



## STAFF REPORT ACTION REQUIRED

### Intention to Expand the Emery Village Business Improvement Area (BIA) Boundaries

|                          |  |
|--------------------------|--|
| <b>Date:</b>             | October 19, 2009   |
| <b>To:</b>               | Economic Development Committee                             |
| <b>From:</b>             | General Manager, Economic Development, Culture and Tourism |
| <b>Wards:</b>            | 7  |
| <b>Reference Number:</b> | P:/2009/Cluster A/EDCT/ECON DEV/November/ed0911-040        |

#### SUMMARY

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The purpose of this report is to recommend that the City Clerk conduct a poll to determine if there is sufficient support to expand the boundaries of the Emery Village Business Improvement Area (BIA) as per Attachment Nos. 1 and 2.

Upon completion of the poll, the General Manager, Economic Development Culture and Tourism will report the results to the Economic Development Committee. Subject to a positive poll result, staff shall prepare the necessary by-law and bills to give effect thereto. Staff will also report further on measures to ensure the interests of the expansion area are reflected in the operations of the BIA.

#### RECOMMENDATIONS

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**The General Manager, Economic Development, Culture and Tourism recommends that:**

1. The City Clerk be directed to send out a notice of Council's intent to expand the boundaries of the Emery Village Business Improvement Area to include the area as shown in Attachment No. 1, and detailed in Attachment No. 2, in accordance with Chapter 19 Business Improvement Areas, of the City of Toronto Municipal Code.
2. The Executive Director, Technical Services be requested to prepare designating by-law maps of the area, as described by Attachment No. 1, and detailed in Attachment No. 2, and submit them to the City Solicitor.

3. Subject to a positive poll result, the Emery Village BIA Board of Management be directed to amend its Streetscape Manual for Landowners and Capital Improvements Master Plan to address capital improvements, historical, identity, branding and other Humber Summit issues, similar to other precincts within the current BIA boundaries.
4. In the event of a successful poll, staff convene meetings with representatives of the Emery Village BIA and the proposed expansion area to discuss measures that may be necessary, including constitutional amendments, to address the concerns raised in this report and to report back to the Economic Development Committee on the results of these meetings at the same time as the poll results.

### **Financial Impact**

Capital Budgets may be impacted in future years should streetscape and other capital improvements be undertaken by the expanded Emery Village BIA. These capital improvements are cost-shared equally between the BIA and the City.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **ISSUE BACKGROUND**

Beginning in the Spring of 2009, City staff attended several meetings with the Emery Village BIA and affected property owners to discuss expanding the Emery Village BIA into the area known as Humber Summit. The area under discussion includes commercial and industrial buildings in a triangular area generally bounded by Millwick Drive, Islington Avenue and Plunkett Road, northwest of the existing Emery Village BIA (Attachment Nos. 1 and 2).

As a result of these meetings, it became clear that commercial/industrial property owners and tenants in the Humber Summit area have differing views on the issue, with some supporting the creation of a separate Humber Summit BIA and others supporting becoming part of an expanded Emery Village BIA. The Emery Village BIA is supportive of expanding their boundaries to include some or all of the Humber Summit BIA.

The BIA Office subsequently received two competing formal requests: one to create a new Humber Summit BIA (the Humber Summit option) and another to expand the Emery Village BIA (the Emery Expansion option). Given that Chapter 19, Business Improvement Areas, of the Municipal Code, "Chapter 19" is silent on the issue of what to do when two competing requests are received and that it is not possible to poll simultaneously on two competing options, staff were asked by some BIA and Humber Summit representatives to consider moving forward with a public meeting to consider polling for a smaller expansion area (the smaller Emery Expansion option). This option

seemed reasonable as it only included expansion in the portion of Humber Summit where there appeared to be most support for becoming part of the Emery Village BIA.

A public meeting on the smaller Emery Expansion option was held on September 17, 2009 to determine if there was sufficient support in the smaller expansion area to move forward to the polling stage. In accordance with Chapter 19, the BIA Office mailed notices of the public meeting to property owners within the existing Emery Village BIA boundaries and to property owners within the proposed, reduced expansion area. The Emery Village BIA circulated notice to business tenants within the existing and proposed expansion area. The Humber Summit Steering Committee was also notified of the meeting.

The public meeting was attended by over 60 people consisting of existing and proposed BIA members, as well as other interested parties from the broader Humber Summit commercial and residential community.

Following a staff presentation that included the BIA expansion process, how BIAs operate, estimated budgets, and how levies are calculated, questions were taken from those in attendance. Those who support the expansion cited the greater financial resources available to undertake necessary streetscape improvements, the benefits of not duplicating administrative functions, quicker access to the façade improvement program, and the ability to address commercial concerns at a lower cost (BIA special charge). Those opposed to the expansion cited the potential loss of the “Humber Summit” identity, lack of a Humber Summit voice on the Emery Village BIA Board, the splitting up of the Humber Summit commercial area, and inability to opt out of the Emery Village BIA should the area not benefit from being part of the BIA.

