



THE CORPORATION OF THE CITY OF NORTH VANCOUVER

**“Lower Lonsdale Business Improvement Area Service
Bylaw, 2016, No. 8494”**

CONSOLIDATED FOR CONVENIENCE – SEPTEMBER 24, 2018

Amendment Bylaw, 2018, No. 8655	September 24, 2018
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THE CORPORATION OF THE CITY OF NORTH VANCOUVER

BYLAW NO. 8494

A Bylaw to establish the Lower Lonsdale Business Improvement Area Service

WHEREAS Section 215 of the *Community Charter* authorizes Council to establish, by bylaw, a local service area to provide funding to a Business Improvement Area (BIA);

WHEREAS the Council of the Corporation of the City of North Vancouver has received a request to establish a BIA by way of the Council initiative (subject to petition against) approval process as outlined in Section 213 of the *Community Charter*;

AND WHEREAS the owners of certain properties in the City of North Vancouver will form the Lower Lonsdale Business Improvement Area Society, a registered non-profit society in the Province of British Columbia, to market and promote businesses within the designated BIA;

NOW THEREFORE the Council of The Corporation of the City of North Vancouver enacts as follows:

1. This Bylaw shall be known and cited for all purposes as “**Lower Lonsdale Business Improvement Area Service Bylaw, 2016, No. 8494**”.

2. Severability

If a portion of this bylaw is held invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

3. Definitions

A. “**City**” means The Corporation of the City of North Vancouver;

B. “**Council**” means Council of The Corporation of the City of North Vancouver;

C. “**Hotel**” means any building, or portion thereof, that is used for the purpose of gain or profit through the provision of living accommodation of the transient public in individual sleeping units, and which may provide ancillary services such as restaurants, banquet rooms and other facilities including entertainment facilities;

D. “**Lower Lonsdale Business Promotion Scheme**” means the development and undertaking of projects and initiatives to encourage business in the Lower Lonsdale commercial district, including:

- (1) creating a strong ‘Lower Lonsdale’ brand and distinct identity for Lower Lonsdale businesses;
- (2) developing and implementing a marketing strategy to promote Lower Lonsdale goods and services to local, regional and tourist markets;
- (3) enhancing the existing business mix and actively recruiting new commercial tenants that can capitalize on the market opportunities afforded by a Lower Lonsdale location and improve the quality of local offerings;

- (4) promoting new investment in commercial, residential and mixed-use developments that support the viability of local businesses;
 - (5) representing business community interests in local government processes;
 - (6) participating in established major events in the community, planning and implementing other special events and promotions; and
 - (7) promoting and implementing streetscape improvements and public amenities to enhance the visitor experience in Lower Lonsdale;
- E. **“Market Commercial”** means a retail complex with 10 or more retail stores or service establishments that provides public pedestrian access, public plazas or other public gathering places on the property as an integral part of the complex and that is built in conjunction with a Hotel on the same site;
- F. **“Society”** means Lower Lonsdale Business Improvement Area Society.

4. **Business Improvement Area Service**

- A. Those lands shown in heavy black outline on the map in Schedule A, attached hereto and forming part of this bylaw, are collectively designated as the Lower Lonsdale Business Improvement Area.
- B. The service established by this bylaw is the provision of grants to the Society for the planning and implementation of a business promotion scheme, as defined in Section 215(1) of the *Community Charter*, and in particular, the Lower Lonsdale Business Promotion Scheme as defined in this bylaw.

5. **Grants**

- A. Pursuant to Section 215(2) of the *Community Charter* and for the purposes of planning and implementation of the Lower Lonsdale Business Promotion Scheme:
 - (1) Council may grant to the Society an amount not to exceed \$500,000 in 2017;
 - (2) For each subsequent year, the Society shall submit to Council for information on or before September 1st, a budget, reviewed by the Director of Finance of the City for accounting accuracy, that contains information in sufficient detail to describe all anticipated expenses and revenues, and which has been approved by a majority of the members present at an annual general meeting of the Society; *[Bylaw 8655, September 24, 2018]*
 - (3) All annual grants to the Society will be provided in two instalments; one-half at the start of the calendar year and one-half following collection of municipal taxes in mid-year.
- B. The term of the service established by this bylaw is five years, commencing January 1, 2017.
- C. The aggregate amount of annual grants to the Society shall not exceed \$2,630,000 over the term of the service.

