

# CITY OF KELOWNA

## BYLAW NO. 11645

### KELOWNA DOWNTOWN BUSINESS IMPROVEMENT AREA

**A bylaw of the City of Kelowna to re-establish a local area service for the purposes of annually funding the Kelowna Downtown Business Improvement Area (2019-2023)**

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WHEREAS the *Community Charter* provides Council with the authority to establish, by bylaw, a business improvement area ("BIA");

AND WHEREAS the Council of the City of Kelowna has been notified that the owners of certain properties in the downtown area of the City have formed a BIA merchant association known as the Downtown Kelowna Association ("DKA");

AND WHEREAS the Council of the City of Kelowna has mailed to the owners of the parcels liable to be specially charged, pursuant to the *Community Charter*, notice of Council's intention to proceed with a bylaw to establish the Kelowna Downtown BIA for the years 2019-2023 in order to provide certain services, through the DKA, under a business promotion scheme;

AND WHEREAS notice of Council's intention to proceed with a bylaw to re-establish the Kelowna Downtown BIA for the years 2019-2023 in order to enable the DKA to provide certain services under a business promotion scheme has been published in a newspaper pursuant to the *Community Charter*;

AND WHEREAS any petition received against the proposed work was not sufficient pursuant to the *Community Charter*, to prevent Council from proceeding;

NOW THEREFORE, the Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. Those lands within the area shown outlined in black on the map attached hereto and forming part of this bylaw as Schedule "A" are designated as a Business Improvement Area (BIA) within the meaning of the *Community Charter* and shall be known as Downtown Kelowna Business Improvement Area.

2. Council is hereby empowered to grant to the DKA, for the term of this bylaw, money in the amount of the DKA's annual budget, as submitted to and approved by Council, but in any event not exceeding the sum of One Million, One Hundred and Forty-Eight Thousand, Nine Hundred and Fifty-Four Dollars (\$1,148,954.00) per annum.
3. Money granted pursuant to section 2 of this bylaw must be expended only by the DKA.
4. Money granted pursuant to section 2 of this bylaw shall be expended only for projects provided for in the annual budget of the DKA, as submitted to and approved by Council, and following the Business Promotion Scheme, attached to and forming part of this bylaw as Schedule "B".
5. The DKA shall submit to the Council of the City of Kelowna, annually, on or before March 15, a budget for the calendar year, which outlines revenues and expenditures related to the carrying out of the Business Promotion Scheme outlined in Schedule "B" during that year.
6. The DKA shall account for the money granted by Council for the previous calendar year at the same time as the annual budget is submitted pursuant to section 5 hereof.
7. An advance payment equal to 25% of the prior year grant amount may be provided to the DKA prior to Council approval of the annual budget for each of the years included in this agreement. Any advance payment shall then be deducted from the total grant amount to be paid to the DKA for that year following Council's review and approval of the annual budget.
8. The DKA shall not incur any indebtedness or other obligations beyond the term of this bylaw.
9. There shall be levied annually against all taxable land and improvements within the designated Business Improvement Area which fall within Class 5 or 6 of the Assessments - Class and Percentage Levels Regulation, B.C. Reg. 438/81 excluding Federal, Provincial and Municipal owned properties used for government purposes, and based on assessed values, rates sufficient to raise the sum in accordance with section 2 herein or such lesser amount as granted to the DKA pursuant to the provisions of this bylaw.
10. The DKA shall take out and maintain public liability, property damage, and other required insurance naming the City of Kelowna as Additional Insured in the amount of not less than \$2,000,000.00, and shall provide upon request to the City of Kelowna proof of such insurance in the form of the City's standard Certificate of Insurance.

