



City of Hamilton
OPEN FOR BUSINESS SUB-COMMITTEE

Meeting #: 18-001
Date: March 27, 2018
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Loren Kolar, Legislative Coordinator (905) 546-2424 ext. 2604

	Pages
1. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
2. DECLARATIONS OF INTEREST	
3. APPROVAL OF MINUTES OF PREVIOUS MEETING	
3.1 November 28, 2017	3
4. DELEGATION REQUESTS	
5. CONSENT ITEMS	
6. PUBLIC HEARINGS / DELEGATIONS	
7. STAFF PRESENTATIONS	
7.1 Open For Business Accomplishments (to be distributed)	
8. DISCUSSION ITEMS	
8.1 Outdoor Boulevard Café Process Improvement (PED18075) (City Wide)	7
9. MOTIONS	
10. NOTICES OF MOTION	

11. GENERAL INFORMATION / OTHER BUSINESS
12. PRIVATE AND CONFIDENTIAL
13. ADJOURNMENT



Hamilton

OPEN FOR BUSINESS SUB-COMMITTEE

MINUTES 17-003

Tuesday, November 28, 2017

1:30 p.m.

Council Chambers, 2nd Floor

Hamilton City Hall

Present: Mayor F. Eisenberger
Councillor M. Pearson (Chair), T. Whitehead, L. Ferguson, A. VanderBeek, R. Pasuta, J. Partridge

Also in attendance: Patrick Campbell, Stoney Creek Chamber of Commerce
Ed Fothergill, Hamilton Chamber of Commerce
Graham McNally, Hamilton Burlington Society of Architects
Matteo Patricelli, Flamborough Chamber of Commerce
Valerie Webster, Hamilton Burlington Realtors Association

Absent with Regrets: Councillor M. Green - Personal

THE FOLLOWING ITEMS WERE REFERRED FOR THE CONSIDERATION OF THE GENERAL ISSUES COMMITTEE:

- 1. Regional Tractor Sales Ltd. Site Plan Approval and Building Permit Issuance Timelines (Ward 15) (PED17202) (Item 5.1)**

(Partridge/Pasuta)

That Report PED17202, respecting Regional Tractor Sales Ltd. Site Plan Approval and Building Permit Issuance Timelines, be received.

CARRIED

- 2. Licensing Turn-Around Timelines (PED17215) (City Wide) (Item 5.2)**

(Eisenberger/VanderBeek)

That Report PED17215, respecting Licensing Turn-Around Timelines, be received.

CARRIED

3. **Posting of Licensed Contractors Online (PED17216) (City Wide) (Item 5.3)**

(Eisenberger/Pasuta)

That Report PED17216, respecting Posting of Licensed Contractors Online, be received.

CARRIED

4. **Proposed Amendments to Sign By-law 10-197 (Construction Hoarding) (PED17217) (Item 5.4)**

(VanderBeek/Ferguson)

That Report PED17217, respecting Proposed Amendments to Sign By-law 10-197 (Construction Hoarding), be received.

CARRIED

5. **Business Licensing By-law Update (PED17218) (City Wide) (Item 5.5)**

(Whitehead/Ferguson)

That Report PED17218, respecting a Business Licensing By-law Update, be received.

CARRIED

6. **Proposed Delegated Authority for Special Occasions Permits (PED17220) (Item 5.6)**

(Whitehead/Ferguson)

That Report PED17220, respecting Proposed Delegated Authority for Special Occasions Permits, be received.

CARRIED

7. **Progress of the AMANDA Road Map (City Wide) (PED17223) (Item 5.7)**

(Ferguson/Pasuta)

That Report PED17223, respecting Progress of the AMANDA Road Map, be received.

CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Chair introduced Matteo Patricelli who will attend the Open For Business Sub-Committee as the representative of the Flamborough Chamber of Commerce. Arend Kersten, also in attendance in the public gallery, has retired from his position on the Flamborough Chamber of Commerce.

The Clerk advised that there were no changes to the agenda.

(Eisenberger/Whitehead)

That the agenda for the November 28, 2017 meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) May 25, 2017 (Item 3.1)

(Whitehead/Partridge)

That the Minutes of the May 25, 2017 meeting be received, as presented.

CARRIED

(d) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Amendments to the Outstanding Business List (Item 11.1)

(Ferguson/Pasuta)

That the following amendments to the Open For Business Outstanding Business List, be approved:

Items to be Removed:

Item N - Tractor Sales Site Approval Plan (O4B March 7, 2017, Item 11.5)

Item D - Licensing Turn-Around Timelines (O4B September 29, 2016, Item 7.2)

Item C - Posting of Licensed Contractors Online (O4B, October 23, 2013)

Item H - By-law Consultation Schedule (O4B, January 28, 2016, Item 7.1)

CARRIED

(e) **ADJOURNMENT (ITEM 12)**

(Ferguson/VanderBeek)

That there being no further business, the meeting be adjourned at 2:46 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson, Chair
Open for Business Sub-Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
General Manager's Office