6. General Conditions and Limitations

- A. Monies granted to the Society pursuant to this bylaw must only be expended by the Society in accordance with Schedule B, attached to and forming part of this bylaw, in the case of monies granted in 2017, and in accordance with the budget submitted to Council in the case of monies granted in 2018 and subsequent years. [*Bylaw 8655, September 24, 2018*]
- B. The Society must not incur any indebtedness or other obligations in respect of the Lower Lonsdale Business Promotion Scheme beyond the sum granted by Council for each calendar year.
- C. Unspent annual funding may be set aside in a reserve. All reserve spending is to be approved by a majority of the members present at a general meeting of the Society. [*Bylaw 8655, September 24, 2018*]
- D. It is a condition on the receipt and expenditure of monies granted under this bylaw that the Society is in compliance with Parts 8 through 10 of the bylaw.

7. Recovery and Tax Levy

- A. All of the monies granted to the Society shall be recovered in the form of a property value tax as provided for under Section 216 of the *Community Charter*.
- B. For the purpose of recovering the monies granted to the Society, in any year, the City will impose a property value tax on land or improvements, or both, that fall within the Class 6 (Business and Other) property classification under the *Assessment Act*, sufficient to yield the full amount of the grant.
- C. The property value tax imposed on Hotel and Market Commercial uses will be 50% of the tax charged other parcels in the BIA.

8. Financial Statements

- A. Notwithstanding any provisions of the Society's bylaws concerning its fiscal year, the Society must submit to the City, on or before April 1st each year, an audited annual financial statement for the previous calendar year, prepared in accordance with generally accepted accounting principles and including a balance sheet and a statement of revenue and expenditures in respect of the Lower Lonsdale Business Promotion Scheme.
- B. The financial statements submitted by the Society must also be prepared in accordance with the requirements of the *Society Act*.
- C. The Society must permit the Director of Finance for the City, or his or her nominee, to inspect during normal business hours on reasonable notice, all books of account, receipts, invoices and other financial position records that the Director of Finance of the City deems advisable for the purposes of verifying and obtaining further particulars of the budget and any financial statements of the Society as they relate to monies granted to the Society by Council pursuant to this bylaw.

9. Insurance

- A. The Society must carry at all times a policy of comprehensive general liability insurance in the amount of \$5,000,000:
- (1) with the City added as an additional named insured;
 - (2) containing a cross coverage provision; and
 - (3) containing an endorsement to provide the City Clerk with 30 days' notice of change or cancellation.
- B. The Society must deliver a copy of each insurance policy or a certificate of insurance to the City Clerk within 60 days of payment of the premiums for the insurance policy.

10. Alterations to the Society's Constitution and Bylaws

The City may withhold any payments of the grant referred to in Part 5 if the Society alters its constitution or bylaws in such a manner as to, in the opinion of Council, impair its ability to plan and implement the Lower Lonsdale Business Promotion Scheme. The Society must provide written notice of every meeting of the Society's members, annual or general, at least 14 days prior to the meeting, to the City Clerk.

11. No Joint Venture

Nothing in this bylaw makes the City a joint venturer with the Society in the planning or implementation of the Lower Lonsdale Business Promotion Scheme or for any other purpose.

12. Schedules

- A. Schedule A – Lower Lonsdale Business Improvement Area Boundaries
- B. Schedule B – Proposed Year One (2017) Budget

READ a first time on the 18th day of July, 2016.

READ a second time on the 18th day of July, 2016.

READ a third time on the 18th day of July, 2016.

SECOND AND THIRD READINGS RESCINDED
on the 14th day of November 14, 2016.

READ a second time, as amended, on the 14th day
of November, 2016.