Twenty two of those in attendance were eligible to vote on whether to proceed to a poll to expand the BIA. By a show of ballots, the eligible voters agreed to proceed to the polling stage to expand the Emery Village BIA boundaries. The vote was 13 to 6 in support of the poll.

## **COMMENTS**

The larger Humber Summit commercial area consists of approximately 82 properties in the area immediately northwest of the existing Emery Village BIA. The area is comprised of industrial and commercial uses many of which are contained in strip plaza form of development. The proposed expansion area will include 46 properties from the larger Humber Summit Area.

While both sides agree the area would benefit from a BIA, there is a difference of opinion on whether these benefits are best achieved by becoming a separate BIA or whether to become part of Emery Village. Staff have carefully considered the merits of both sides and are recommending polling to determine if there is sufficient support for expanding the Emery Village BIA along the boundaries set out in Attachment Nos. 1 and 2. The rationale for this is as follows.

First, the Emery Village BIA has shown a remarkable ability to undertake significant streetscape improvements in accordance with its approved Master Plan. The proposed expansion area can take advantage of the technical expertise and financial resources of the existing BIA in order to undertake much needed streetscape improvements in a timelier manner. If the area were to proceed with a separate BIA, it would likely take several years to accumulate the capital funds necessary to undertake such improvements.

Secondly, by becoming part of the Emery Village BIA, the area can take advantage of the programs already offered by the Emery Village BIA including security patrols and maintenance programs. They can also take advantage of the administrative experience and full-time staff that is already up and running in the Emery Village BIA.

Thirdly, by becoming part of the Emery Village BIA, area businesses will be able to access the Commercial Façade Improvement Program upon becoming part of the Emery Village BIA. If they were to proceed by way of a separate BIA, property owners would have to wait 5 years before they could become eligible for the program, as per the Council approved guidelines.

Finally, staff have analyzed the financial (BIA special charge) impacts associated with both options. Given the relatively low assessment base in the proposed expansion area, business owners and tenants in the area can be expected to pay a significantly higher BIA special charge with a separate BIA than if they were to become part of the Emery Village BIA. Staff have estimated that if the area were to form its own BIA, a property owner with a property assessed at \$200,000 could expect to pay approximately \$1,100 a year in BIA charges, in order to generate an annual BIA budget of \$150,000. If they were to be part of the Emery Village BIA, the same owner could expect to pay \$234 per year. Those on both sides of the issue expressed great concern about additional business costs.

Staff do recognize the validity of some of the concerns raised by those opposed to the expansion proposal, including the potential loss of Humber Summit identity, lack of voice within a larger BIA structure, splitting of the Humber Summit commercial community and the inability to opt out of the Emery Village BIA should the area not benefit from being part of the BIA.

For these reasons, staff support the idea put forward at the public meeting that should the poll be successful, amendments to the BIA Constitution and other measures should be considered to address these concerns. Such measures could include guaranteed Humber Summit representation on the Board of Management and appropriate input into future streetscaping and/or branding plans. In addition, capital improvements within the public right-of-way are guided by the Emery Village BIAs Capital Improvement Master Plan. Subject to a positive poll result, these documents should be amended to reflect area identity and historical elements unique to the Humber Summit area.

The Emery Village BIA Board is willing to consider such measures and these types of issues have been successfully addressed through such measures in other BIAs.

Therefore, staff recommend that, in the event of a successful poll, staff convene meetings with representatives of the Emery Village BIA and the proposed expansion area to discuss constitutional changes and other measures that may be necessary to address these concerns. The results of these meeting shall be reported on at the same time as the poll results.

## **CONCLUSIONS**

The City's BIA Office received two competing requests concerning a BIA in this area - One to consider an expansion of the Emery Village BIA boundaries and the other to create a separate Humber Summit BIA. After several meetings with area property owners and business tenants, staff were unable to ascertain a prevailing opinion on which direction to proceed. It is unlikely that further consultation will yield a prevailing opinion. However, a majority do believe that a BIA will benefit the area.

Given this dilemma and considering that staff can act on one request at a time, staff are recommending an alternative option put forward by the Emery Village BIA and some Humber Summit members, that would allow for polling a smaller area encompassing only those businesses where there appears to be most support for an expansion. Consideration of the "Humber Summit" option will be suspended to allow for the expansion poll to proceed. Should the poll fail, the Humber Summit option could be revisited. Furthermore, staff believe that there are benefits that come with being part of the larger Emery Village BIA and that concerns raised by opponents to the expansion can be effectively addressed by constitutional amendments and other measures, similar to what has been done in other BIAs.

