

**THE CORPORATION OF THE CITY OF WINDSOR
OFFICE OF THE CITY ENGINEER- Engineering**



MISSION STATEMENT:

"Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together."

LiveLink REPORT #: 17900 SE2015	Report Date: August 12, 2015 (PW#4049/Is08/13/15:eb)
Author's Name: Patrick Winters	Date to Council: September 8, 2015
Author's Phone: 519 255-6257 ext. 6462	Classification #:
Author's E-mail: pwinters@citywindsor.ca	

To: Mayor and Members of City Council

Subject: 780 Erie Street East – Sidewalk Cafe Permit Including the Use of an Outdoor Oven – Amendment to CR36/2015 Appendix A

1. RECOMMENDATION: City Wide: _____ Ward(s): 4

- I. THAT the request of the business operator of 780 Erie Street East, for a sidewalk cafe permit including the use of an outdoor oven, as shown on the attached drawing C-3147, **BE APPROVED.**
- II. THAT CR 36/2015 Appendix A **BE AMENDED**, as attached, to allow applications for outdoor ovens within sidewalk cafes to be approved at the discretion of the Fire Department.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

CR36/2015 approved the issuance of sidewalk cafe permits by the City Engineer containing outdoor ovens, subject to the following conditions:

- 1. *Any device used for the purpose of cooking shall be designed for that use, must be listed and/or approved (by the Chief Fire Official) and shall be installed and used in accordance with the manufacturer's instructions.*
- 2. *The City requires a certificate of insurance which states the outdoor oven is included in the general liability coverage for the sidewalk cafe. A higher amount of Commercial General Liability insurance may be required at the discretion of the Manager of Purchasing and Risk Management.*
- 3. *Outdoor oven to be located in an approved sidewalk cafe area which:*
 - a. *has a minimum 1.5m separation from any seating area, pedestrian walkway, building entrance etc.*

- b. is enclosed by a fence to limit access*
 - c. has access to a hose and domestic water supply*
 - d. forms part of the safety plan for the business establishment, to be approved by the Fire Department*
4. *Any fire is to be continually maintained by staff and fully extinguished at the close of the business.*
5. *Any food preparation which would not occur within the business establishment would be subject to any requirements the Health Unit would have to maintain a sanitary workspace with food items stored at the appropriate temperatures.*

Subsequent the adoption of the resolution, La Contessa [780 Erie Street] has applied for a sidewalk cafe permit using the proposed patio layout depicted in the attached drawing. As designed, the layout fails to meet the requirements specified under 3 a) and b) above.

3. DISCUSSION:

The fencing and minimum separation requirements for areas surrounding outdoor ovens are included as conditions for permit at the recommendation of the Fire Department. At this time, Fire Prevention has reviewed the proposed patio layout and they are recommending the oven be allowed to operate in its current configuration. In voicing their approval, both Fire as well as the applicant note that this particular oven is fully insulated, and poses minimal threat to an individual who may come into contact with it during operation.

Based on the information available, Administration supports the current configuration of the patio as proposed at 780 Erie Street East.

4. RISK ANALYSIS:

There are no significant and critical risks identified under this report. Risks associated with the operation of the sidewalk cafe and the inclusion of the outdoor oven may be mitigated through the permit holder's insurance policy.

5. FINANCIAL MATTERS:

Typical annual sidewalk cafe permit fees apply [\$1 permit fee plus \$1000 indemnity]

6. CONSULTATIONS:

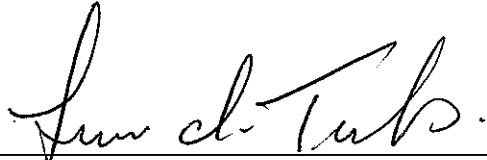
Fire Department – Fire Prevention – John Lee

7. CONCLUSION:

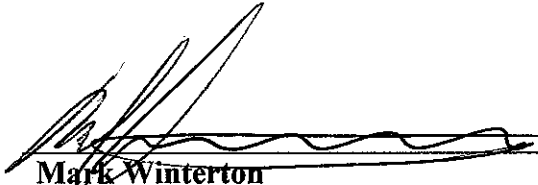
Administration recommends the approval of the sidewalk cafe, under its current configuration, based on consultation with Fire Prevention, and that CR 36/2015 be amended to allow applications for outdoor ovens within sidewalk cafes to be approved at the discretion of the Fire Department.



Patrick Winters
Engineer II (T)



France Isabelle-Tunks
Senior Manager Development, Projects and
Right-of-Way/Deputy City Engineer



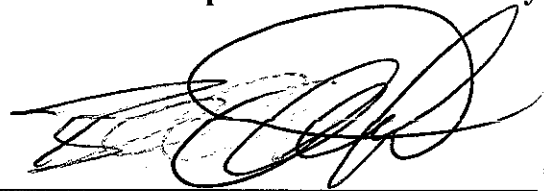
Mark Winterton
City Engineer and Corporate Leader
Environmental Protection and
Transportation



Shelby Askin Mager
City Solicitor and Corporate Leader
Economic Development and Public Safety



Helga Reidel
Chief Administrative Officer



Bruce Montone
Fire Chief

APPENDICES:
Appendix 'A' – CR36/2015 Appendix A
Drawing C-3147

DEPARTMENTS/OTHERS CONSULTED:

Name:
Phone #:

NOTIFICATION :

Name	Address	Email Address	Telephone
La Contessa Ristorante	780 Erie St E Windsor ON N9A 3Y2	info@lacontessaristorante.com	(519) 252-2167
Ward 4 Councillor – Chris Holt		cholt@citywindsor.ca	
Risk Management Supervisor Corporate Services		dstraus@citywindsor.ca	(519) 255-6100

Appendix 'A'

REQUIREMENTS FOR OUTDOOR OVENS
WITHIN SIDEWALK CAFES

1. Any device used for the purpose of cooking shall be designed for that use, must be listed and/or approved (by the Chief Fire Official) and shall be installed and used in accordance with the manufacturer's instructions.
2. The City requires a certificate of insurance which states the outdoor oven is included in the general liability coverage for the sidewalk cafe. A higher amount of Commercial General Liability insurance may be required at the discretion of the Manager of Purchasing and Risk Management.
3. Outdoor oven to be located in an approved sidewalk cafe area which:
 - a. has a minimum 1.5m separation from any seating area, pedestrian walkway, building entrance etc.
 - b. is enclosed by a fence to limit access
 - c. has access to a hose and domestic water supply
 - d. forms part of the safety plan for the business establishment, to be approved by the Fire Department
 - e. *or as deemed appropriate by the Fire Chief or designate.*
4. Any fire is to be continually maintained by staff and fully extinguished at the close of the business.
5. Any food preparation which would not occur within the business establishment would be subject to any requirements the Health Unit would have to maintain a sanitary workspace with food items stored at the appropriate temperatures.