11. The DKA shall procure and maintain at its own expense:
  - (a) Comprehensive General Liability Insurance providing for all sums which the DKA shall become legally obligated to pay for as a result of bodily injury, property damage or other damages, providing for an inclusive limit of not less than \$2,000,000.00 for each occurrence or accident;
  - (b) Automobile Liability Insurance covering all motor vehicles owned operated and used directly or indirectly in the operations of the DKA, with a limit of liability of not less than \$2,000,000.00 inclusive; and
  - (c) Such other insurance coverage appropriate for the operations of the DKA as determined by the City.
12. All Insurance required to be obtained by the DKA pursuant to this bylaw shall name the City as an Additional Insured, and shall be primary without any right of contribution from any insurance otherwise maintained by the City.
13. The DKA shall submit Certificates of Insurance as, and in the form, required by the City, which shall provide that 30 days' written notice shall be given to the Risk Manager of the City, or designate, prior to any material changes or cancellations of any such policy or policies.
14. The Business Improvement Area created by this bylaw may be merged with another Business Improvement Area, whether contiguous or not, for the purpose of providing, consolidating or completing necessary works or services for the merged area.
15. This bylaw shall be effective from January 1, 2019 through December 31, 2023 inclusive.
16. This bylaw may be cited as "Kelowna Downtown Business Improvement Area Bylaw No. 11645."

Read a first, second and third time by the Municipal Council of the City of Kelowna this

Adopted by the Municipal Council of the City of Kelowna this

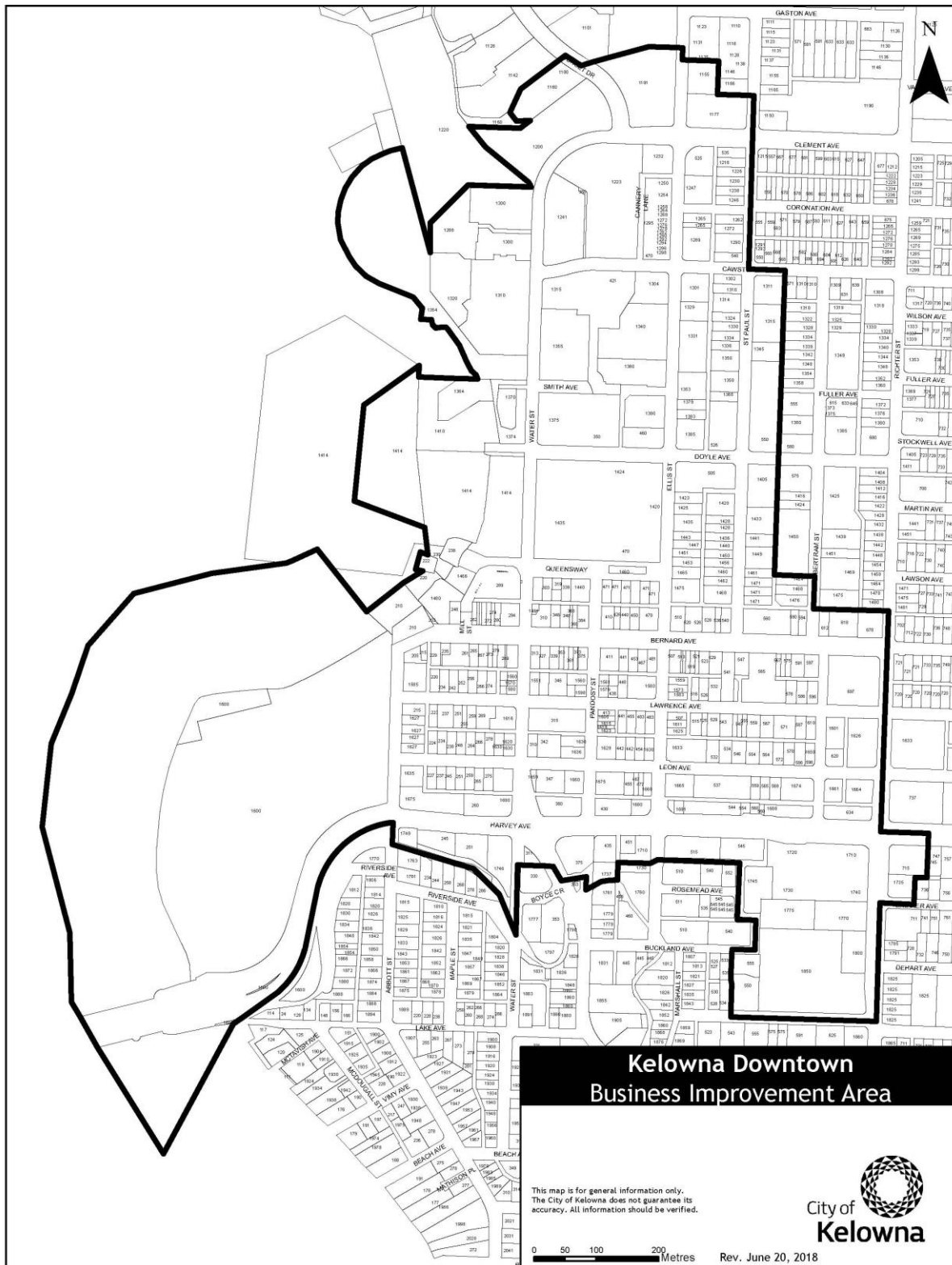
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Mayor

