

Sunalta Community Investment Fund Terms of Reference

1. INTRODUCTION

1.1 BACKGROUND

The Sunalta Area Redevelopment Plan (ARP) allows for the earning of bonus density through cash contributions to a community enhancement fund, the Sunalta Community Investment Fund (SCIF).

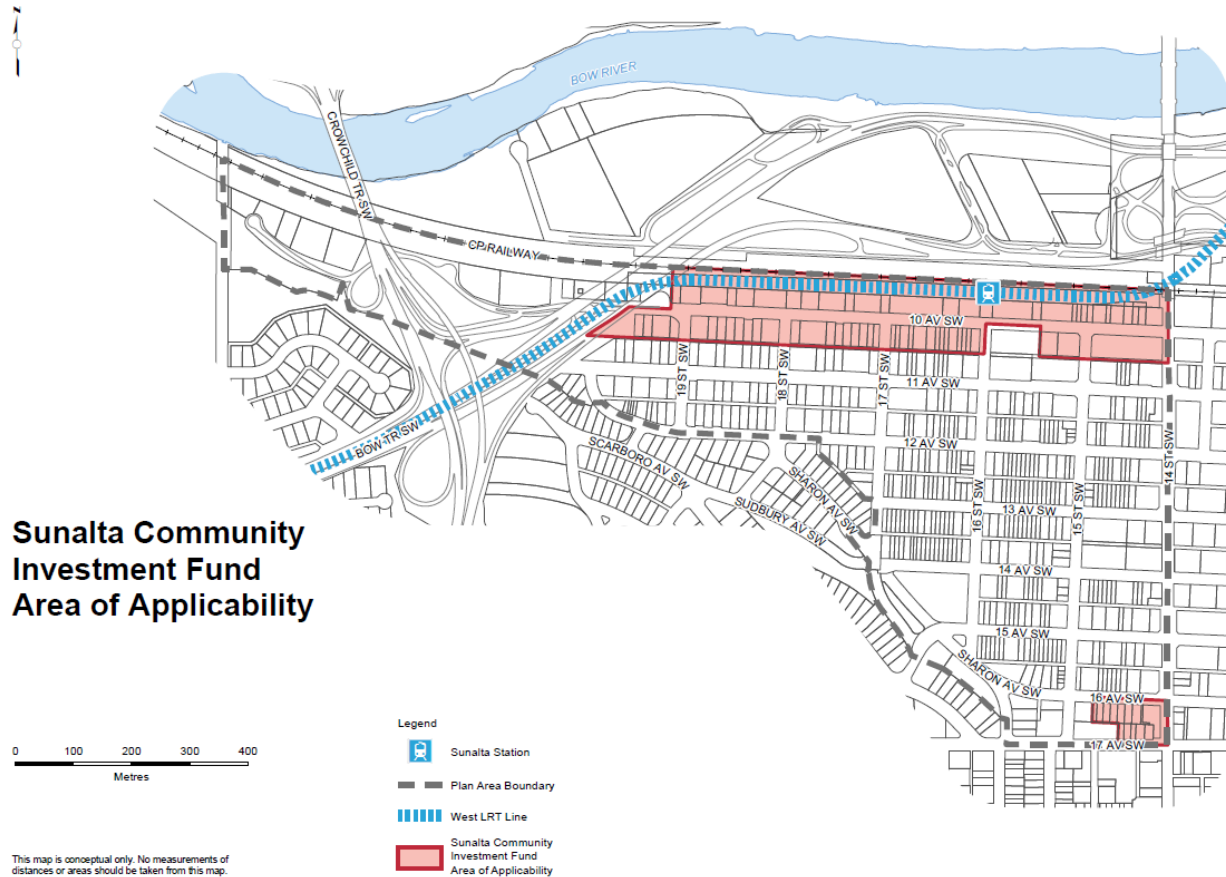
1.2 PURPOSE

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

2. TERMS OF REFERENCE

2.1 AREA OF APPLICABILITY

Contributions to the SCIF may be made in the Mixed Land Use Area, as defined in the Sunalta ARP (see figure 1), as well as the 17 Avenue SW and 14 Street SW Gateway Mixed Use Development area.



2.2 AREA OF IMPLEMENTATION

SCIF funds may be expended to implement projects within the entire community of Sunalta as defined by the Sunalta ARP.

2.3 SUNALTA COMMUNITY INVESTMENT FUND

The purpose of the SCIF is to implement improvement projects and provide public amenities that benefit the community within the ARP boundary. As development intensity within Sunalta increases, increased pressures are placed on the public realm. Elements such as public parks, open spaces, and sidewalks 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 funding will be needed for these elements. Upgrading the public environment will ensure continued vibrancy and enhance Sunalta as a more attractive residential and business location now and into the future.

