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**TO:** CITY MANAGER **DATE:** 2006 February 27

**FROM:** DIRECTOR FINANCE **FILE:** 1400-20  
*Reference: Heights BIA*

**SUBJECT: RENEWAL OF THE HASTINGS STREET (HEIGHTS MERCHANTS ASSOCIATION) BUSINESS IMPROVEMENT AREA (BIA).**

**PURPOSE:** Renewal of the Hastings Street Business Improvement Area.

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**RECOMMENDATIONS:**

1. **THAT** staff be authorized to work with the Heights Merchants Association toward the renewal and expansion of the Hastings Street Business Improvement Area, and
2. **THAT** a bylaw be brought down to define the terms and conditions of the renewed and expanded Hastings Street Business Improvement Area, and
3. **THAT** a copy of this report be sent to the Heights Merchants Association c/o Isabel Kolic, Executive Director, 4019 Hastings St., Burnaby, B.C. V5C 2J1

**REPORT**

The formation of a BIA is authorized under Section 215 of the Community Charter and is defined as having any of the following objectives:

- (a) carrying out studies or making reports respecting one or more areas in the municipality where business or commerce is carried on,
- (b) improving, beautifying or maintaining streets, sidewalks or municipally owned land, buildings or other structures in one or more business improvement areas,
- (c) the removal of graffiti from buildings and other structures in one or more business improvement areas,
- (d) conserving heritage property in one or more business improvement areas, and
- (e) encouraging business in one or more business improvement areas.

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(HEIGHTS MERCHANTS ASSOCIATION)  
BUSINESS IMPROVEMENT AREA (BIA).

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The BIA is financed primarily through a tax on commercial properties that is administered through an independent Association.

On 1994 February 07 Council gave final adoption to Bylaw #10003 which created the first Business Improvement Area (BIA) in the City of Burnaby. The initial BIA was administered by the Heights Merchants Association and covered the Hastings Street commercial area between Boundary Road and Willingdon Avenue for a period of five years.

The BIA formation process dictates that the level of support for the initiative be measured by petition. At the time of the formation of the initial BIA the documented support was:

Property Owners	91.4%
Number of Properties	92.6%
Assessed value represented	93.1%
Tenants	96.1%

Due to the success and acceptance of the original BIA Council was requested and subsequently approved the expansion of the area covered by the BIA. In February 1999 bylaws #10893 and #10894 were adopted thereby including the businesses along Hastings Street east of Willingdon up to Gamma.

At the time, the level of support for the expanded BIA was measured in two parts, the original area and the intended expanded area. Support for the renewal of the original area had increased and, although not as high, support for the expansion was significant. The expanded BIA was subsequently authorized to continue for a period of seven years (to 2006).

The BIA is once again up for renewal.

In order to create or renew a BIA, the *Community Charter* provides a process that is similar to Local Improvements. A BIA can be established by a petition, which is cumbersome and rarely used, or by the Council Initiative process, which was the method used when the Hastings Street BIA was first created and for its first renewal. The Council Initiative process establishes a BIA under a bylaw. The bylaw defines the boundaries of the BIA and the levy rate which will be charged to commercial properties in the BIA. After the Third Reading of the bylaw, the property owners in the area to be included in the BIA are sent a notice of intention which describes the benefits of the BIA and the additional levy that will be imposed. The property owners then have one month to petition the Council not to proceed with the BIA.

Unless a petition against the BIA is made to Council by a majority of the property owners representing at least 50% of the total assessed property value, the BIA bylaw would proceed to final adoption. Given that most of the properties are leased and the additional levies are likely passed on to the tenants, the tenants are also canvassed to provide them the opportunity to register their opposition should they wish.

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The benefits of the expanded BIA have been monitored over the term of the last renewal and it has become obvious that 4801, 4806, and 4856 Hastings Street also benefits from the works of the BIA and should be included within the BIA bylaw.

The annual budget of the additionally expanded BIA is proposed at \$165,075 with a 5% cost of living increase per year plus a fixed amount of \$20,000 per year to fund special projects and an expanded program of initiatives over the eight year period of the bylaw.

Unless otherwise directed by Council, staff will pursue the BIA renewal process including the additional three properties. Once Third Reading of the bylaw is passed, the City Clerk will be sending a notice of intention to all property owners and tenants within the proposed boundaries of the BIAs, explaining the benefits of the BIA and the additional levy that would be imposed. Property owners would then have one month to petition the Council not to proceed with the BIA. Unless a petition against the BIA is made to Council by a majority of the property owners representing at least 50% of the total assessed property value in the BIA within one month or a majority of the tenants, the BIA bylaws would proceed to final adoption.



Rick Earle  
DIRECTOR FINANCE

cc: Director Planning and Building  
Director Engineering

