

2/5/14

Sample of Staff Suggestions

Service Delivery at the Development Center

- Have physical presence at the Development Center by the Health Department and the Licensing Division. This will allow a higher level of coordination between regulatory programs and assist the customer in finding the complete solution. Standardize the time for reviews to be completed by all review agencies.
- Develop a landscape pattern book for use by small businesses. Develop a workgroup to review landscape requirements/review process.
- Expand the type of plans that can be reviewed at the Development Center involving infrastructure and public right of way concerns. This would reduce the number of plans that need to be routed outside of the Development Center.
- Expand the use of the Commercial Courtesy Inspection program so that more potential businesses can understand what building changes will be necessary prior to signing a lease or purchase agreement.
- Have every City department involved in the regulatory process identify a small business ombudsperson to help business people if they require assistance to understand and navigate through the processes administered by that department. These ombudspersons should meet monthly to review challenges and propose systemic solutions.
- Establish a "Milwaukee Business 211" web site that has comprehensive information on local and state business regulation, business assistance resources from City government and local organizations that can provide support to small businesses.
- Periodically hold classes for people interested in opening businesses so that they can better understand the various regulatory schemes that must be met before opening a business.
- Enhance the training for permit intake personnel so that a full understanding of what the business is and the nature of its operation is so that better guidance can be provided to the customer.

Regulatory Changes

- Amending the zoning code to permit artist studios in all IO and IH zoning districts, prohibiting any residential component. Artist studios are not incompatible with other uses permitted as right or as special use in these districts. Industrial buildings are also ideal places for artist studios as they are affordable and spacious, and encourage the reuse of under-used/vacant buildings that may no longer be appropriate for traditional industry.

- Creating limited use standards to allow certain uses to locate within multi-tenant commercial buildings without BOZA approval. Define what a multi-tenant commercial building is, what uses are appropriate and the standards that would need to be met for occupancy.
- Amending the definition of social service facilities to identify two separate classifications, one which serves clients primarily one-on-one and the other which distributes goods/products to individuals or groups.
- Creating a new definition for food and beverage production facilities (i.e. commissaries, shared kitchens, breweries) moving them away from the current classification of light/heavy manufacturing. Create limited use standards for tasting rooms/assemblies attached to breweries.
- Exploring the possibility of administrative approvals of plans/plans of operation that meet the intent of code (limited use +). Work with plan examiners/city staff to identify sections of the code most often referred to BOZA for minor modifications and determine whether amendments to the code would be appropriate. Start with looking at those uses that are traditionally put on the consent agenda for BOZA.
- Review all fee structures for equity and fairness for small businesses.
- All change of operator or new occupancy permits automatically should include a sign permit application. Both construction and zoning should sign off on this permit.
- Streamline the food license process for Incubator/shared commercial kitchens.
- Remove requirement for a sign permit for face change or sign replacement that is does not enlarge, relocate, or add quantity of existing permitted signage.

Dahlberg, Art

From: Hagy, Angela
Sent: Tuesday, February 03, 2015 3:18 PM
To: Dahlberg, Art
Subject: Quick Wins
Attachments: a_guide_to_starting_your_food_related_business.pdf

Art,

Here is what I was thinking about, let me know if this is what you are looking for.

Quick Wins

- Identify/optimize business specific development process flows and along with that guidance documents for operators that take them sequentially through the process. (I have attached a guidance document put together by the City of Philadelphia that I **REALLY** like. It shows what processes need to be done and even reflects the ability to do a few of them in parallel). Guidance documents should be completed in plain English at no more than a 4th grade reading level. All documents should be translated into Spanish. Notice in the example provided that all the guidance documents and checklists are easily linked out of a single document versus having to navigate to individual department pages. We may be vested in our various organizational structure, but operators just want to know how to go from point A to point B in the quickest amount of time possible. Make all information available online. Again, Philadelphia does a good job of that - <https://business.phila.gov/Pages/Home.aspx>
- Whenever possible identify the average amount of time to review and approve documents submitted. Create an expedited option with fees associated with it to accommodate those who want faster processing (move away from rewarding those who complain or fail to complete something correctly with priority service). Create a feedback loop. An operator should not go more than 30 days without receiving an update (perhaps even check the status of the application online?).
- Standardize terminology across departments whenever possible, e.g. the definition of a temporary event, the types of food establishments, etc. Having different terminology/stratification of operation types causes confusion and unnecessary complexity. If different terms cannot be prevented, provide a crosswalk from one set to the other. Clearly indicate which definitions are being used.
- For complex projects, provide the option of having a assigned navigator/coordinator guide the business through the various approvals. Consolidate the number of places/locations businesses have to go to complete the process (specific days specialists from other departments available in the development center?)
- When majority ownership in a business remains the same an expedited process should be developed to either approve the new license, and if possible transfer the license.
- Identify/formalize cross department referrals. Much time and effort is spent referring people to other departments without validating that the item being referred is actionable by the other department and the referral is being made to the appropriate place.
- When authority overlaps, clearly define roles, responsibilities and expectations. For example, the table below are standard comments based upon the food code that will be used for writing orders in LMS. As you can see, each results in a referral to DNS. We all have more than enough to do without duplicating efforts or writing orders or making referrals that DNS deems not to be an inspection priority. (we are creating a guidance document for inspectors that we are hoping to have staff from DNS review prior to rolling it out)

