MINUTES
OPEN FOR BUSINESS SUB-COMMITTEE
Wednesday, April 25, 2012
9:30 a.m.
Council Chambers
Hamilton City Hall

Present:
Councillor R. Powers, Chair
Councillor T. Whitehead, Vice-Chair
Councillors C. Collins, L. Ferguson, R. Pasuta and M. Pearson

Also Present:
Councillor J. Farr
T. McCabe, General Manager of Planning and Economic Development
C. Phillips, Senior Advisor, Planning Department
M. Hazell, Senior Director, Parking & By-law Services
T. Sergi, Senior Director of Growth Management
P. Mallard, Director of Planning
J. Caetano, Acting Director of Building Services
G. Norman, Manager, Engineering Design and Construction
A. Fletcher, Manager, Strategic Services, Special Projects
D. Ortiz, Manager, Building, Engineering and Zoning
N. Shleehahn, Manager of Business Development
G. Norton, Manager, Urban Renewal
K. d’Andrade, Co-ordinator, Business Facilitation
K. Huigenbos, Co-ordinator, Small Business Enterprise Centre
I. Bedioui, City Clerk’s Office
1. **CHANGES TO THE AGENDA**

The Clerk advised of the following changes to the agenda:

(i) Item 4.5, the delegation from Mr. Sergio Manchia and Mr. John Ariens of IBI Group will be heard first as they have rearranged their schedules in order to attend today;

(ii) Item 4.12, the delegation from Mr. Eric Bowden will be heard third as he has to be in Mississauga this morning;

(iii) Carla Agostino, President of the Hamilton-Halton Home Builders Association will be addressing the Sub-Committee in Item 4.3

(iv) Cameron Nolan, President of the Realtors Association of Hamilton Burlington will be addressing the Sub-Committee in Item 4.4;

(v) Phyllis Kraemer, Chair of the Downtown Dundas BIA has withdrawn her delegation request but will be submitting written comments from her members directly to staff;

(vi) Susan Austin, Gorilla Cheese, who is Item 4.13 has withdrawn her delegation because a principal of her company is unable to attend;

(vii) Susan Braithwaite, Executive Director of the International Village BIA will be presenting with Patty Hayes, Executive Director of the Ottawa Street BIA who is listed as Item 4.9 on the agenda.

(viii) An additional delegation request from Mr. Joe Stanicak of West Town Bar & Grill is added as Item 4.14. Copies have been distributed.

**(Pearson/Pasuta)**

That the agenda for the April 25, 2012 meeting be approved as amended. **CARRIED**

2. **DECLARATIONS OF INTEREST**

There were none declared.

3. **ADOPTION OF MINUTES**

**(Pearson/Ferguson)**

That the Minutes of the April 11, 2012 meeting be approved as presented. **CARRIED**
4. REGISTERED SPEAKERS

(Pearson/Ferguson)
That the registered speakers, including Joe Stanicak of West Town Bar & Grill who is added as Item 4.14 be approved to address the Sub-Committee at today’s meeting.

CARRIED

(i) Sergio Manchia and John Ariens, IBI Group (Item 4.5)

Sergio Manchia addressed the Sub-Committee. His comments included but were not limited to the following:
- He is a planner and a developer and has been in business for 21 years;
- He is an active person in business and in the community;
- This is an important exercise;
- All development provides taxes, provides jobs and improves the image and prosperity of the City;
- Human and monitory resources are required to expedite development projects;
- Avoid creating unnecessary obstacles;
- Slowing the application process increases competitiveness;
- Time is money;
- It is a seasonal environment;
- A review of the planning report timelines is required;
- It takes 18 months from the formal consultation to the public meeting;
- There is an over-emphasis by staff on protecting policies rather than interpreting them;
- Services need to be reflected in the process;
- The interpretation of the by-law should be kept within the Planning Department;
- Respect the outside planners for the experts that they are;
- There is too much political interference on infill development;
- Sometimes applications are reviewed differently.

- What’s working at the City:
  - Applications to the Committee of Adjustment – the schedule works – it’s efficient;
  - The Economic Development Division works well;
  - The site plan process works well;
  - Staff in the Engineering Section work well;

In conclusion the City has the right strategy and he outlined the following suggestions:
The “open for business” should include public awareness;
City staff and members of the development industry should form a
team and find solutions;
The City should hire and reward forward thinking staff;
Applications cost money and the letter of credit requirement is
crucial;
The letters of credit are bonds;
They should be considered as re-investment dollars;
They should not be held for a long time;
Maybe one letter of credit could be submitted for various projects.

The Committee discussed and commented on the following issues with
input from the presenter and staff:

- Sometimes there are delays due to the developer not complying
  with the requirements; would an electronic tracking program help?
  – No not really. – Staff do respond regarding the status of an
  application;
- How can the delay on the developer’s end be addressed?
- There is sometimes so much information required; this should be
  communicated at the beginning as this gap seems to be the
  problem; also, sometimes the developer believes that what is being
  requested is unreasonable;
- Council sometimes has a premature opinion regarding an infill
  development which may preclude the outcome;
- Developers should not ask for 10 variances to an existing by-law;
- Planning is a fluid process and some by-laws need refreshing;
- The letters of credit block millions of dollars that could be re-
  invested;
- The City needs to hire more people to speed up the processing of
  the applications;
- Would an extra fee to put a rush on an application help? – No
  because everyone would pay the extra fee.

