



Hamilton

## MINUTES

### OPEN FOR BUSINESS SUB-COMMITTEE

Wednesday, February 8, 2012

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, L. Ferguson, and M. Pearson

**Absent with  
Regrets:** Councillor R. Pasuta, City Business

**Also Present:** T. McCabe, General Manager of Planning and Economic Development  
C. Phillips, Senior Advisor, Planning Department  
M. Hazell, Senior Director, Parking & By-law Services  
B. Young, Director, Municipal Law Enforcement  
T. Sergi, Senior Director of Growth Management  
P. Mallard, Director of Planning  
N. Shleehahn, Manager of Business Development  
G. Norman, Manager, Engineering Design and Construction  
A. Fletcher, Manager, Strategic Services, Special Projects  
S. Renshaw, Business Development Consultant  
D. Ortiz, Manager, Building, Engineering and Zoning  
S. Robicheau, Manager, Development Planning  
J. Morgante, Senior Project Manager, Design and Construction  
D. Spence, Communications Officer  
K. d'Andrade, Coordinator, Business Facilitation  
K. Huigenbos, Co-Ordinator, Small Business Enterprise Centre  
I. Bedioui, City Clerk's Office

#### 1. CHANGES TO THE AGENDA

The Clerk advised there were no changes to the agenda.

**(Pearson/Ferguson)**

That the agenda for the February 8, 2012 meeting be approved as presented.

**CARRIED**

**2. DECLARATIONS OF INTEREST**

There were none declared.

**3. ADOPTION OF MINUTES**

**(Ferguson/Collins)**

That the Minutes of the January 25, 2012 meeting be approved as presented.

**CARRIED**

**4. PRESENTATIONS AND STAFF OVERVIEW**

**(i) Site Plan Process (4.1)**

Chris Phillips provided a brief introduction explaining the presentation will cover the following issues:

- Our Processes

Review of:

- Site Plan;
- Related growth management processes (grading and drainage, road widening and storm water management;
- Building permit.

Copies of the hand-outs and a flow chart of the site plan approval and building permit processes were distributed together with the City's site plan approval brochure.

Ken d'Andrade outlined the following topics with the aid of a PowerPoint presentation:

- Site Plan
    - New building
    - A significant addition or alteration that increases the size or usability of a building
- \* most new business will go through a change of use process rather than a site plan process.

- What types of small businesses/projects go through Site Plan?
  - Garages
  - Variety stores
  - Residential to commercial
  - Head offices
  - Extensions
  - Strip plazas
  - Patios

\* Agricultural uses do not need to go through Site Plan.
  
- Purpose of Site Plan
  - To ensure developments:
    - Are safe and easy access for pedestrians and vehicles;
    - Possess a good appearance and design features;
    - Have adequate landscaping, parking and drainage;
    - Protect nearby properties from incompatible development;
    - Are built and maintained as approved.
  
- History of Site Plan process
  - In 2003 the Site Plan Process was streamlined and a number of improvements were introduced:
    - Altered the submission requirements;
    - Implemented Development Review Committee;
    - Delegated approval;
    - Conditional approval;
    - No longer required Registered Agreements.
  
- How our Process differs from other municipalities:
  - Same philosophy as One-Stop; advise businesses/developers what the requirements are up-front before they submit detailed plans;
  - Conditional approval in 3 to 4 weeks allows businesses/developers to start the process much quicker compared to other municipalities.
  
- Step One: Formal Consultation
  - Formal consultation (FC) is usually waived for these projects;
  - Formal consultation is mainly for Official Plan Amendments, Subdivisions and Re-zonings;
  - Purpose: to identify additional information and materials (i.e. plans, studies, reports, etc.)

- Step Two: Submitting a site plan application
  - How: at City Hall (1<sup>st</sup> and 5<sup>th</sup> floors);
  - Average # of site plans/year;
  - Staff assistance: staff will let the applicant know that they need to provide:
    - Electronic copies of Site Plan and Building Elevation;
    - Complete application form;
    - Fee;
    - Formal consultation/waiver letter.
  
- Step Three: Internal process – How staff determine response
  - Planner is assigned to the file who reviews and circulates application to various departments and agencies including:
    - Community Planning;
    - Public Works (Traffic, Waste and Wastewater);
    - Growth management;
    - Conservation Authority;
  - Time to review = 10 working days to collect comments.
  
- Step Four: Development Review Committee (DRC)
  - What: Roundtable discussion of comments;
  - When: Within 3 – 4 weeks of receiving application;
  - Who:
    - Owner/agents/consultants;
    - Divisions/agencies on circulation list (those who provided comments or have concerns);
    - Assigned Planner;
    - Approval authority = Manager of Development Planning;
    - A Business Facilitator attends and is highlighted as a resource for owner/agent throughout the process.
  
