

COUNCIL DECISION REQUEST

SUBJECT Red Elephant Bakery Appeal

MEETING DATE 1/10/2008

PAYSON GOAT NEW

EXISTING

ITEM NO

TENTATIVE SCHEDULE

SUBMITTED BY Ray LaHaye, Chief Building Official

AMOUNT BUDGETED

SUBMITTAL TO AGENDA

EXPENDITURE REQUIRED

APPROVED BY TOWN MANAGER

CONT FUNDING REQUIRED



EXHIBITS (If Applicable To Be Attached) A-B-C

POSSIBLE MOTION I move to **Approve/Not Approve** the exemption requested in EXHIBIT A by Leone Dobbins, Owner of the Red Elephant Bakery located at 1101 S Beeline Hwy Payson, Arizona

Should the Council wish to approve this appeal the owner has agreed to follow the provisions of EXHIBIT B

SUMMARY OF THE BASIS FOR POSSIBLE MOTION This decision is based on what is believed to be in the best interest of the Town as a result of the actual intended use of the equipment within this place of business respective of all of the Fire and Life Safety regulations that have been forwarded, as well as the economic impact of such regulations on small businesses within our community

PROS Approval of the appeal would result in the Red Elephant Bakery being relieved from Fire & Mechanical Code standards that require that a Type I hood with an appropriate automatic fire suppression system over the existing domestic range and allow a less costly such as the alternative listed in EXHIBIT B

CONS Approval of this appeal will result in a modification of Fire and Building Code regulations for this business Applicable current Mechanical and Fire Code requirements are attached in EXHIBIT C

PUBLIC INPUT (if any)

BOARD/COMMITTEE/COMMISSION ACTIONS/RECOMMENDATIONS (if any) (give dates and attach minutes)

The Building Advisory Board heard the appeal by Ms Dobbins and unanimously determined at their January 2 2008 meeting, that the Mechanical and Fire code provisions were appropriately cited by Building and Fire Department representatives and that due to this fact the Board decided not to waive current code requirements in her appeal to them Minutes were not available at the time that this CDR was submitted due to the short time period between the meeting and deadline for submission to the council for this meeting

JAN 10 2008 FL

Red Elephant Bakery
1101 S Beeline Hwy
Payson, AZ 85541

2dn January 2008

928-468-6202

The Appeal arises from the decision of the Building and Fire officials that the Red Elephant Bakery should be made to comply with current commercial requirements

We are requesting consideration by the Payson Town Council to allow the bakery to operate using a Type I hood

Leonie Dobbins (Owner)



RECEIVED

JAN 08 2008

COMMUNITY DEVELOPMENT
DEPARTMENT

The appeal is based on

- 1 Use
- 2 We do not feel that current code provisions consider this very small operation where about 90 % of everything prepared is baked in the oven
- 3 The code does not address such very light use
- 4 No gas is being used, the stovetop is a solid glass top
- 5 Based on the cooking methods followed at the Red Elephant Bakery, we do not agree that the current building code provisions that require a commercial hood should apply
- 6 This is a vegetarian kitchen and as such, grease laden vapors will be significantly reduced
- 7 There will be no frying done in this kitchen
- 8 All the inspections from the Gila County Health Department have resulted in an "Excellent" grade over the last 3 years
- 9 The Red Elephant Bakery would welcome more frequent inspections from the Fire Department if they deem it necessary
- 10 The Red Elephant Bakery would agree to install a hood based on a draft from the Town Planners and the Fire Marshall (See attached note)
- 11 This bakery uses less grease and fat in its food preparation, and therefore poses less of a fire danger than many domestic kitchens

EXHIBIT B

Possible exemption from the requirements of the International Mechanical Code (IMC) Section 507.2.3

Domestic cooking appliance used for commercial purposes at 1101 S. Beeline Hwy

This exemption if approved is intended to allow the use of one 30" wide listed and tested domestic cooking appliance (with the additional requirements listed below) in this very small commercial cooking establishment with interior seating for less than 20 people and overall kitchen cooking and food storage of not more than 400 sq. ft.

Additional Installation Provisions

1. A type 2 kitchen hood and exhaust system in compliance with the class 2 hood provisions of chapters 5 & 6 of the International Mechanical Code shall be installed with the lowest level not less than 2 ft above the cooking surface.
2. The hood exhaust system shall be activated at all times that the equipment is in use. In addition this hood shall be cleaned daily and constructed in strict compliance with all provisions of IMC Chapter 5 for grease ducts.
3. A manual emergency fuel & electrical supply actuation device shall be installed within the building, at a minimum of 10 ft and maximum of 20 feet horizontally from the kitchen exhaust system and between 4 and 5 feet above the finished floor level. This device shall instantly shut down both the fuel and electrical supply to the cooking equipment.
4. At least one type k portable fire extinguisher shall be installed in the kitchen area. Automatic fire extinguishing systems shall not be required to be installed for the purpose of this section.

EXHIBIT C pg 1 of 2

The following are sections of the adopted Fire/Building Codes of the Town of Payson deal with commercial cooking appliances and the requirements for exhaust hoods and fire protection

The 2003 & 2006 (*International Mechanical Code*) IMC section 507.2.3 states **Domestic cooking appliances used for commercial purposes**. Domestic cooking appliances utilized for commercial purposes shall be provided with Type I or Type II hoods as required for the type of appliances and processes in accordance with sections 507.2.1 and 507.2.2.