(ii) Arend Kersten, Flamborough Chamber of Commerce (Item 4.1)

Mr. Kersten read from a prepared statement, copies of which were
distributed and are included in the public record.

He advised that the members of the Flamborough Chamber of Commerce
have communicated their red tape horror stories. However, they decided
not to address the Sub-Committee because they are afraid of bureaucratic
retaliation and also they do not believe anything will change. In their
opinion, the City is hindering rather than facilitating business. A major
concern is lost records from the former Town of Flamborough.
The Committee discussed the issues raised with input from the presenter and staff.

(iii) Eric Bowden, "Rookie Blue" (Item 4.12)

- Eric Bowden addressed the Sub-Committee and indicated that he is a small business owner;
- He recently opened a small diner on James Street North at Barton Street;
- It has been opened for 10 weeks and he is still going through the licensing process;
- He works full time in the film industry which requires long hours and recently became a father to twin boys and he hopes to eventually leave the film industry and operate his restaurant which he hopes will enable him to spend more time with his family;
- His first experience with the process came when he was registering the business;
- He tried to get information by telephone but his calls were not returned – eventually he attended in person and received the information he required;
- The first red flag was with respect to the capacity issue – the Fire Department permits a capacity of 33 sit down patrons which conflicts with the by-law which provides for a maximum of 15 sit down patrons due to the parking requirements;
- Because he is short three parking spaces he must pay to apply for a minor variance;
- Doesn’t understand the rationale of cutting the seating capacity in half;
- A neighbouring business is willing to lease him the parking spaces but the City said no;
- The minor variance will take 6 to 8 weeks – he is currently operating at a $700 a week loss (earning $2900 per week paying $3600 per week);
- His other challenge is with his liquor licence application;
- Between November 14, 2011 and April 6, 2012 he made 127 phone calls and the phone was answered 11 times;
- 9 times out of 11 he was redirected to the wrong person;
- He left 116 messages and 11 were returned within 24 hours;
- Some staff gave the wrong information, some were helpful;
- The Health and Fire Department inspectors are very professional;
- Several businesses in the area were granted parking exemptions;
- He may need to close his restaurant and lose his $70,000 investment.
The Committee discussed and commented on the following issues with input from the presenter and staff:

- Would the approval of the Setting Sail Plan alleviate the parking problem?
- The Zoning is what prevails;
- Once the Setting Sail Plan is approved it may help in the long term but the variance is the way to go for the short term;
- The Urban Official Plan will also help but there are currently 37 appeals and it will probably take a couple more years before it is approved by the Province;
- Council has the capacity to reduce the parking requirements in certain areas subject to the requisite public meetings and by-law amendments;
- Mr. Bowden started operating prior to obtaining all the necessary approvals, why? - He thought he did all the research but realized he did not cover everything. – Also, his choice was to address one variance at a time in order to move forward with his business but which will cause him to pay more fees.

Tim McCabe confirmed that staff will report back on the issues that are raised by the delegations.

(iv) Mathieu Langelier, Hamilton-Halton Home Builders Association (Item 4.2)

Carla Agostino, President of the Hamilton-Halton Home Builders Association addressed the Sub-Committee. She read from a prepared statement. A copy was submitted for the Clerk’s record and was e-mailed to the Sub-Committee members.

She noted that the Hamilton-Halton Home Builders Association has been a voice since 1942 regarding issues that affect the industry and consumers. In order to create a true open for business atmosphere, the following three key elements are required:

- Better accountability
- Communication/transparency
- Business sense

The Association believes that the City of Hamilton is open for business and has submitted recommendations for improvement in the written submission.

Carla Agostino and Michael Barton, HHHBA Policy Advisor, responded to questions from the Sub-Committee.
(v) **Sandy Alyman, Hamilton-Halton Construction Association (Item 4.3)**

Sandy Alyman did not attend.

(vi) **Megan Platts, REALTORS® Association of Hamilton-Burlington (Item 4.4)**

Cameron Nolan, President of the Realtor's Association of Hamilton-Burlington addressed the Sub-Committee and a hand-out was distributed.

His comments included but were not limited to the following:

- Understands that sometimes problems arise due to the existing zoning and he recognizes the importance of the Building Code;
- The Temporary Occupancy policy is a positive change, however, the drawback is if the use is not eventually approved the owner will have to change back at his/her own expense;
- There should be a pro-active process that does not hinder owners of non-conforming uses but encourages them to become compliant;
- Sometimes a property is purchased and the owner continues to operate the existing business only to find out later that the use is illegal;
- The one-stop shopping approach is a great idea and it should be enhanced;
- The most critical element is that all pertinent information of what is required is conveyed to the applicant;
- The consultation process is good;
- Going through hoops is frustrating;
- Find some way to identify the gaps so that no one falls through them.