The City of Calgary has an incentive density system in Sunalta that applies to two areas: the Mixed Land Use Area, and the 17 Avenue SW and 14 Street SW Gateway area. This system provides for the approval of additional development density in exchange for community amenities or public benefits. The intent of the policy is to achieve denser residential or commercial development in locations where additional residential or commercial floor space is desirable, while generating public benefits and amenities that achieve the objectives set out in the Municipal Development Plan (MDP) and local policy.

The SCIF will be used for projects within Sunalta related to public improvements, including but not limited to: community facilities; public open space design, redevelopment, enhancement or acquisition; streetscape design and upgrading; improvements within City rights-of-way; and implementation of urban design strategies and public art on public land. Projects to be funded in whole or in part by the SCIF should, where required, be included within the appropriate business unit's Capital Budget. Where possible, projects will be funded through multiple sources, including mill rate support, or other public or private funding sources.

2.4 TYPE OF FUND

The SCIF is an interest-bearing capital deposit fund administered by the Community Planning (CP) Business Unit of the City of Calgary. The regulations of The City of Calgary's capital financing program apply to the fund.

2.5 ACCEPTANCE OF THESE TERMS

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

2.6 ADMINISTRATION

2.6.1 Administrative Committee

The SCIF's Administrative Committee (the 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. Knowledge of the planning context of the Sunalta community from the perspective of the development industry and community association is equally important.

The SCIF shall be managed by the Administrative Committee that will be chaired by the Manager of Community Planning – Centre West (or such Managers designate, or successor in title). The Administrative Committee shall be composed of a representative from each of the following city business units and key stakeholder groups:

Stakeholders	Members
Chair: Manager of Community Planning – Centre West	1
Urban Initiatives, Calgary Growth Strategies	1
City Wide Urban Design, City of Calgary	1
Transportation, City of Calgary	1
Parks, City of Calgary	1
Sunalta Community Association	1
Representative of the local contributing developers	1
Ward Councillor	1
Total Members:	8

The composition of the Administrative 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.

Representatives from Finance and Growth Funding and Investment should be available to the Committee for consultative purposes when required.

2.6.2 Appointment to the Administrative Committee

The five City representatives (Community Planning, Urban Design, Urban Initiatives, Transportation and Parks) shall be appointed by the Director(s) of their respective business units. The community association representative shall be appointed by the Sunalta Community Association at its discretion.

Local contributing developers are those landowners and/or developers who have contributed monies to the SCIF as part of a Development Permit approval. It is at the contributing developers' discretion to determine the appropriate method for selecting their representatives.

2.6.3 Term of Administrative Committee Members

The term of Chair of the Administrative Committee shall be for so long as the person holds the position of the Manager, CP – Centre West. 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. The local contributing developers' term shall be determined at their discretion.

2.6.4 Administrative Committee Responsibilities

The Administrative Committee is responsible for:

- Consultation with business units and community stakeholders;
- Reviewing applications for funding;
- Recommending projects in excess of \$200,000.00 for funding through the SCIF for Council's approval;
- Funding decisions up to an amount of \$200,000.00 total per project;
- Financial oversight of the SCIF;
- Monitoring of projects where funds from the SCIF are used; and
- Reporting to Council on projects in excess of \$200,000.00.

2.6.5 Administrative Committee Meetings

The Administrative Committee must meet at least once per year, or as deemed necessary by the chair, 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. The chair shall ensure that written minutes of the meetings are kept.

The Chair should strive to set the meeting dates and venues such that all members can attend. Meetings should be announced at least 14 business days in advance. To the extent not covered in this Terms of Reference, the Administrative Committee shall determine its meeting protocols and method of decision making.

2.6.6 Project Decisions and Recommendations to City Council

The Administrative Committee must decide by majority vote which projects it shall approve for funding or recommend to Council for funding approval. In the event of a tie, the proposal must be considered defeated. Decisions may only be made if a simple majority of members is present.

2.6.7 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 City administrative staff as required. Dialogue may occur by inviting representatives of business units or other stakeholders to the Administrative Committee meetings.

City 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 Administrative Committee when it determines fund allocations. In so doing, the Committee must ensure that the SCIF is not used to substitute City budgets where these can and should be used to finance a project.

2.6.8 Administrative Staff

The daily operation of the SCIF and support to the Administrative Committee will be undertaken by staff of the Community Planning business unit. The Administrative staff are responsible for:

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

2.7 ELIGIBLE PROJECTS

2.7.1 Public Realm Improvement Projects

The SCIF is to be used for public realm improvement projects on public lands or within public rights-of-way within the Sunalta community as identified by the Sunalta ARP, including but not limited to:

- Those items identified in Section 3.4.4.2.d of the Sunalta ARP;
- Community support facilities, including Community Association facilities;
- Public open space design, redevelopment or enhancement;
- Streetscape design and improvements within City rights-of-way;
- Transit customer comfort enhancements;
- Community planning studies and enhancement projects
- Implementation of urban design strategies and public art on public land.