Code	Description	Type	Observation	
4-301.14	VENTILATION HOOD SYSTEM - ADEQUACY	C	The [equipment] in [area] is not adequately covered by a ventilation hood system.	Provide additional condensation from of Neighborhood S
5-104.11	WATER AVAILABLE - SYSTEM - DISTRIBUTION, DELIVERY, AND RETENTION	Pf	Water not received through approved plumbing. [Describe]	Water shall be rec non-public water n services. Referral v Food service activi Department.
5-201.11	PLUMBING - APPROVED MATERIALS	Pf	The plumbing system or hoses used to convey water or water filter are not constructed of approved materials.	Provide approved i convey water. Refe follow up.
5-202.11 (A)	PLUMBING - APPROVED SYSTEM	C	The plumbing system is not properly designed, constructed or installed. [Describe].	Design, construct, the State Uniform Neighborhood Ser
5-203.12	TOILET FACILITIES - TOILETS AND URINALS	C	[Describe] is not provided as required.	Provide the numbe consistent with the made to the Depar
5-203.12	TOILET FACILITIES - TOILETS AND URINALS	C	[Describe] is not provided as required.	Provide the numbe consistent with the made to the Depar
5-203.15	PLUMBING - BACKFLOW PREVENTION DEVICE - CARBONATOR	C	The carbonator does not have an approved backflow prevention device.	Provide an approv conforming to the Department of Nei
5-205.15 (A)	PLUMBING - REPAIRED TO UNIFORM PLUMBING CODE	P	The [plumbing system] is [describe].	Repair the plumbir Code. Referral will for follow up.
5-402.12	SEWAGE - GREASE TRAP	C	Grease trap in [location] is not easily accessible for cleaning.	Locate the grease i State plumbing cor Services for follow
5-402.13	SEWAGE - CONVEYING SEWAGE	C	Sewage in the [location] is being conveyed to a point of disposal through [describe].	Convey all sewage system, sewage tra that are constructe made to Departme
5-403.11	SEWAGE - APPROVED SEWAGE DISPOSAL SYSTEM	P	Sewage is disposed of [describe].	Dispose of sewage department of nei
5-403.12	SEWAGE - OTHER LIQUID WASTES AND RAINWATER	C	[Waste] is draining from [location].	Provide a method i Referral will be ma follow up.
6-201.20	BUILDING CONSTRUCTION	C	[Area] does meet commercial building code.	Food establishmen Referral will be ma follow-up.
8-101.11	PUBLIC RESTROOMS - PROVIDED	C	Not enough public restrooms are provided in food establishment.	Provide the numbe Referral will be ma follow-up.
8-101.12	PUBLIC RESTROOMS - CARRYOUT FOOD ESTABLISHMENTS	C	No public restroom provided.	Provide toilets as r made to the Depar

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Memo

To: Commissioner Art Dahlberg
CC: File
Date: January 30, 2015
Re: Development Enhancements

● **Comments:**

1. License Division representation in the Development Center.
Physical presence of a licensing specialist and/or skill set capability provided to existing Development Center staff to enable license applications to be initiated at the Development Center at the time a Certificate of Occupancy application is made for uses that also require licensing (restaurants, taverns, etc.).
 2. Health Department representation in the Development Center.
Physical presence of a health department (food code) subject matter expert and/or skill set capability provided to existing Development Center staff to explain requirements and review/approval process to applicants proposing projects that require Health Department involvement.
 3. A current requirement of Certificate of Occupancy applicants when the proposed use is changing to a higher hazard occupancy based on building code is to have an analysis of the existing building prepared by a design professional identifying potential code violations as they relate to the new use. The suggested improvement is to waive that requirement for a proposed change of occupancy from a Business to a Mercantile Occupancy when the space has previously been legally used in the past as a Mercantile Occupancy and the space is 5,000 square feet or less.
 4. Public Works review/approval of plans for new construction performed at the Development Center.
Plans are currently sent to DPW for review for public way and infrastructure concerns. The model involves a multiple people handling and distributing the documents which offers opportunity for misdirected documents and long lead times. The suggested paradigm consists of DPW subject matter experts being assigned to the Development Center on an as needed basis to provide review/approval along side the plan examiner. This approach can limit the time and number of hands involved while offering enhanced inter-departmental understanding and communication.
 5. Driveway permit coordination
Plans for developments that propose curb approaches leading to parking lots should be reviewed automatically with the rest of the DPW review described in item 4 above as opposed to the current requirement that the curb cut application, review, and approval require a separate submittal.
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6. City Development review/approval of plans for new construction performed at the Development Center.