## **CONTACT**

Mike Major  
Manager - BIA Office  
Tel: 416 392-0623  
Fax: 392-1380  
Email: mmajor@toronto.ca

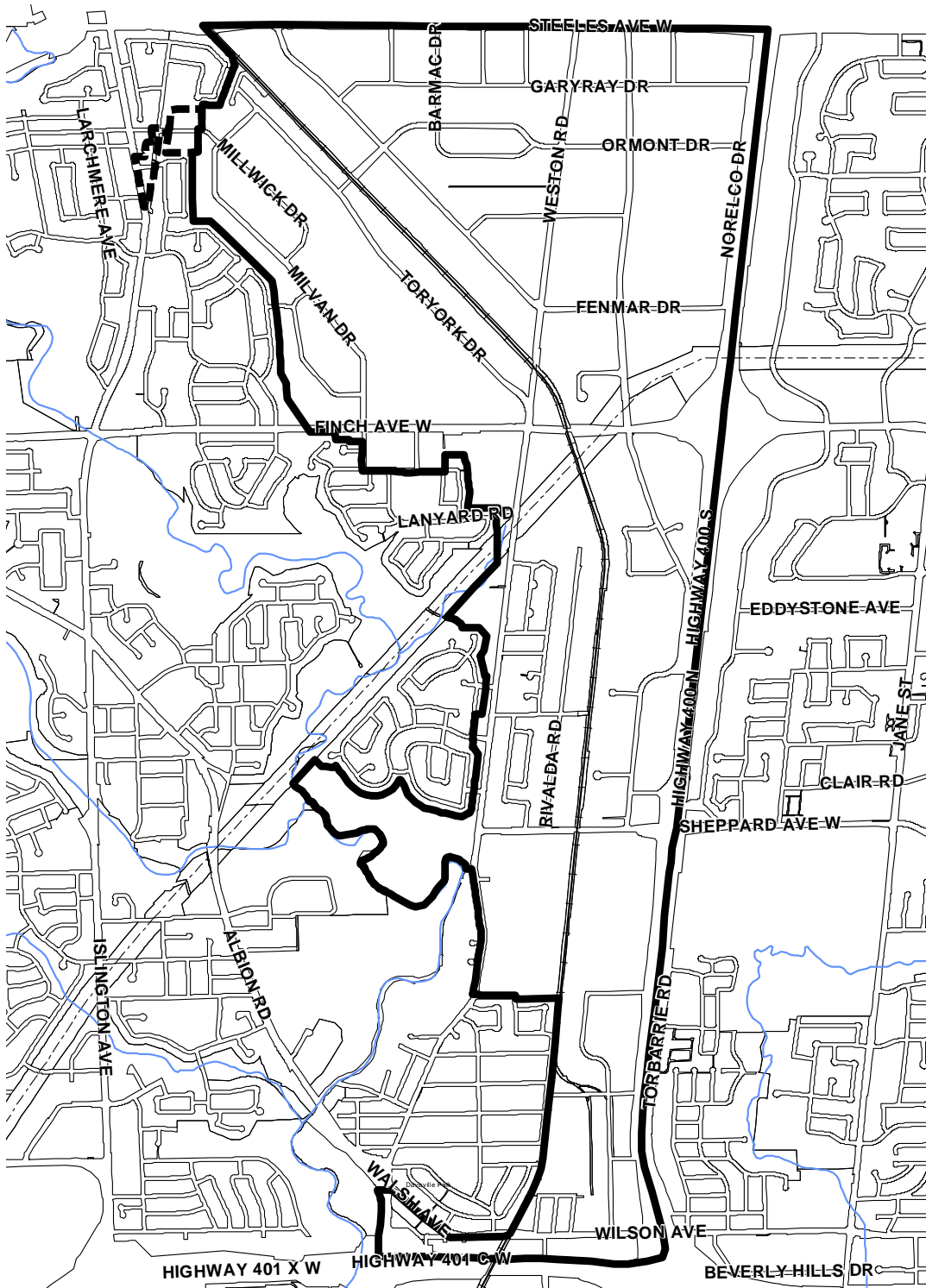
## **SIGNATURE**



Michael H. Williams, General Manager  
Economic Development, Culture and Tourism

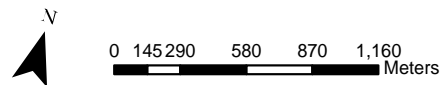
## **ATTACHMENTS**

Attachment No. 1: Proposed Emery Village BIA and Expansion Area  
Attachment No. 2: Proposed Emery Village BIA Expansion Area