The 2003 & 2006 IMC section 507.2 states **Where required**. A Type I or Type II hood shall be installed at or above all commercial cooking appliances in accordance with Sections 507.2.1 and 507.2.2. Where any cooking appliance under a single hood requires a Type I hood, a Type I hood shall be installed. Where a Type II hood is required, a Type I or Type II hood shall be installed.

The 2003 & 2006 IMC section 507.2.1 states **Type I Hoods**. Type I hoods shall be installed where cooking appliances produce grease or smoke, such as occurs with griddles, fryers, broilers, ovens, ranges, and wok ranges.

The 2003 & 2006 IMC section 507.2.2 states **Type II hoods**. Type II hoods shall be installed where cooking or dishwashing appliances produce heat or steam and do not produce grease or smoke, such as steamers, kettles, pasta cookers, and dishwashing equipment.

Exceptions

1. Under counter type commercial dishwashing machines.
2. A Type II hood is not required for dishwashers and potwashers that are provided with heat and vapor exhaust systems that are supplied by the appliance manufacturer and are installed in accordance with the manufacturer's instructions.

The 2003 & 2006 IMC section 507.11 states **Grease Filters**. Type I hoods shall be equipped with listed grease filters designed for the specific purpose. Grease-collecting equipment shall be provided with access for cleaning. The lowest edge of a grease filter located above the cooking surface shall not be less than the height specified in Table 507.11.

The 2003 & 2006 IMC section 507.13 states **Capacity of hoods**. Commercial food service hoods shall exhaust a minimum net quantity of air determined in accordance with this section and Sections 507.13.1 through 507.13.4. The net quantity of exhaust air shall be calculated by subtracting any airflow supplied directly to a hood cavity from the total exhaust flow rate of a hood.

The 2003 & 2006 IMC section 507.13.4 states **Light-duty cooking appliances**. The minimum net airflow for Type I hoods used for light duty cooking appliances and food service preparation and cooking operations approved for use under a Type II hood shall be determined as follows:

Type of Hood	CFM per linear foot of hood
Backshelf/Passover	250
Double (island canopy (per side)	250
Eyebrow	250
Single-Island Canopy	400
Wall-mounted Canopy	200

The 2003 & 2006 IMC section 508.1 Makeup air. Makeup air shall be supplied during the operation of commercial kitchen exhaust systems that are provided for commercial cooking appliances. The amount of makeup air supplied shall be approximately equal to amount of exhaust air. The makeup air shall not reduce the effectiveness of the exhaust system.

EXHIBIT C pg 2 of 2

Makeup air shall be provided by gravity or mechanical means or both. For mechanical makeup air systems, the exhaust and makeup air systems shall be electrically interlocked to ensure that makeup air is provided whenever the exhaust system is in operation.

The 2003 & 2006 IMC section 509 "Fire Suppression Systems" states: Where required, Commercial cooking appliances required by Section 507.2.1 to have a Type I hood shall be provided with an approved automatic fire suppression system complying with the International Building Code and International Fire Code.

The 2003 & 2006 (*International Building Code*) IBC section 904.2.1 states: Each required commercial kitchen exhaust and hood system required by the International Fire Code or the International Mechanical Code to have a Type I hood shall be protected with an approved automatic fire-extinguishing system installed in accordance with this code.

The 2003 & 2006 (*International Fire Code*) IFC section 602.1 defines commercial cooking appliances as those which are used in a commercial food service establishment for heating or cooking food and which produce grease vapors, steam, fumes, smoke, odors that are required to be removed through a local exhaust ventilation system. Such appliances include deep fat fryers, upright broilers, griddles, broilers, steam jacketed kettles, hot-top ranges, under-fired broilers (char broilers), ovens, barbecues, rotisseries, and similar appliances. For the purposes of this definition, a food establishment shall include any building or a portion thereof used for the preparation and serving of food.

The 2003 & 2006 (*International Fire Code*) IFC section 904.2.1 states: Each required commercial kitchen exhaust hood and duct system required by section 609 in the 2006 IFC & 610 in the 2003 IFC to have a Type I hood shall be protected with an approved automatic fire extinguishing system installed in accordance with the code.

The language in section 609 and 610 in both the 2003 and 2006 IFC are identical.

The 2003 & 2006 (*International Fire Code*) IFC sections 609.1 & 610.1 state: Commercial kitchen hoods shall comply with the requirements of the International Mechanical Code.

The 2003 & 2006 (*International Fire Code*) IFC sections 609.2 & 610.2 state: A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors.

The 2003 & 2006 language in both the IBC and IFC sections 904.3, 904.3.1, 904.3.2, and 904.3.3 are identical.

The 2003 & 2006 (*International Fire Code*) IFC section 904.3 states: Automatic fire-extinguishing systems shall be installed in accordance with this section.

The 2003 & 2006 (*International Fire Code*) IFC section 904.3.1 states: Electrical wiring shall be installed in accordance with the ICC Electrical Code.

The 2003 & 2006 (*International Fire Code*) IFC section 904.3.2 states: Automatic fire-extinguishing systems shall be automatically actuated and provided with a manual means of actuation in accordance with section 904.11.1.

The 2003 & 2006 (*International Fire Code*) IFC section 904.3.3 states: Automatic equipment interlocks with fuel shutoffs, ventilation controls, door closers, window shutters, conveyor opening, smoke and heat vents, and other features necessary for proper operation of the fire-extinguishing system shall be provided as required by the design and installation standard utilized for the hazard.