TO:	Chair and Members Open For Business Sub-Committee
COMMITTEE DATE:	March 27, 2018
SUBJECT/REPORT NO:	Outdoor Boulevard Café Process Improvement (PED18075) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robert Lalli (905) 546-2424 Ext. 4674
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Encroachment on City Property Policy, approved by City Council at its meeting of April 29, 2009, through Report PED09127 on the Hess Village Review, which required a patio layout plan to be approved to the satisfaction of the Manager of Development Planning prior to approval of an Encroachment Agreement, be amended to only require a patio layout plan, if the patio construction also requires a Building Permit as defined in the *Building Code Act*,
- (b) That the General Manager of Public Works be authorized and directed to make any and all necessary changes to the existing Encroachment on City Property Policy, previously approved via Report PW11024, to remove the requirement for a minor site plan approval for patios that do not trigger a Building Permit requirement under the Ontario Building Code and to streamline the circulation process for applications for Encroachment Agreements for patios;
- (c) That Legal Services be authorized to modify existing precedent agreements used in granting encroachments, including Outdoor Boulevard Cafés, where required, in accordance with the recommendations made in Recommendation (a) and (b) of Report PED18075.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Outdoor Boulevard Café Process Improvement - (PED18075) (City Wide) - Page 2 of 5

EXECUTIVE SUMMARY

This Report reflects the work of a multidisciplinary team of City staff in Planning and Economic Development and Public Works to address the issues identified by the Open For Business Sub-Committee and the Planning and Economic Development Continuous Improvement Team with respect to the process by which Outdoor Boulevard Cafés (Patios) are approved in the City. This Report proposes a new, streamlined process in which a Minor Site Plan Application is no longer required for an Outdoor Boulevard Café unless the need for a Building Permit under the Ontario Building Code is required. The new process also reduces the number of City staff and agency circulations to improve efficiency and reduce approval times. These recommendations will address the issue of long approval periods, and will ultimately allow improvements to our process, while still maintaining the integrity of these processes in alignment with our Open For Business mandate.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The recommendations have no financial implications.

Staffing: There are no staffing implications associated with the recommendations in this Report.

Legal: Legal Services will continue to be involved in the agreement process related to encroachments and will be authorized to modify the existing precedent agreement to align with recommendations within Report PED18075.

HISTORICAL BACKGROUND

At its meeting of April 27, 2009, Committee of the Whole (COW) Report PED09127 was considered and subsequently approved by Council (COW Report 09-013) on April 29, 2009, which principally dealt with the administration by the City of such matters as handling of applications for liquor licences, road allowance encroachments through City Outdoor Patio Encroachment Agreements, Encroachment Agreements on the Hess Village Pedestrian Mall and assistance to Hamilton Police Services through the Public Works Department. With respect to the issue of Outdoor Patio Encroachment Agreements, it was recommended that a requirement of approval of an Encroachment Agreement for a patio be that the applicant prepare and submit a patio layout plan to the satisfaction of the Manager of Development Planning.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Outdoor Boulevard Café Process Improvement - (PED18075) (City Wide) - Page 3 of 5

Further, Report PW11024 to Public Works Committee on April 4, 2011, approved by Council as Public Works Committee Report 11-005 on April 13, 2011, established the Encroachment on City Property Policy and the Encroachment on City Property Procedure with the General Manager of Public Works authorized and directed to amend the procedure as required. The purpose of this Report was to formalize written policies and procedures detailing steps and controls to manage processes and agreements for encroachments and outdoor boulevard cafés.

Due to recent issues and complaints received from applicants regarding processing timelines for Outdoor Boulevard Café Agreements, staff on the Continuous Improvement Team looked into the feasibility of adjusting the current requirements in order to increase efficiencies while still maintaining the integrity of these processes.

In the Fall of 2017, staff in Legal, Building, Zoning, Fire Prevention Bureau, Licensing, Planning, and Public Works met to discuss and consider changes to current processes and the steps needed in order to ensure compliance is maintained while working through the process changes.

On March 7, 2018, staff proposed process changes to the Continuous Improvement Team that would only require an Outdoor Boulevard Café to require Site Plan Approval if a Building Permit was required and staff were in favour of the proposed changes.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**Encroachment on City Property Policy**

This Policy establishes a formal process for the consideration of requests for encroachments in, on, above, or under City property and subsequent approval and management of Encroachment Agreements.

Municipal Act

The City is authorized to enter into encroachment agreements pursuant to Sections 8, 9, and 10 of the *Municipal Act, 2001*, which further authorizes the City, amongst other things, to delegate its authority and to impose fees or charges on persons for services or activities provided or done by or on behalf of it.

Streets By-Law No. 9329

This By-law describes encroachments on City streets and indicates that an annual fee and charge may be deemed reasonable.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Outdoor Boulevard Café Process Improvement - (PED18075) (City Wide) - Page 4 of 5

RELEVANT CONSULTATION

The following City Departments and Divisions were consulted on the proposed process change:

- Corporate Services Department: Legal Services
- Planning and Economic Development Department: Development Engineering, Planning, Building, Licensing, Zoning
- Public Works Department: Engineering Services: Geomatics and Corridor Management
- Fire Prevention Bureau

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The current approval process of a patio requires all applicants to go through the Minor Site Plan Application process followed by the Encroachment Agreement process. This can result in lengthy approval times and extensive staff time across multiple City Departments. Currently, multiple internal and external agencies are circulated through two Departmental processes. The proposed change to only require a Minor Site Plan Application for a patio if a Building Permit is required maintains the integrity and intent of the need for such requirements, while increasing process efficiencies by streamlining the circulation process, which will decrease the approval timeline. The change to remove the site plan process, where no Building Permit is required also provides a significant financial savings to the applicant. The proposed changes, if approved, are expected to shorten the approval process by approximately ten weeks over the existing process.

ALTERNATIVES FOR CONSIDERATION

The City could maintain the existing Outdoor Boulevard Café Encroachment process as is.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Outdoor Boulevard Café Process Improvement - (PED18075) (City Wide) - Page 5 of 5

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy and have a high quality of life.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Flowcharts of Existing and Proposed Processes

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

EXISTING Process