# Attachment No. 1 Emery Village BIA and Proposed Expansion Area

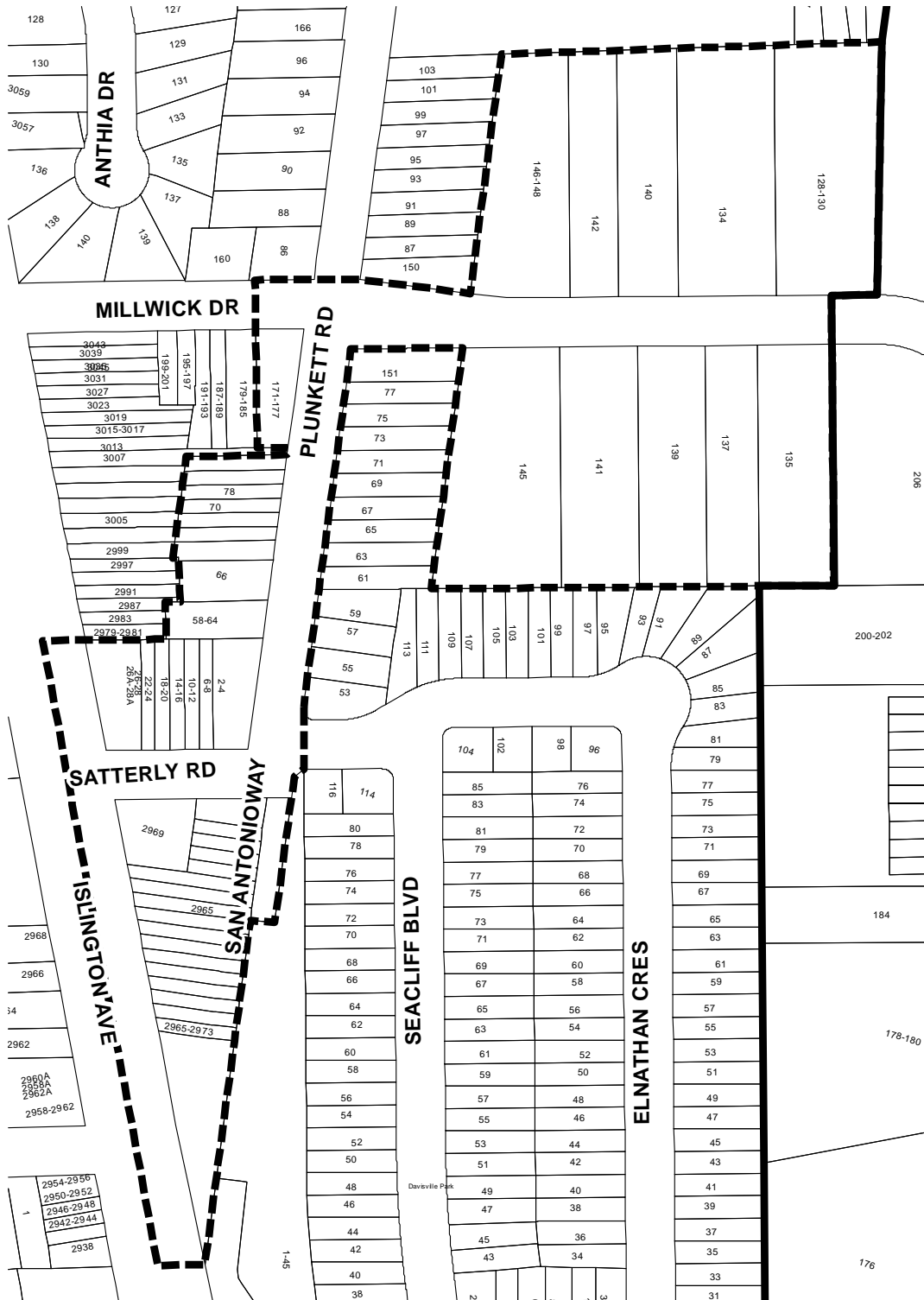




 Emery Village BIA  
 Proposed Expansion

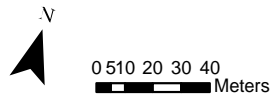


TECHNICAL SERVICES  
 SURVEY AND MAPPING SERVICES  
 18 Dyas Rd, 4th Floor  
 Toronto, ON M3J3 1V5  
 Tel: 416-392-7755, Fax: 416-392-0081  
 Map File: emery\_exp2009\_rpl2.mxd  
 Created by: W. Silva  
 September 2009

## Attachment No. 2 Emery Village BIA Proposed Expansion Area



 Emery Village BIA  
 Proposed Expansion



TECHNICAL SERVICES  
 SURVEY AND MAPPING SERVICES  
 18 Dyas Rd, 4th Floor  
 Toronto, ON M3J6 1V5  
 Tel: 416-392-7755, Fax: 416-392-0081  
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