



Hamilton

REPORT 11-001

OPEN FOR BUSINESS SUB-COMMITTEE

Wednesday, November 16, 2011

9:30 a.m.

Room 192

Hamilton City Hall

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- Present:** Councillor R. Powers, Chair
Councillor T. Whitehead, Vice-Chair
Councillors C. Collins, R. Pasuta, and M. Pearson
- Absent with
Regrets:** Councillor L. Ferguson, City Business
- Also Present:** T. McCabe, General Manager of Planning and Economic
Development
C. Phillips, Senior Advisor, Planning Department
N. Shleehahn, Manager of Business Development
D. Ortiz, Manager, Building Engineering and Zoning
G. Norman, Manager, Engineering Design and Construction
M. Hazell, Senior Director, Parking & By-law Services
B. Young, Director, Municipal Law Enforcement
A. Fletcher, Manager, Strategic Services, Special Projects
T. Sergi, Senior Director of Growth Management
P. Mallard, Director of Planning
G. Norton, Manager, Urban Renewal
D. Spence, Communications Officer
K. d'Andrade, Coordinator, Business Facilitation
K. Huigenbos, Co-Ordinator, Small Business Enterprise
Centre
I. Bedioui, City Clerk's Office

**THE OPEN FOR BUSINESS SUB-COMMITTEE PRESENTS REPORT 11-001
TO THE GENERAL ISSUES COMMITTEE AND RESPECTFULLY
RECOMMENDS:**

1. Election of Chair and Vice-Chair

- (a) That Councillor Powers be appointed Chair of the Open for Business Sub-Committee;
- (b) That Councillor Whitehead be appointed Vice-Chair of the Open for Business Sub-Committee.

2. Terms of Reference for the Open for Business Sub-Committee

That the Terms of Reference for the Open for Business Sub-Committee, hereto attached as Appendix A be approved, as amended.

3. Temporary Occupancy Policy (City Wide)

That the following "Temporary Occupancy" Policy be approved to assist businesses in interim periods where final approval of the City's comprehensive Zoning By-Law Program or a submitted Zone Change Application is expected to permit the business use:

- (a) That staff be authorized to approve all applications for temporary occupancy for a business use, which is not, for an interim period, in full compliance with the Zoning By-law, to permit the issuance of business licensing and sign permits for such use, subject to all of the following conditions firstly being met:
 - (i) Confirmation that a Zone Change Application has been filed with the Planning and Economic Development Department, which Application, if approved, will permit the proposed business use; or,
 - (ii) Confirmation from the Manager of Strategic Projects that the City's Comprehensive Zoning By-Law Program is expected, once approved, to permit the proposed business use; and,
 - (iii) Confirmation from the Director of Planning, or designate, that the proposed business use is a use permitted by the City's Official Plan, including the new Urban or Rural Official Plans presently before the Ontario Municipal Board; and,
 - (iv) Confirmation from the City's Chief Building Official, or designate, that occupancy for the proposed business use will

not require the issuance of a Building Permit under the Ontario Building Code; and,

- (v) That the owner of the business sign a "waiver" agreement with the City to include an acknowledgement that all risk and liability, financial and otherwise, associated with the premature occupancy of the business use not currently permitted by the Zoning By-law is assumed by such owner, and, the owner agrees to vacate the premises within three (3) months in the event the Zone Change Application or City's comprehensive Zoning By-law Program referenced in (a)(i) or (a)(ii) above is not finally approved in a form that permits the business use.

FOR INFORMATION

The Clerk advised there were no changes to the agenda.

The agenda for the November 16, 2011 meeting was approved as presented.

(a) DECLARATIONS OF INTEREST

None declared.

(b) APPROVAL OF MINUTES

None

(c) PRESENTATIONS AND STAFF OVERVIEW

Tim McCabe addressed the Sub-Committee. He indicated that all Planning staff involved in business services were in attendance to provide an overview of their responsibilities. As Public Health and Public Works staff are sometimes also involved in the approval process, they will be invited to a future meeting.

He briefly outlined the plan for today's meeting and future meetings.

Ken d'Andrade, Co-ordinator of Business Facilitation indicated he is involved in the "One-Stop" Business Services area. He noted that since staff have moved back to City Hall there has been a significant increase in the amount of traffic and enquiries. Staff discuss zoning, building permits, the timing of applications, development charges, and parkland dedications upfront with the applicants. The change of use permits are now also being identified to the business applicants. Three divisions are involved in dealing with zoning and consultations. A check list is provided to the applicants. Ken d'Andrade suggested the City consider amending the zoning in the B.I.A. areas to recognize the existing businesses and the existing built form and not require minor variances for parking, etc. Also, the public has requested that the zoning maps be available on-line. Staff are looking into putting them on the City's web site.

The Sub-Committee made the following comments/suggestions:

- Keep a copy of the check list provided to each applicant on file for future reference;
- Small businesses without deep pockets are often not prepared for the final cost – provide them with a ballpark figure to avoid surprises;
- Do we advise new applicants (i.e. church groups) that they may require professional help?
- Provide a list of planners or of societies that can provide lists of professionals.