Projects to be funded in whole or in part with SCIF monies should, where required, be included within the approved City of Calgary Capital Budget. Where possible, projects will be funded through multiple sources, including mill rate support.

2.7.2 Other Projects

The SCIF is primarily intended for capital projects. It is also vital that the fund be used to not only create the public realm improvements, but to also plan and facilitate their development. Therefore, eligible projects may also include the following:

- Design studies, consultancy services and financial contributions to other City budgets or departments to support sustainable development and enhancement measures in the community; and
- Leveraging larger contributions from third parties (i.e. grant or seed monies).

Operation and maintenance costs shall not be funded through the SCIF.

2.8 APPLICATION PROCESS

2.8.1 Application Requirements

To be considered for funding through the SCIF a letter describing the proposed 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, letters 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 an Administrative Committee meeting to discuss the proposal or provide a presentation of its contents, and request additional information required to make a decision.

2.8.2 Application Timelines

Applications should be submitted to the administrative staff at least three weeks (21 days) in advance of a scheduled Committee meeting. The Committee will strive to complete its assessment and make its decision known to the applicant in a timely manner.

2.9 FUND ALLOCATION

2.9.1 Allocation Principles

As the purpose of the SCIF is to advance public realm improvements as development densities increase, the objective should be 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.

To help establish a focal point for the community, priority allocation should be considered for the Sunalta Community Hub Project, as described in the Sunalta ARP Section 3.4.4.2.d.iv.

Where possible, the Administrative Committee should strive to allocate funds in proximity to those developments that have contributed to the fund. However, contributors may not include restrictions or requirements on their contributions.

2.9.2 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 \$200,000.00 per individual expenditure without approval by Council. This supports the timely allocation of funds and the implementation of the allocation principles, as illustrated above. All projects and allocations to receiving projects that exceed \$200,000.00 must be approved by Council and must be identified in the relevant City business unit's Capital Budget, if Capital Funds are to be allocated to a project.

2.10 CONTRIBUTION CALCULATION

Contributions to the SCIF are calculated during the development permit approval process. The method of calculation is established in the Sunalta ARP Section 3.4.4.2.d.

The contribution rate per square metre of floor area above the base density shall be that rate approved by Council and in effect at the time of development approval.

2.11 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 prior to release of the development permit. Once a development permit is released, contributions will not be refunded.

2.12 HANDLING OF MONIES

2.12.1 Deposit Fund

Contributions to the SCIF must be deposited into a liability account of the Community Planning 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 SCIF.

2.12.2 Interest

Accrued interest will be allocated to the SCIF.

2.12.3 Accounting

Accounting of the funds occurs internally through the Administrative staff, who 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 will 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.

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

2.12.5 Minimum Balance

The SCIF 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 SCIF fund.

2.12.6 Refund of Contributions

The contribution to the SCIF is a condition of the development permit and is nonrefundable.

It is at the contributor's discretion to use the SCIF rather than utilizing other bonusing options, or to remain within the base density allowed in the Land Use Bylaw. Therefore the contribution to the SCIF 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 SCIF pursuant to Sunalta ARP Section 3.4.4 or Direct Control District 119D2019 are asked to sign the following acknowledgement:

That the Developer acknowledges that the contribution to the Sunalta Community Investment 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 SCIF. 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 _____.

2.12.7 Cancellation and Delay of Funded Projects

In the event that a SCIF-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 SCIF-funded project is substantially delayed, i.e. by more than two years, or put on hold indefinitely, the Administrative Staff must 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 projects if a payment schedule has not been established with the receiving project.

2.13 PROJECT ACCOUNTABILITY

Any member of the Administrative Committee may request, through the Administrative Committee chair, that a project account for its expenditures. On receipt of such a request, the Administrative Committee chair must schedule a meeting of the Committee, within 45 days, at which the project accounting would be provided. If the expenditure does not comply with the project contents and terms agreed upon, the Administrative Committee may refuse payment of the allocated funds.

2.14 LIFESPAN OF THE SCIF

The SCIF and these Terms of Reference remain in effect until such time as Council decides their termination.

2.15 REVIEW AND AMENDMENTS

The success 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, confirmed or amended as required, and the outcome of the review included in a report to Council. Amendments to the Terms of Reference must be reviewed by the Administrative Committee and must be approved by Council to become effective.

2.16 EFFECTIVE DATE

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