READ a third time, as amended, on the 14th day of
November, 2016.

FINALLY PASSED AND ADOPTED on the 21st day
of November, 2016.

“Darrell R. Mussatto”

MAYOR

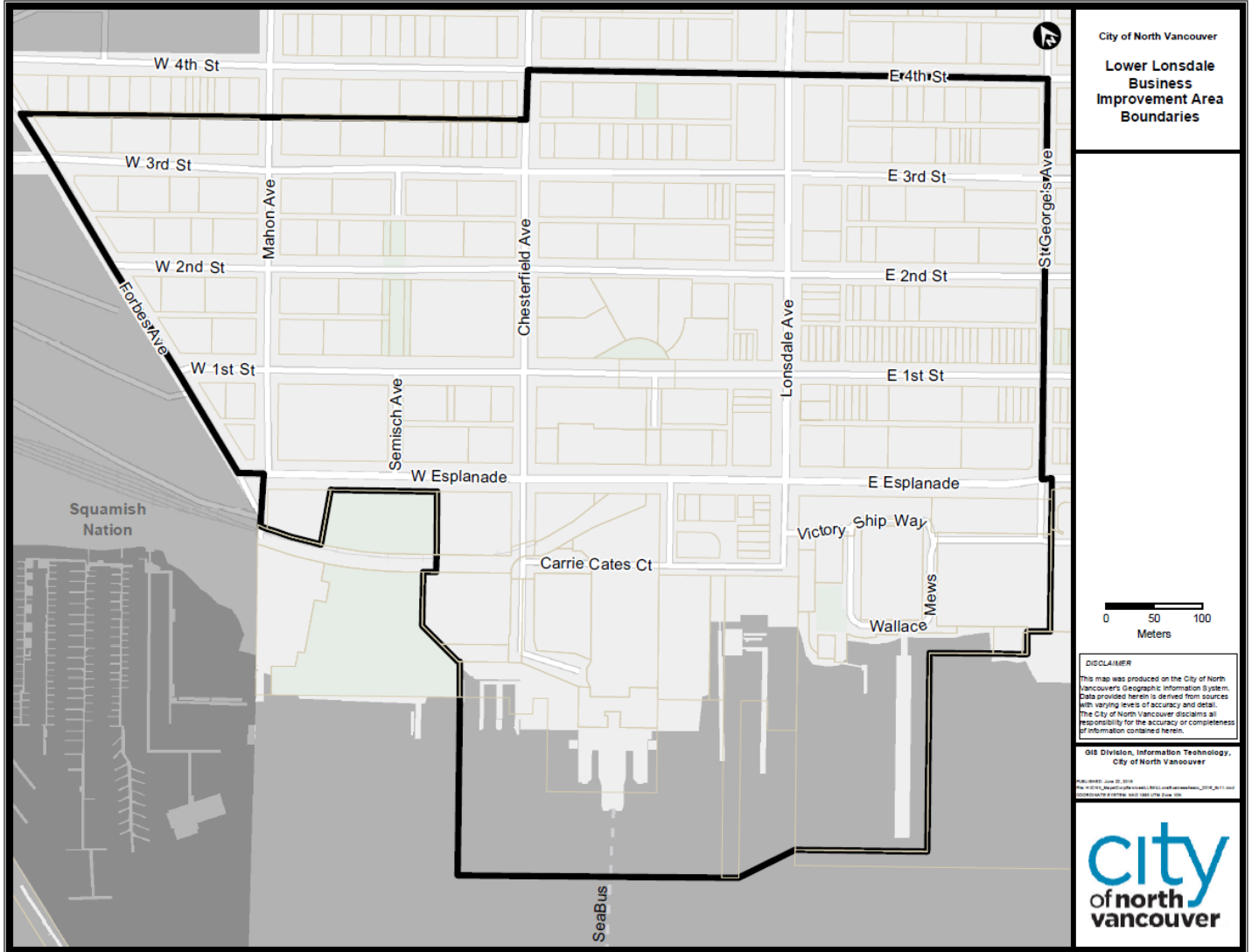
“Karla D. Graham”

CITY CLERK

Schedule A

Lower Lonsdale Business Improvement Area Boundaries

Those lands shown in heavy outline below are designated as the Lower Lonsdale Business Improvement Area.