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City Clerk

SCHEDULE A – Map



Schedule B - Business Promotion Scheme

# **DOWNTOWN KELOWNA**

Kelowna Downtown Business Improvement Area Society  
Business Promotion Scheme 2019 – 2023

## History

The Kelowna Downtown Business Improvement Area Society (Downtown Kelowna Association, DKA) is a registered not-for-profit society with a mission to ensure that Downtown Kelowna is a safe and desirable place to conduct business, live, work and play. While initially formed as a volunteer grass roots organization in the mid-1980s, the DKA officially incorporated in November 1989, funded through an improvement levy collected by the municipality from commercial properties in the area.

The annual levy becomes the DKA's base operating budget upon which the organization leverages additional funding from partners including various levels of governments, contracts for service and corporate sponsors to support programs and initiatives.

As the third community in British Columbia to initiate a Business Improvement Area (BIA), the DKA has grown to become a provincial leader in programs and initiatives.

## Vision

Downtown Kelowna is recognized as a vibrant, healthy and thriving business community where people want to work, live and play.

## Mandate

The Downtown Kelowna Association (DKA) plays a leadership role in fostering the continued development of the Downtown as a safe and desirable place to conduct business, live, work and play through cooperative efforts of its members and government.

The DKA achieves its mandate through:

- Advocacy on behalf of its members;
- Fostering collaboration among its members and other community stakeholders; and
- Introducing and executing innovative programs and events that promote Downtown Kelowna businesses and activities.

## Accountability

The Downtown Kelowna Association is guided by a membership elected Board of Directors. The Board and sub-committees complete ongoing evaluations of programs and initiatives to ensure effectiveness and financial responsibility. Results from an annual Membership Survey on a wide range of issues are used, together with input from the Board of Directors, to develop annual priorities.

## Strategies

From January 1, 2019 to December 31, 2023, the DKA will focus on the following five key strategic areas:

1. **On Street Services**  
Maintain a clean, safe and welcoming Downtown through ongoing programs and relationships.
2. **Business Development**  
Attract and encourage mixed use business development and urban densification to Downtown.
3. **Advocacy**  
Review annual advocacy priorities based on current trends and market conditions in the Downtown.
4. **Marketing**  
Drive visitation through promotions and events that are consistently highly rated by members, valued by their consumers and attract an increased level of interest in the Downtown.
5. **Membership Value**  
Increase our members' knowledge and raise awareness of the valuable services, programs and advocacy provided by the DKA to the Downtown community.

## Goals

In order to deliver key results within the identified strategies, the DKA will:

1. **On Street Services**  
Actively participate in creating and maintaining a clean, safe, welcoming and friendly Downtown for businesses, consumers and visitors through our On Street Services Programs.

Key Performance Indicators:

- Increased investment in Downtown On Call and Clean Team programs to expand staffing levels and increase hours of service
- Investment of staff time in safety oriented committees (i.e., Partners for a Healthy Community, Coordinated Enforcement committee, Kelowna Community Action Team, business working groups, etc.)
- Strong, collaborative relationships with key City of Kelowna departments, specifically but not limited to:
  - Community Planning and Strategic Investments
  - Corporate and Protective Services
  - Infrastructure Departments: Parks, Parking, Roadways and Civic Operations
  - Corporate and Protective Services
  - Real Estate and Planning
- Sustained relationship development with enforcement and regulatory agencies along with various service providers (i.e., RCMP, Interior Health Authority, BC Housing, Fire Department, BC Ambulance, Kelowna Gospel Mission, Metro, John Howard Society, Inn from the Cold, Living Positively, Kelowna Friendship Centre, etc.)
- Collaboratively share measurable data from Downtown On Call and Clean Team with City of Kelowna Bylaw and RCMP, working towards developing a robust overview of activity
- Cooperative working relationships and engagement with other organizations (i.e., Tourism Kelowna, Chamber of Commerce, etc.)