Similar to item 4 above, Plans are currently sent to DCD Planning for review for planned developments, city land sales, etc. The model involves a multiple people handling and distributing the documents which offers opportunity for misdirected documents and long lead times. The suggested paradigm consists of DCD subject matter experts being assigned to the Development Center on an as needed basis to provide review/approval along side the plan examiner. This approach can limit the time and number of hands involved while offering enhanced inter-departmental understanding and communication.

7. Administrative review and approval for certain dimensional zoning variances.

Similar to the administrative review/approvals of the Historic Preservation Officer for HPC reviews, the Zoning Administrative Group under direction of DCD & DNS Commissioners could administratively review/approve dimensional variances of a minor nature based on pre-established guidelines derived from previous BOZA approvals.

If you have any additional questions, please call me.



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crute@milwaukee.gov

Dahlberg, Art

From: St. Arnold, Lindsey
Sent: Friday, January 23, 2015 9:55 AM
To: Dahlberg, Art
Subject: Meeting follow-up
Attachments: LandscapeRecs.docx; Pos Code Amendments.docx

Hi Art,

Here is a brief summary of the ideas we discussed yesterday:

- Amending the zoning code to permit artist studios in all IO and IH zoning districts, prohibiting any residential component. Artist studios are not incompatible with other uses permitted as right or as special use in these districts. Industrial buildings are also ideal places for artist studios as they are affordable and spacious, and encourage the reuse of under-used/vacant buildings that may no longer be appropriate for traditional industry.
- Creating limited use standards to allow certain uses to locate within multi-tenant commercial buildings without BOZA approval. Define what a multi-tenant commercial building is, what uses are appropriate and the standards that would need to be met for occupancy. (see attached outline for more details)
- Amending the definition of social service facilities to identify two separate classifications, one which serves clients primarily one-on-one and the other which distributes goods/products to individuals or groups. (see attached outline for more details)
- Creating a new definition for food and beverage production facilities (i.e. commissaries, shared kitchens, breweries) moving them away from the current classification of light/heavy manufacturing. Create limited use standards for tasting rooms/assemblies attached to breweries. Work with Health Dept. and Licensing to address regulatory concerns related to share kitchens.
- Developing a landscape pattern book with examples of the code requirements and suitable exceptions, possibly work with an outside firm for completion of the book. Amend the zoning code to allow for exceptions when retrofitting sites and administrative approvals for plans that meet the intent of the zoning code.
- Exploring the possibility of administrative approvals of plans/plans of operation that meet the intent of code (limited use +). Work with plan examiners/city staff to identify sections of the code most often referred to BOZA for minor modifications and determine whether amendments to the code would be appropriate.
- Creating a webpage/updating the website to provide clear path to public users interested in opening businesses, including information on permitting, licensing, grants and funding, zoning, etc. Look into the user experience of the website. Other short-term fixes, including updating current handouts/digital info to include stats on the who, what, where and how long.
- Holding information sessions on licensing, permitting, BOZA, etc. for city staff to better inform all about the current processes.

I believe I've covered most of it. I have also included my notes from yesterday with a few more details. I will get back to you with possible landscapers/firms – please let me know if you need anything additional.

Thanks - Lindsey

Definition changes:

Social service facility:

1. Counseling and resource/education center – facilities that focus on one-on-one and small group therapy, education and resource consultation without dispensing medication
2. (Needs) distribution center – facilities providing goods on site for distribution to individuals or groups, i.e. food pantry, clothing bank, soup kitchen, etc.

Food and beverage production facility: encompasses facilities that operate as commissaries and food production for off-site sellers, instead of light manufacturing (KK bakery) or heavy manufacturing (brewery on Howell). Could include shared kitchen (for food truck/community use) and catering facility.

Wire transfer and currency exchange facility – currently lumped into a category with payday and title lenders. Determine whether the State has a separate classification/license for these facilities.