Schedule B

Proposed Year One (2017) Budget

CATEGORY	KEY STRATEGIES / FUNCTIONS	AMOUNT
Marketing and Promotions	<ul style="list-style-type: none"> • Strategic planning, including building a brand for the Lower Lonsdale business district • Develop marketing strategies targeted to local and Metro residents and visitors • Marketing via website, on-line services, brochures, flyers, broadcast, billboards, video, etc. • Attracting patrons by promoting the unique features of Lower Lonsdale and The Shipyards • Collective business advertising and promotions • Seasonal shopping promotions, lights, competitions, etc. • Local-area brochure and map highlighting businesses and hotels (printed and on website) • Customer parking research, strategies and solutions • Graffiti and other clean-up • Street ambassadors, hand-distribution of promotional materials and displays • Tourism promotion complementary to Destination BC and VNSTA 	\$220,000
Community and Street Enhancements	<ul style="list-style-type: none"> • Signage (way-finding, Esplanade pedestrian overpass, business), lighting and street banners, unique Lower Lonsdale place-making features and public art pieces 	\$75,000
Festivals and Special Events	<ul style="list-style-type: none"> • Build on existing popular events like Slide the City / Car-Free Day, Friday Night Market, Christmas Festival and prior events like Party at The Pier and Fall Festival • Expand these events throughout the business district in addition to the Shipyards • Special promotional events • Event insurance 	\$100,000
Liaising with Commercial Properties	<ul style="list-style-type: none"> • Developing with building owners leasing strategies and promotion to bring a more diverse mix of businesses to the area • Business recruitment activities 	\$20,000
Member Services	<ul style="list-style-type: none"> • BIA Association and other membership dues • Professional consulting and promotion • Economic development 	\$35,000
Administration	<ul style="list-style-type: none"> • Directors' and Officers' insurance • Accounting and audit, Board meetings and governance, office costs, internet, website <p>(Staff costs directly incurred on other budget category work is allocated to those budget categories)</p>	\$45,000
Start-up		\$5,000
Total		\$500,000

CITY OF NORTH VANCOUVER

CORPORATE OFFICER'S CERTIFICATE AS TO SUFFICIENCY OF PETITION
LOWER LONSDALE BUSINESS IMPROVEMENT AREA

WHEREAS Council of the City of North Vancouver authorized a Council Initiative opportunity with respect to a bylaw to establish a specified area of the City of North Vancouver for the purpose of funding the Lower Lonsdale Business Improvement Association to conduct certain works and services and to market and promote business within the Lower Lonsdale Business Improvement Area:

WHEREAS "Lower Lonsdale Business Improvement Area Service Bylaw, 2016, No. 8494", received introduction and three readings on July 18, 2016;

WHEREAS the deadline for the submission of petitions against the creation of the "Lower Lonsdale Business Improvement Area", was September 14, 2016 at 4:00 pm;

WHEREAS the requirements of Section 213 of the *Community Charter* for a Council Initiative have been met with respect to advertising and mailing notices to the affected property owners;

WHEREAS the petitions against the proposed establishment of the Lower Lonsdale Business Improvement Area have been properly signed by the owners of 102 parcels, representing 31.58% of the total 323 parcels, located within the proposed Lower Lonsdale Business Improvement Area, and 32.09% of the total assessed value of all the lands and improvements;

NOW THEREFORE I, Karla D. Graham, City Clerk for the City of North Vancouver, hereby certify that the results of the opportunity to petition against the establishment of the Lower Lonsdale Business Improvement Area were not sufficient in accordance with Sections 212(3) and (4) of the *Community Charter* and "Lower Lonsdale Business Improvement Area Service Bylaw, 2016, No. 8494", may now be further considered by Council.

Signed this 5th day of October, 2016.



Karla D. Graham
City Clerk

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