## 2. Business Development

- (a) A focus for the betterment of Leon Avenue from Abbott to Richter resulting in a healthy, vibrant urban corridor. This will be achieved through various channels inclusive of the City's Journey Home strategy to address homelessness and social issues coupled with significant property development adding to the densification and commercial urbanization of the area complemented with consistent streetscaping.

### Key Performance Indicators:

- Investment of Staff and Board time involved in Leon revitalization discussions
- Creation of a strategy focused on Leon Avenue revitalization
- Ensure City of Kelowna tax incentives and Development Cost Charges are encouraging
- Development of vacant lots
- Redevelopment/renovations of aged sites
- Relocation and/or improved integration of social services facilities
- Increased interested in Downtown development

- (b) Actively engage with Downtown Property Developers, City Planners and Transportation Planners to become a vital resource and support for urban densification. Encourage alternate transportation models in the Downtown to enrich the urban life appeal of the Downtown.

### Key Performance Indicators:

- Expanded staff role with Development community, City Planners
- Developers are referred to communicate with DKA
- Developers actively seek communication with DKA
- Maintain online Prospectus Map of Downtown core

## 3. Advocacy

Advocate to ensure that Official Community Plans, Transportation Plans, City Bylaws, zoning and infrastructure developments support overall wellbeing of business community.

### Key Performance Indicators:

- Sustained relationship development with various City of Kelowna departments (i.e., Real Estate and Planning, Protective and Corporate Services, Bylaw, City Councillors, Mayor, City Manager, etc.)
- Collaborative relationships with Chamber of Commerce, Tourism Kelowna, Urban Development Institute, COEDC, Accelerate Okanagan, Okanagan Mainline Real Estate Board
- Provide input and engage in City consultation initiatives applicable to the Downtown (i.e., Imagine Kelowna, Journey Home, Transportation and Parking Strategy sessions, etc.)



#### **4. Marketing**

Evolve promotions and events to best reflect dynamic landscape and demographic of Downtown. Ensure marketing focus generates excitement about Downtown and showcases the unique environment of Downtown with local ownership.

Key Performance Indicators:

- High consumer engagement in events and promotions
- Strong consumer and business satisfaction with events and promotions
- Sustained relationship development with Active Living and Culture department

#### **5. Membership Value**

Engage consistently with membership via multiple channels, including but not limited to, face-to-face meetings, DKA newsletter, social media, AGM, Downtown on Call business interactions, Clean Team response calls, safety and security training, After 5 networking events and other avenues.

Key Performance Indicators:

- Members proactively initiate communication with DKA
- Number of businesses that utilize our various services and programs
- Member survey results
- Participation in promotions and events
- Online Member Centre usage
- Sustained relationship development with all current and new DKA members
- Awareness of changes in tenancy and business/property ownership
- Facilitate relationship building and collaboration opportunities amongst members to support business growth

## Downtown Kelowna Boundary & Membership

The Downtown Kelowna Association area is defined within a 42 square block radius from Harvey Avenue to Clement Avenue and from Okanagan Lake to Richter Street (see map on page 6). There are no proposed changes to the current Bylaw boundary.

Membership consists of property owners or tenants of Class 5 or 6 properties within the Downtown Kelowna BIA boundary.