Create limited use standards that allow certain uses in multi-tenant commercial buildings

1. Define multi-tenant: 4 or more commercial units? Restrict buildings that have residential units?
2. Define commercial – what use categories based on occupancy?
3. Identify uses:
 - a. Social service facilities (revised definition 1)
 - b. General offices
 - c. Medical offices
 - d. Wholesale auto facilities
 - e. Banks / financial institutions
 - f. Specialty schools
 - g. Religious assemblies
 - h. *Artist studios / recording studios*
4. Identify limited use standard:
 - a. Parking – set number per unit or employee? Credit for location on bus route or proximity to public parking?
 - b. Restrict assemblies, social service and medical offices from storefront locations (encourage uses that would generate the highest level of foot traffic and street engagement)
 - c. Restrict usage after 10p.m. or “after hours” use
5. BOZA fees:
 - a. Charge based on area occupied if multiple units present?
 - b. What about uses that have an outdoor component (i.e. day care centers, auto sales, repair)?
 - c. How are occupancy fees assessed?

IDEAS TO HELP NEW BUSINESSES OPEN IN MILWAUKEE

1. Site inspections prior to business operations (per request). This can include the occupancy and BOZA inspections prior to and for signoff of the occupancy or zoning certificate. This can often clear up issues that have been overlooked and can be resolved before it's too late.
2. Some occupancies such as auto repair charge a mom & pop / father & son business occupancy fees for the entire square footage of a building versus the space they lease; this is very expensive for a new or struggling business. Larger more successful businesses get off with zoning certificates for a fraction of the cost and because they are a single occupancy location, their BOZA process is less costly as well.
3. Additional information regarding landscaping could be provided during the initial permit meeting conducted by the permit department. Provide permitted and allowable landscape types with clear descriptions of each. Have photos available to show of each landscape type. Same process should be provided for signage including sign types, quantity and size restrictions, window coverage, etc.
4. All change of operator or new occupancy permits automatically should include a sign permit application. Both construction and zoning should sign off on this permit.
5. Remove requirement for a sign permit for face change or sign replacement that is does not enlarge, relocate, or add quantity of existing permitted signage.
6. Business owners who apply for occupancy that requires BOZA approval should be given the option to buy a "package" that includes a temporary occupancy to cover their business being open until the BOZA case is heard. These packages can be identified by: if they have purchased an occupancy permit, have paid all permit fees, have scheduled inspections etc. This option could be restricted by use, by zoning designation, or by geographic distinction. It could also contain language that allows

for easy revocation if their plan of operations is followed or if they don't complete the BOZA process.

7. Permit and plan review staff should be given a script so that each business owner is told the same things re: signage, screening, required inspections, BOZA inspections, the timing of said inspections, etc. This information/script should be written/approved by management of all trades and Special enforcement as we are directly impacted when partial or incorrect info is given out. One of the biggest complaints by business owners is that the information they get is confusing.

8. Business owners who have a use and an accessory use at one property could be held to the standards for the most restricted use and be allowed the accessory use for free so to speak. Meaning that occupancy for each individual use not be required in approved situations.

Dahlberg, Art

From: Hagy, Angela
Sent: Monday, January 26, 2015 3:07 PM
To: Dahlberg, Art
Subject: RE: small business action team/ common commercial kitchen project etc

Art,

See below, let me know if I captured what you were looking for or if further information/clarification is required.

Angie

Incubator Kitchens

With few exceptions under state statute a license is required for any business that produces or processes food for sale or distribution to the public. Licenses are issued to the owner/operator of the business producing the food not to the kitchen facility itself. The reason that a food license is both operator and location dependent is that food safety is dependent upon operational factors (safe food handling, employee practice, etc.) as well as the inherent risk related to the facilities (building, equipment, etc.). In looking at the five critical risk factors known to contribute to foodborne illness (improper holding temperatures, inadequate cooking, cross contamination, food from unsafe sources, and poor personal hygiene) it becomes clear that operator practice much more than equipment and facilities drives foodborne illness prevention, hence the need to license each operator independently as a way to establish accountability for those food handling practices.