(vii) **Lynn Page, Executive Director, Concession Street BIA (Item 4.6)**

Lynn Page, Executive Director of the Concession Street BIA addressed the Sub-Committee.

Her comments included but were not limited to the following:

- The change of use process can be very costly for small spaces;
- The cost is over $7,000 for the architectural and engineering documents which can be prohibitive;
- It is hard on the property owner and results in vacant commercial spaces;
She suggested that the requirement be waived for small spaces – (i.e. under 2,000 or 1,500 square feet).

Lynne Page and staff responded to questions from the Sub-Committee and the issue was briefly discussed.

(viii) Evan Apostol and David Blanchard, Property Manager | Wilson-Blanchard, Downtown BIA (Item 4.7)

Evan Apostol addressed the Sub-Committee outlining the difficulties encountered by the owners of 701 Main Street West who are in the process of establishing a day care facility. The project has been delayed for a number of months due to various roadblocks including getting the okay from the MOE to convert a parking lot into a play area for the kids.

The results of the delay have been a loss in revenues to the tenant, loss in salaries to the day care workers, and a loss of rent to the landlord. The owners have also lost the credibility of their clients, they have lost clients, and the City has lost property taxes and the Federal Government has lost income taxes.

The Sub-Committee and staff briefly discussed the reasons for the delays.

(ix) Phyllis Kraemer, Chair, Downtown Dundas BIA (Item 4.8)

The delegation request was withdrawn as per the changes to the agenda.

(x) Patty Hayes, Executive Director, Ottawa Street BIA (Item 4.9)

Patty Hayes, Executive Director of the Ottawa Street BIA and Susan Braithwaite, Executive Director of the International Village BIA addressed the Sub-Committee. A hand-out was distributed.

Their comments included but were not limited to the following:

- They wish to provide feedback from the two BIA’s and to identify the hurdles between the small businesses and the City;
- What is a small business? – Small family run shops, convenience stores, specialty shops, having less than 10 employees, and are a substantial economic driver.
- 3 areas of improvement:
  - culture of co-operation
  - communication
  - client based service
Recommendations:
- Building department specialties
- Increased site visits by City staff
- Client liaison
- Re-naming one-stop-shop to first-stop
- A new approach to co-ordinating a client’s project
- Implement “secret builder” project

The Sub-Committee discussed the following:
- No two applications are the same hence the challenge of creating a check list – nevertheless, it is obviously very important to have one that includes all the categories;
- The importance of “Concise, consistent common language”;
- Should the City contemplate hiring an ombudsman?
- When and where should City staff use discretion in applying the regulations?
- The importance of regular inspections by City staff to ensure compliance before an infraction occurs (i.e. a one inch encroachment onto City property identified after the application of stucco to a building which was completed with a building permit).

(xi) Zach Douglas, McMaster Innovation Park (Item 4.10)

Zach Douglas addressed the Sub-Committee with the aid of a PowerPoint presentation and copies of the hand-out were distributed.

He outlined issues that needed improvement which are mostly related to the lengthy process faced by developers.

His suggestions included increasing resources in building services, investigating the legality of conditional and partial permits and using them to help move projects along, keeping development charges competitive with other municipalities, and ensuring that the pre-consultation OBC review is really a useful exercise.

(xii) Tim Potocic, Sonic Unyon / Supercrawl (Item 4.11)

Tim Potocic was not in attendance

(xiii) Susan Austin, Gorilla Cheese (item 4.13)

Susan Austin was not in attendance.
(xiv) Joe Stanicak of West Town Bar & Grill (Added Item 4.14)

Joe Stanicak was in attendance but left the meeting when time ran out for the Sub-Committee to discuss the draft “Food Service Truck” report (Item 6.1).

(xv) Danya Scime (Added Item 4.15)

(Whitehead/Pasuta)
That Danya Scime be added as a registered speaker.

CARRIED

Danya Scime addressed the Sub-Committee and her comments included but were not limited to the following:

- She has been a Flamborough area resident since 1976;
- She inherited her father’s flea market in 2009;
- It is located in the Greenbelt which means she has also had to deal with the Province;
- She has had to deal with red tape and extra costs as the City informed her that there are outstanding work orders;
- Documentation is missing – not found with the former Town of Flamborough nor with the City of Hamilton;
- Has applied for and been granted a business licence;
- There is a history and uniqueness to the rural experience;
- She pays $38,000 a year in property taxes for a business that is open one day a week;
- Potential buyers and investors have backed out due to the red tape;
- The City is changing the current highway commercial zoning on her property and the flea market will become a legal non-conforming use.

(Pearson/Pasuta)
That the delegations be received.

CARRIED

5. DISCUSSION

5.1 Draft “Food Service Vehicles” (PED12085) City Wide (Item 6.1)

The Chair indicated that due to the lack of time, the Draft “Food Service Vehicles” Report will not be considered but will be included on the May 15, 2012 Planning Committee agenda.
6. ADJOURNMENT

(Pasuta/Collins)
There being no further business, that the meeting be adjourned at 12:35 p.m.

CARRIED

Respectfully submitted,

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

Ida Bedioui
Legislative Co-ordinator
Open for Business Sub-Committee
April 25, 2012