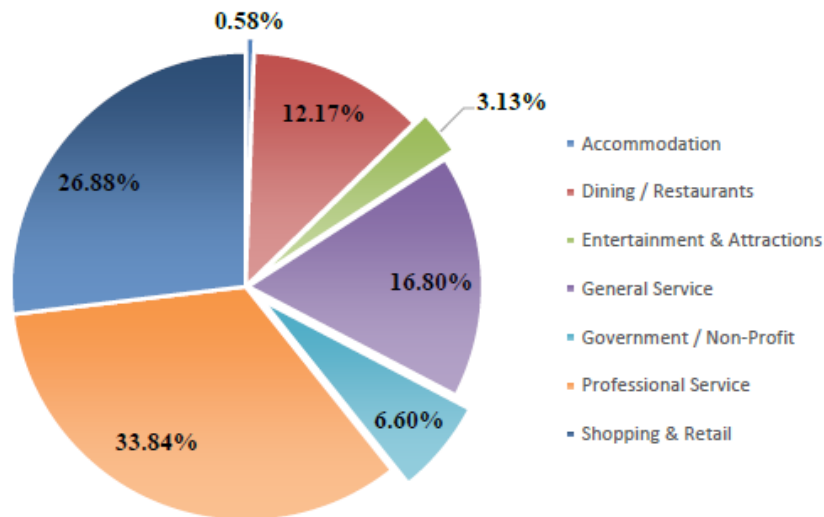
Class 5, Light Industry — property used or held for extracting, processing, manufacturing or transporting products, including ancillary storage. Scrap metal yards, wineries and boat-building operations fall within this category. Exceptions include properties used for the production or storage of food and non-alcoholic beverages and retail sales outlets, which fall into Class 6.

Class 6, Business Other — property used for offices, retail, warehousing, hotels and motels all fall within this category. This class includes properties that do not fall into other classes.

### Top Ranking Categories:

Accommodation	5
Dining / Restaurants	105
Entertainment & Attractions	27
General Service	145
Government / Non – Profit	57
Professional Service	292
Shopping & Retail	232
<b>TOTAL</b>	<b>863</b>

As of January 2018, there are 1238 members – 375 property owners and 863 businesses.





Downtown Kelowna Association  
287 Bernard Avenue, Unit 200  
Kelowna, BC V1Y 6N2  
downtownkelowna.com

## Kelowna Downtown Business Improvement Area

June 2018

## Downtown Kelowna On Street Services

As the growth of Downtown Kelowna progresses, the demands placed on the Downtown On Call (security) and Clean Team programs will increase. In the next five years the DKA will invest in and enhance the On Street Services programs. Manpower and equipment will be aligned to increase efficiencies. These programs are most valued by the membership and vital in keeping Downtown clean and safe.

### **1. Downtown On Call**

The Downtown Kelowna membership values the Downtown On Call (DOC) team as one of the top services provided by the Downtown Kelowna Association. The DOC team is trained to deal with front line issues related to personal safety, hospitality and help create a positive social environment in Downtown Kelowna.

In the spring of 2018, the DOC team was increased from two teams to three teams per day. As densification and visitation of Downtown increases, the DKA will continually re-assess the scope of the DOC program as required.

Downtown On Call duties include but are not limited to:

- On site assistance
- De-escalation
- Bank deposit escort
- Employee safe walk
- Paraphernalia recovery
- Visitor information

### **2. Downtown Clean Team**

In past years the Clean Team program was a seasonal program running mid – March to mid-November. By 2013, the DKA hired a full-time employee and the program ran the full calendar year. Today the Clean Team consists of two full-time employees with a third, seasonal employee from April to September, who are responsible for assisting with cleaning 42 blocks within the DKA boundary, which includes such duties as sidewalk sweeping, debris and biohazard removal, and assisted snow removal.

The DKA currently fulfills a contract with the City of Kelowna to clean the three parkades, Queensway transit loop and City Park Promenade with its sidewalk sweeper machine and will endeavour to continue this sweeping contract with the City for the 2019-2023 renewal period.

As Downtown continues to densify, additional teams and equipment may be required. Funding will also be allocated to replace and maintain aging equipment, including the street sweeper, utility vehicles, power washers, as well as general handheld equipment, including but not limited to brooms, shovels, etc.

### 3. Data Acquisition

The On Street Services teams, both the Downtown On Call and Clean teams, have been utilizing mobile software applications that assist in tracking all activities relating to both teams since 2015. This data has been insurmountable when it comes to providing a more accurate view of the activities occurring Downtown and help shape the direction of the On Street Services programs. The DKA will continue to share this valuable data and work collaboratively with the RCMP and Bylaw Services.