- Potential Outcomes of Development Review Committee:
  - Plan is denied (<1%)
  - Issues with Site Plan (5%)
  - No issues with Site Plan (94%)
  
- Plan is Denied
  - Reasons - various
  - Owner can appeal to the OMB
  
- Potential Outcomes of Development Review Committee:

- Issues with Site Plan – owner will have to make required revisions to the Site Plan and re-submit to Planning and/or go back to Development Review Committee.
  - No issues with Site Plan – Plan is approved with conditions.
  - Step Five: Plan approved with conditions
    - Owner/agent will receive a letter outlining the conditions plus a copy of the stamped, redlined approved plans;
    - Owner must sign and return the letter as well as the six (6) copies of revised Site Plan, which forms the agreement;
    - Approval is good for one (1) year: owner must satisfy all pre-building conditions, pay securities and obtain a Building Permit within one year of Site Plan approval.
  - List of Conditions
    - There are four phases of conditions;
    - Average time in 2011 to clear conditions in order that the business would be at the Building permit application stage was 3.8 months;
    - Conditions that generally take the most time to clear are grading and drainage control and storm water management.
  - Phase One Conditions
    - Conditions include:
      - Erosion and Siltation Control;
      - Tree management;
      - Fill Permits;
    - Potential Challenges:
      - Tree removal costs;
      - Relocation of utilities.
- \*\*Once Phase One Conditions are cleared; owner can begin Pre-Grading:
- Phase Two Conditions
    - Conditions requiring resubmission and detailed review:
      - Landscape plan;
      - Grading and drainage plans;
      - Storm Water management;
      - Lighting-design;
      - Water and Sewer Servicing;
      - MoT (other agencies) and
      - Development Charges.
    - Challenges:

- Getting into the DETAILS;
  - Most detailed and/or time consuming are Cost Estimate (Security Deposit), Grading and Drainage Control and Storm Water Management Design.
  
  - Cost Estimate/Security Deposit
    - Include large ticket items;
    - Hamilton allows owners two options of submitting the cost estimate:
      1. Itemize all on-site works including landscaping (submit 75% of approved estimated work)
    - OR
    - 2. Provide an estimate for a lump sum\* payment (95% select this options)
- \*Few municipalities offer lump sum option

John Morgante outlined the following topics with the aid of a PowerPoint presentation:

- Growth Management Processes
  - Grading and Drainage Control;
  - Storm Water Management Design;
  - Road Widening;
  - Traffic impacts.
- All require professional consultant hired by owner to develop plans;
- All impact public health and safety;
- If not properly addressed, all can lead to short and long-term challenges.
  
- Growth Management Timelines
  - Per submission – 1 to 2 weeks to process;
  - Submissions of plans may be fragmented (i.e. Receive Grading and Drainage prior/separate from Storm Water Management) versus receiving one comprehensive package of all relevant plans at the same time;
  - Storm Water Management Design.
  - Challenges:
    - Volume of work to review plans versus staff resources.
  
- Grading and Drainage Control
  - Challenges:
    - May trigger need for external works agreement;
    - May impact by-laws such as tree cutting;

The balance of the presentation was referred to the next meeting due to the lack of time.

Committee discussed and commented on the following issues:

- The gap between the Zoning Application and the Site Plan process—how can the City strengthen the process? – Item for future agenda.
- The City of Mississauga ties the two together;
- The Ward Councillor is not always informed of the Site Plan process in a timely manner:
- Staff indicated that all Councillors are on the distribution list;
- What recourse does the City have when an owner of a property deviates from the site plan conditions years after being granted approval? (i.e. not maintaining the landscaping or eliminating an access to the property) – Item for future agenda;
- Having a common address on the City's website for Site Plans – good idea but costly;
- The Site Plan being required at the end of the process can be problematic (i.e. when there's problems with drainage) – indicate on the application that should the City deem that there could be a problem with drainage, the Site Plan will be required at the beginning of the process;
- What are the actual timelines – a common complaint from applicants;
- The other complaint is the "nobody ever gets back " to the applicant when messages are left for City staff;
- Staff explained that there are mandatory guidelines under the Building Code Act and the building permit paperwork cannot be commenced until all the conditions are met;
- There are complaints that there is a delay on the engineering side (both Planning and Public Works);
- Staff are tracking the submissions – there is a high level of detail required to address draining concerns which takes time and sometimes the applicants do not want to comply with the City's conditions;
- Staff resources vs. the workload requirements – Senior staff advised that this will be outlined in the Department's Budget Overview;
- Another complaint is that the front line staff do not have the authority to deal with the issues on the application and must consult with their superiors;
- Staff explained that the frontline staff are not specialized in only one area but process all applications:
- Approval of the Official Plan and Zoning By-law will decrease the need for re-zoning applications and minor variances;

- Are staff prepared for when the Official Plan and Zoning By-law are approved – yes, staff have started getting ready by preparing the requisite documents in draft and the maps, etc.;
- Problems with developers being held up even though an Environmental Area (EA) study has been completed, but a neighbouring developer is not willing to follow the rules – this is a home builders issue and not included on the Sub-Committee's mandate but will be flagged for a future discussion.

**(ii) Building Permit Process (Site Plan) (4.2)**

Deferred to a future meeting due to lack of time.

**5. DISCUSSION ITEMS**

**(i) Revised Meeting Schedule with Sub-Committee Work Plan (Item 5.1)**

**(Ferguson/Collins)**

That the revised meeting schedule be approved.

**CARRIED**

**6. Adjournment**

**(Pearson/Whitehead)**

There being no further business, the meeting be adjourned at 11:28 a.m.

**Respectfully submitted,**

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

**Ida Bedioui  
Legislative Co-ordinator  
Open for Business Sub-Committee  
February 8, 2012**