Future agenda Item:

- Share a copy of the check list with the Sub-Committee.

Norm Shleehahn Manager of Business Development and the Small Business Enterprise Centre addressed the Sub-Committee and indicated that there will be a tour of the Division at the next meeting. He has noticed an improvement especially with facilitation. The smaller sized businesses are taken care of by the small business group. The zoning by-law is another improvement. Debbie Spence has organized the information but the City's web site is not user friendly. The way it is set up makes it hard to locate information. It needs to be more streamlined for the consumer.

The Sub-Committee made the following comments/suggestions:

- The website needs improvement – application forms should be on-line;
- It should be possible for applicants to make on-line submission of drawings;

- As a pilot project, separate the “One-Stop” Business Services file from the web portal;
- Is there an exit interview for businesses leaving the City?

Future agenda Items:

- Invite Chris Murray and Maria McChesney to a future meeting for a discussion regarding the website;
- How the City is outreaching existing businesses;
- Challenges for rural businesses.

Kristen Huigenbos, Co-Ordinator of the Small Business Enterprise Centre addressed the Sub-Committee and explained that the enterprise centre is a resource for small businesses when starting up. The staff are business owners. The Centre is located in Jackson Square. Staff liaise with the One-Stop for Business Services. They spend an hour or more with the customers and walk them over. Representatives from large corporations and businessmen from outside of Canada have used the services. There are also youth development programs.

The Sub-Committee made the following comments/suggestions:

- How do we advertise these services?
- Customers are sometimes afraid to complain – an anonymous survey may provide more insight.

Marty Hazell, Senior Director, Parking and By-law Services, addressed the Sub-Committee. Staff have proactively been advising some illegal businesses that have been operating for many years to obtain the requisite licences. Revenues are down as a result because staff have been spending their time trying to work with the operators. The situation is time consuming and a solution is required.

Bill Young, Director Municipal Law Enforcement explained that the licences cannot be issued because of zoning infractions which will probably be rectified once the new zoning by-law has been approved. Staff propose to charge only those operators who are not cooperating. In the meantime, a solution is required to deal with those operators who wish to comply but are unable to until the new zoning by-law is approved.

Dio Ortiz, Manager of Building Engineering and Zoning addressed the Sub-Committee and explained the challenge has been with the smaller businesses. The applicants question why they require a change of use zoning verification when the business has been at the location for years. Some applicants have been overwhelmed. They don't understand the

ramifications of small projects. As the requirements addressed by his staff are at the very end of the process, clients are often frustrated because they did not realize they needed to satisfy this final step. Other problems they have encountered is the lack of communication between the client and their designer. In some cases the designer is not forthcoming or accessible and fails to communicate with the client.

The Sub-Committee made the following comments/suggestions:

- Prepare a “most frequently asked questions” document;
- Review the fees – they should vary depending on if the development is of an established area or of a greenfield area;
- Encroachment agreements are a very long process – (Public Works);
- The automatic blanket policy respecting road widening requirements should be reviewed (Public Works).

(d) DISCUSSION ITEMS

(i) Terms of Reference (Referred from GIC October 11, 2011)

Chris Phillips provided an overview of the Terms of Reference.

On a motion, the Sub-Committee amended the Terms of Reference by deleting the word “and” after the word “permits” and inserting the words “and all other applicable policies” after the words “licensing processes” in Item 3 listed under Sub-Committee Objectives to read as follows:

3. To ensure that the City of Hamilton’s approval, permits, ~~and~~ licensing processes, *and all other applicable policies* lead to an overall “Open for Business” environment in every geographic area of the City, with particular emphasis in our established and developed Business Improvement Areas.

The Terms of Reference, as amended, were approved as outlined in Item 2 of this Report.

(ii) Identification of Key “Open for Business” Issues to be Addressed in Future Agendas (No copy)

Chair Powers noted that a number of key “Open for Business” issues were identified today during the discussions and will be

identified in the Minutes. He requested that the Sub-Committee Members submit any additional items prior to the next meeting so that they can be placed on the agenda.

(iii) Proposed Temporary Occupancy Policy

Tim McCabe outlined recommendations for establishing a Temporary Occupancy Policy to assist businesses in interim periods pending final approval of the City's comprehensive Zoning By-law Program or a submitted Zone change application, subject to certain conditions.

On a motion, the Sub-Committee approved the recommendations as outlined in Section 3 of this Report.

(iv) 2011 Meeting schedule

Chair Powers requested that the duration of future meetings be 90 minutes in length and be scheduled twice a month for the first three months in the New Year. He will consult with Chris Phillips and the Clerk regarding the scheduling.

(e) Other Business

None

(f) Adjournment

There being no further business, the meeting adjourned at 11:20 a.m.

Respectfully submitted,

**Councillor R. Powers, Chair
Open for Business Sub-Committee**

**Ida Bedioui
Legislative Assistant
Open for Business Sub-Committee
November 16, 2011**

OPEN FOR BUSINESS SUB-COMMITTEE

TERMS OF REFERENCE

Mandate

To review the City of Hamilton’s overall “Open for Business” effectiveness, with the goal of streamlining the processes within the Planning and Economic Development Department and other City Departments to create consistent, predictable, and customer-focused services that encourage investment of small and medium sized enterprises and entrepreneurs in the City of Hamilton.