### Downtown Kelowna Marketing

Downtown Kelowna promotions and events help to encourage visitation to Downtown and ultimately to awareness of the membership variety. The DKA has a solid foundation with branding and materials for each promotion. Two Small Shop campaigns promote the extensive local retail sector, the Taste of Downtown focuses on food and beverage in Downtown, the business community is highlighted with the After 5 networking events, and the Block Party and Winter Street Market (formerly Light Up) are the DKA's two large community events that combined draw some 23,000-25,000 people Downtown.

	2018	2017
Retail Promo	2	2
Restaurant Promo	1	2
After 5	5	7
Events	2	2
<b>TOTAL</b>	<b>10</b>	<b>13</b>

As Downtown densifies and becomes more sophisticated, the DKA promotions and events will also need to grow and be enhanced. To maintain the same level of high-quality that members and visitors to Downtown have come to expect, current marketing, promotions and events will require ongoing refreshing in the years to come.

In addition, new events and promotions to address burgeoning sectors, such as the Tech Sector, will be investigated and included as part of the upcoming DKA marketing strategy. Furthermore, a DKA Event Sponsorship fund to assist members with creating and running their own events will be initiated for the 2019–2023 term.



## Funding

### Levy

The DKA is proposing a onetime increase of 12.6% for the first year, which will be primarily invested in the On Street Services programs and to replace ageing vehicles and equipment. The second year of the mandate will see a 9.2% increase to further enhance the On Street Services and then a 3% change in the subsequent year. In each of the final two years there will be a 1% increase to maintain the new initiatives and existing programs in 2022 and 2023.

### Levy Contribution by Downtown Property Owner:

2018 Levy	2019 Levy	2020 Levy	2021 Levy	2022 Levy	2023 Levy
\$887,417	\$999,198	\$1,091,297	\$1,126,084	\$1,137,572	\$1,148,954

*2018 Property Value: \$702,071,188 on Class 5 and 6 properties.*

*2018 Mill Rate: 1.2640 per \$1000 of assessed value on Class 5 and 6 properties.*

### Other Funding

The Downtown On Call and Clean Team received \$45,000 from the City for the On Call program in 2017, and a combination of \$47,462 for the Clean Team programs (sidewalk sweeping, parkades, etc.). The DKA also earned approximately \$59,000 in 2017 through a combination of events and promotions.

Revenue	2017 Year End
Downtown On Call	\$45,000
Downtown Clean Team	\$47,462
Downtown Concierge	\$7,636
Events	\$45,932
Marketing and Promotions, Other	\$4,045
<b>TOTAL</b>	<b>\$150,075</b>

## Expenditures

### Program Expenditures 2017 Year End:

Business Recruitment	\$6,198	0.65%
Clean Team	\$156,330	16.30%
Communications	\$4,092	0.43%
Downtown Concierge	\$18,517	1.93%
Downtown On Call	\$244,455	25.49%
Events	\$73,766	7.69%
Insurance	\$7,966	0.83%
Interest on Long Term Debt	\$864	0.09%
Marketing and Promotions	\$77,099	8.04%
Office and Administration	\$37,319	3.89%
Professional Development	\$8,804	0.92%
Professional Fees	\$17,241	1.80%
Rent	\$28,295	2.95%
Wages and Benefits	\$277,938	28.99%
<b>Total</b>	<b>\$958,884</b>	<b>100.00%</b>

## Board of Directors and Staff

### **DIRECTORS**

President – Yarden Gershony, Rush Ihas Hardwick LLP  
Vice President – Nikki Csek, Csek Creative  
Treasurer – Rob Collins, Grant Thornton LLP  
Secretary – Brian Stephenson, Pushor Mitchell LLP  
Past President – Dan Allen, Doc Willoughby's Public House  
Brent Lobson, Impark  
Jan Johnson, Tigerlily Fashions  
Kate Deglow, Okanagan Wine Festivals Society  
Kyle Spence, Downtown Marina & Westcorp  
Renata Mills, Festivals Kelowna  
Shane Austin, Okanagan coLab  
Steve Harvey, Business Finders  
Teghan Gordey, The Naked Café

### **EX – OFFICIO**

Councillor Maxine DeHart, City of Kelowna

### **STAFF**

Layla Miller, Operations Manager  
Ron Beahun, On Street Services Manager  
Corey Rozon, Membership & Promotions  
Pawan Sandhu, Data & Web Coordinator

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