Currently in the City there are two tracts for obtaining a license, one for permanent establishments and peddlers the other for seasonal or temporary establishments. For permanent establishments and peddlers an operational plan is submitted for review and approval and a pre inspection performed. The operational plan review and preinspection evaluate the scope of the food operation being proposed in the context of the facilities and equipment that will be used to perform the food operation. License activities for permanent establishments and peddlers outside the Health Department include aldermanic review, MPD background check, and obtainment of an occupancy permit (not required for a peddler). A fee is charged at the time of application. Once the Health Department has completed the operational plan review, the health inspector determines the license or license(s) required. Information about the license needed is entered into LIRA, and the City Clerk invoices the operator for the license. If the Health Department doesn't have any holds related to the pre-operational inspection and all other reviewers have signed off (MPD, DNS, and alderperson) and the applicant has paid the license fee the license is issued. The operator is only able to operate legally once the license is issued. *(Note: A system of provisional licensing is outlined in ordinance to be used when problems around issuance are other than significant health issues. This should be evaluated as a mechanism to allow legal operation for those establishments whose license gets hung up due to occupancy, zoning, seller permit issues. What happens all too often now is that the operator opens illegally prior to the license being issued.)*

If a kitchen is being used by more than one operator the entire licensing process is repeated for each and every operator at that location. After licensure each food establishment is inspected at least annually (referred to as a routine inspection) to assure ongoing compliance. In establishments with multiple operators, food handling issues are attributed to the individual food operator, facilities and equipment issues may be attributed to one or more licensed entities using the kitchen.

For temporary food licenses the license is applied for and if payment is made it is immediately issued. MPD, alderperson review and occupancy are not considered. The application is reviewed by health prior to the event (time permitting) and if the coordinator reviewing the application has concerns about the purpose food operation the department will reach out to the operator and advise them of any concerns or restrictions being placed. An inspection is performed at the event, generally prior to the event getting underway. Rather than not issuing the license if violations are found, temporary food license holders are issued orders to suspend operations if significant problems are found.

Due to the amount of time spent reviewing plans and performing inspections the cost for a permanent food licenses is not insignificant, ranging from approximately \$200 to \$2000 depending upon the nature of the operation. The cost of commercial kitchen equipment/space is also considerable. With few exceptions state statute prevents the utilization of residential kitchens for

the production of food. As a result new food establishments often start out underground /illegally. Licensed food establishments cannot buy food items from unlicensed establishments and in turn use the products in their establishment or resell them to the consumer without risking their own food license as this practice is strictly forbidden under the food code (i.e. all food must be from an approved source).

Shared kitchens or incubator kitchens have emerged as a trend nationally to provide a lower cost entry point for new food businesses. Though the terms are used somewhat interchangeably there are some notable differences between the two. A shared kitchen is commercial space utilized by more than one food operator. The primary licensee operates their own business out of the kitchen and leases space to additional operators as a way to supplement the income generated by their primary food business. An incubator kitchen is a commercial kitchen whose primary use is a base of operation for multiple food establishments. There may or may not be space onsite for retail sales. Incubator kitchens typically provide some level of business planning assistance to new startups.

An incubator kitchen operator and user license could be established as way to create a lower cost /expedited food licensing option. Aldermanic, zoning and occupancy issues could be dealt with once as part of the operator license application eliminating the requirement for incubator users. By evaluating the kitchen facilities and equipment in the context of use by multiple users rather than one user at a time coupled with more frequent inspection to assure equipment and facilities are maintained would allow for licenses to be issued upon health department review of the proposed operational plan (Note: There would be some potential for immediate issuance depending upon the scope of the food operation and the proposed menu.). On the first day of operation the inspector could meet the operator onsite to complete the initial inspection. The net result would be to reduce the time from application to start of operation from weeks to 1 to 2 business days.

Along with a kitchen operator license, three subtypes of user licenses should be created:

- Temporary – no more than 14 days
- Seasonal – no more than 180 days
- Annual – 12 months

The creation of a commercial kitchen license for temporary or seasonal use would serve vendors who want to process food offsite from temporary or seasonal events. This would allow places such as community gardens to do value added processing. Since the processing would be done in a licensed facility, those products could then be sold for use or retail sale in stores and restaurants.

Other potential changes that may be considered in support of small food businesses/incubator kitchens include:

- Changes need to be made to state statute to address rules around wholesaling as well as to DATCP rules around inspection of establishments that wholesale
 - o The practice of having wholesalers who sell just within the jurisdiction licensed and inspected by agents (the local) and having wholesalers who sell outside the jurisdiction licensed by DATCP seems antiquated and without merit to support the separate processes
 - o Review/update the dollar amount of sales that would trigger additional licensing and inspection for wholesaling. \$25,000 which is the current limit seems low
- Changes should be considered to state statute regarding the production of cottage foods in the home beyond what is permitted under the pickle bill. Any changes must be consistent with the recommendations developed by AFDO (which include registration and inspection) for cottage food producers. City rules would need to be evaluated regarding home based businesses.

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