capital Budget.

2.9 PAYMENT AGREEMENT

The development permit grants specific development rights in the form of additional Floor Area Ratio above the base density when density bonusing is applied. The calculated financial contribution shall be paid in full at the time of release of the development permit. Once a development permit is released, a contribution will not be refunded to the contributor.

2.10 CONTRIBUTION CALCULATION

Contributions to the BCIF are calculated during the development permit approval process. The method of calculation is established in the Beltline Area Redevelopment Plan.

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The amount of contribution is calculated based on the Average Land Value (ALV) per square metre of buildable floor area as approved by Council multiplied by the proposed amount of bonus space.

Contribution = Average Land Value (\$) x proposed amount of bonused floor area (m²).

The contribution amount represents what the developer would, on average, have to pay for the additional land within the Beltline necessary to support the additional floor area. The Average Land Value is approved by Council and updated on a regular basis. LUPP shall apply the Average Land Value applicable at the time the application for development permit is received by The City.

2.11 HANDLING OF MONIES

2.11.1 Deposit Fund

Contributions to the BCIF shall be deposited into a liability account of the Land Use Planning and Policy Business Unit of the City of Calgary. Unless stated otherwise in the following, The City's regulations and guidelines pertaining to interest-bearing funds apply to the BCIF.

2.11.2 Interest

Accrued interest will be allocated to the BCIF.

2.11.3 Accounting

Received funds should generally be assigned upon receipt to the Fund's two project categories as follows:

- Thirty per cent of any contribution to the Fund should be assigned for allocation to Strategic Projects;
- Seventy per cent should be assigned for allocation to Rapid Improvement and Community Projects.

Accounting of the funds occurs internally through the Administrative Staff, which tracks the liabilities against the balance in the deposit fund. Staff will keep a schedule for the commitments, received funds and non-allocated monies. When the decision has been made to allocate funds to a specific project, the Administrative Staff and the manager of the receiving project shall establish a payment schedule. The Administrative Staff will place liabilities against the required funds as per the payment schedule. This ensures that the monies are properly reserved for the project. It may also be required in order for the receiving project to meet potential grant eligibility requirements.

2.11.4 Payment of Funds to Receiving Projects

Upon authorization from the Administrative Committee Chair, allocated monies from the deposit fund will be transferred through journal to the receiving project. This can entail either the entire funding amount or incremental amounts until the full allocation has been

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achieved. Payments should be made upon completion of the agreed upon works or project stages.

2.11.5 Minimum Balance

The Fund is to be used to improve the public realm in conjunction with increased densities. As such, funds should be allocated to projects as deemed appropriate by Council and the Administrative Committee. Therefore, there is no minimum balance requirement for the BCIF fund.

2.11.6 Refund of Contributions

The contribution to the BCIF is a condition of the development permit and is non-refundable. It is at the contributor's discretion to use the BCIF rather than utilising other bonusing options, or to remain within the base density allowed in the Land Use Bylaw. Therefore, the contribution to the Fund is a voluntary decision on the part of the developer for the purpose of receiving floor area above the base density.

Developers who wish to avail themselves of a density bonus through a contribution to the Beltline Community Investment Reserve Fund pursuant to Part 11, Section 1203(f) of the Land Use Bylaw are asked to sign the following acknowledgement:

That the Developer acknowledges that the contribution to the Beltline Community Investment Reserve Fund is being made on an entirely voluntary basis and is non-refundable and is not to be credited against the payment of development charges or other fees and charges that the City may impose in respect of the development site. The City shall not be liable to account to the Developer for any payments made by the Developer to the BCIF. Upon payment being made by the Developer, the City shall retain the whole of the sum of \$_____ as the consideration for the density bonus approved within DP _____.

2.11.7 Cancellation and Delay of Funded Projects

In the event that a BCIF-funded project is cancelled, the Administrative Committee, with the Chair's approval, will remove the liability placed against the Fund and make the funds available for other projects.

If a BCIF-funded project is substantially delayed, i.e. by more than two years, or put on hold indefinitely, the Administrative Staff shall consult with the project manager to determine how long the liability against the allocated funds will be maintained.

Over time, The City's strategic priorities may change. Therefore, at its discretion Council may rescind its approval for previously approved Strategic Projects if a payment schedule has not been established with the receiving project.

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2.12 MONITORING

2.12.1 Regular Monitoring Report

The Administrative Committee will report to Council on the status of the BCIF, list of Strategic Projects, implemented projects, allocated funds and any changes proposed to the contribution calculation method or applicable Average Land Value on a regular basis. The Administrative Committee will determine the report intervals and format of the report and the report may be contained within other regular or annual reports. An overview of the status and activities of the BCIF should also be included in the Beltline Community Monitoring Report.

2.12.2 Project Accountability

At its discretion, the Administrative Committee may require that a project account for its expenditures. If the expenditure does not comply with the project contents and terms agreed upon, the Administrative Committee may refuse payment of the allocated funds.

2.13 LIFESPAN OF THE BCIF

Cities and their communities are dynamic organisms that grow and change over time. The public realm must be maintained, modified and enhanced in step with the community as it grows and changes. The BCIF and these Terms of Reference remain in effect until such time as Council decides their termination.

2.14 REVIEW AND AMENDMENTS

The successfulness of the processes defined in these terms should be monitored for the first three years of their implementation. After three years, the terms should be reviewed and either confirmed or amended as required.

Amendments to the Terms of Reference shall be reviewed by the Administrative Committee and must be approved by Council to become effective.

2.15 EFFECTIVE DATE

These Terms of Reference are effective on the date that they are adopted by Council.