Sub-Committee Objectives

1. To ensure that Hamilton has an effective “Open for Business” program, with specific focus on small and medium sized enterprises and entrepreneurs; minimizing and streamlining the City of Hamilton’s approval, permits and licensing processes that are required by the various Departments and Divisions;
2. To ensure the City of Hamilton’s “One-Stop” for Business Services is meeting the needs and concerns of small and medium sized enterprises and entrepreneurs;
3. To ensure that the City of Hamilton’s approval, permits, licensing processes and all other applicable polices lead to an overall “Open for Business” environment in every geographic area of the City, with particular emphasis in our established and developed Business Improvement Areas.

General Scope of Committee Work and Deliverables

1. Review the current business services structure, staffing resources, core functions, and key services, as they relate to the small and medium sized enterprise sector, and identify specific issues that need enhancements or improvements that would lead to a more effective “Open for Business” and customer-focused experience.
2. Examine the integration between the various Divisions within the Planning and Economic Development Department, as well as the roles and integration between all other Departments of the City of Hamilton; identifying any potential gaps and issues, and recommend improvements, to ensure that the needs of the client are provided in a seamless and integrated fashion, and improving upon the “*One-Stop-Shopping*” principle for the Department and the City.
3. Review and analyze the current application processes, examining the current alignment and integration that exists between them, with the intent of identifying gaps that may exist and recommend any improvements. The review should be conducted with special attention paid to the specific ward issues that arise in

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frequency, with improvements being recommended to provide consistent, predictable, and creative solutions for all business clients.

The following detailed approval processes are to be reviewed, as well as the interface with by-law enforcement practices and issues related to these processes:

- Zoning Verification
 - Building Permit
 - Site Plan Approvals
 - Licences
 - Sign Permits
 - Variances
4. Ensure a quality, comprehensive system is in place that advises business and entrepreneurs of all City requirements, fees and timing, at the start of consultation.
 5. Review and analyze the current fee structures of all relevant applications, and licensing fees, identifying gaps and/or duplication that may exist, and recommend any improvements, including possible reductions, elimination of fees, or combining of fees.
 6. Review and analyze the City of Hamilton’s website for the current information that is available to small and medium sized enterprises regarding the City’s Business Services, identifying key gaps, and recommend any improvements.
 7. Review and analyze existing measurements and/or indicators being used to evaluate the success of Business Services, and recommend improvements and metrics. Special focus should also be placed on how the City communicates the services it offers and the successes that are reported.

Sub-Committee Staff Support

With the objectives of the Committee being specific to the current processes, a close working relationship between staff and the Sub-Committee will be important. Therefore, the General Manager of Planning and Economic Development will assign a member of City staff to act as the lead resource to the Sub-Committee. As well, they will ensure that key staff members relevant to the objectives of the Sub-Committee are regularly made available to assist and support the Sub-Committee’s work.

Consultation

Direct consultation with the small and medium sized business and entrepreneur sectors will be vitally important to the Sub-Committee achieving its objectives.

It is expected that the Sub-Committee, supported by City staff, will identify a variety of small and medium sized enterprises, entrepreneurs, builders, real estate, industry representatives, and other professionals involved in approval processes that represent

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a broad cross-section of the private, public, and not-for-profit sector industries, for consultation.

Consultation will be completed by way of written submissions, delegations, interviews, surveys, and focus groups, as well as other methods that the Sub-Committee suggests.

As part of the preparation for consultation, City staff will prepare a list of such businesses that have had recent contact with both our “One-Stop” Business Services and our Small Business Enterprise Centre, as well as others that have had detailed dealings, with positive, neutral, and negative experiences, with City staff and processes.

As the business sector and business districts within the City of Hamilton are varied and spread throughout urban, and rural areas, consultation should ensure that all parts of the City’s small and medium sized enterprises and entrepreneurs are taken into consideration. Particular attention should be paid to the established and older Business Improvement Areas within the City. These areas tend to be where new businesses face the most complications and frustrations in the City’s approval process.

It is also expected that there will be consultation specific to local business, real estate, developer, and land/property owner stakeholders, including but not limited to the Business Improvement Areas (BIAs), the Hamilton, Stoney Creek, and Flamborough Chambers of Commerce, the Hamilton Burlington Real Estate Board, the Hamilton Construction Association, and the Hamilton-Halton Home Builders’ Association, as well as other broadly or industry focused business groups.

Membership and Reporting Structure

Sub-Committee membership will consist of six (6) members of Council, with the Chair being appointed by the Sub-Committee at its first meeting. It is recommended that Council membership take into consideration the differing needs of the older developed business areas, the suburban business areas, and the rural area of the City.

The Sub-Committee shall report back to General Issues Committee (GIC) periodically at the discretion of the Committee.

Meetings

As required at the call of the Chair.

Time Frame

Sub-Committee will begin work in October 2011. It is expected to have a report of preliminary findings by Q2 of 2012, with a final report to the GIC by the end of September 2012.