

Communication from Councillor Toner.

15.30.40 b.i.7.

A waiver may be granted by the Commissioner of Inspectional Services for any commercial cooking equipment used in a restaurant in a building that has applied for a building permit prior to January 1, 2035 if the cooking processes cannot technically or reasonably be converted to an all-electric process, or if the electric equipment on market is unreasonably cost prohibitive in the judgment of the Commissioner, provided:

- a) that the applicant shall furnish a letter describing the technical service limitations or performance requirements and the available products on the market, and
- b) that the electrical panel has sufficient capacity for the later installation of fully electric food preparation equipment.

Any existing fossil fueled equipment on the premises of a restaurant that is moved temporarily to be serviced, cleaned, or maintained need not be replaced. The Commissioner of Inspectional Services shall have the authority to promulgate regulations for the requirements of a waiver request for commercial cooking equipment.

Nolan:

- 1) How does this differ from what was originally proposed at our ordinance committee meeting?
- 2) What restaurateurs have you discussed this with and
- 3) Is the intent to require a full electrical upgrade at the panel? If yes, what are the implications if this requires additional equipment or a feed upgrade? What is the intent if the “cost prohibitive” issue arises from having to upgrade in the first place?
- 4) Under the original State proposal existing fossil fuel equipment that is moved temporarily for servicing, cleaning, and maintenance would never have been included why is it included here?

McLaughlin:

- 1) How would ISD determine whether a cooking process cannot be “technologically or reasonably converted to an all-electric process?”
- 2) What is the threshold for something being “cost prohibited?” Does ISD currently use this standard?
- 3) The amendment gives ISD the authority to promulgate their own regulations for a waiver has Councilor Nolan approached ISD prior to filing this amendment? How does ISD imagine the waiver process working and how long would it take?
- 4) At what point in the application process would ISD engage a restaurant owner? Would a set of plans have to be submitted before ISD was able to make a determination on a waiver?

Glowa:

- 1) The Nolan amendment requires a finding that a “cooking process cannot be technically or reasonably converted to an all-electric process”. Is there any similar standard in zoning or law?

- 2) Does this open the city to a potential equal protection issue where ISD is now making the determination on what is reasonable in the context of a cooking process? Example: We give a waiver to restaurants based on ethnicity or the traditional methods of cooking a dish but deny a steak house because steak can also be cooked on an electric surface?