



# APPLICATION FOR APPEAL

## Saint Paul City Council – Legislative Hearings

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MAY 24 2021

CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

### We need the following to process your appeal:

- ☒ \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number \_\_\_\_\_)
  - ☒ Copy of the City-issued orders/letter being appealed
  - ☒ Attachments you may wish to include
  - ☒ This appeal form completed
  - ☐ Walk-In OR ☒ Mail-In ~~Mail-In~~ **Dropped off**
- for abatement orders only: ☐ Email OR ☐ Fax

### HEARING DATE & TIME

(provided by Legislative Hearing Office)

Tuesday, June 8, 2021

Time 1:30 p.m. & 3:00 p.m.

Location of Hearing:

~~Room 330 City Hall/Courthouse~~

Teleconference

### Address Being Appealed:

Number & Street: 240 Chester Street City: St. Paul State: MN Zip: 55107

Appellant/Applicant: Americold Logistics, LLC Email: Terry.Hopkins@americold.com

Phone Numbers: Business 763-535-5000 Extension: 50729 Residence \_\_\_\_\_ Cell 6512337322

Signature: [Signature] Date: May 21, 2021

Name of Owner (if other than Appellant): \_\_\_\_\_

Mailing Address if Not Appellant's: \_\_\_\_\_

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell \_\_\_\_\_

### What Is Being Appealed and Why? *Attachments Are Acceptable*

- ☐ Vacate Order/Condemnation/
- ☐ Revocation of Fire C of O
- ☐ Summary/Vehicle Abatement
- ☒ Fire C of O Deficiency List/Correction
- ☐ Code Enforcement Correction Notice
- ☐ Vacant Building Registration
- ☐ Other (Fence Variance, Code Compliance, etc.)

#### Comments:

Please see the accompanying attachment.

**Attachment to Application for Appeal of:**

**Americold Logistics, LLC** (identified on the Fire Correction Inspection Notice as “Atlas Cold Storage”).

This Application serves as Americold Logistics, LLC’s appeal of Deficiency List Item Number 4, which contends that Americold is in violation of MSFC 3205.5. Americold believes the deficiency is unwarranted for several reasons:

- (1) Americold benefits from the grandfathering provisions of the Minnesota State Fire Code (MSFC 102), and it (along with its predecessors) has safely operated the facility in its current construction for over 4 decades without danger to life or property;
- (2) Americold is identified as an S-2 occupancy by the Minnesota State Fire Code and the Minnesota State Building Code, which does not typically necessitate installation of an automatic sprinkler system (MSFC 903.2, MSBC 903.1); and
- (3) Strict compliance with the Fire Official’s interpretation of Minnesota State Fire Code is impracticable because it would require *either* that Americold engineer an automatic sprinkler system that could be installed throughout its facility, *or* that Americold give up almost half of its storage capability. Neither of these options is economically viable—and therefore the facility qualifies for the modification provisions of MSFC 104.8.

Americold Logistics, LLC operates a cold storage warehouse at 240 Chester Street in St. Paul, Minnesota. There, Americold utilizes a palletized racking system to store frozen food products at heights of twenty to twenty-four feet. Americold and its predecessors have operated this cold storage facility in the same manner since at least the mid-1970s, shortly after the facility was constructed. Today, as was the case during the original construction, the facility sits at least one hundred and twenty feet away from neighboring properties as demonstrated by the attached facility site map.

Though not always owned or operated by Americold, the facility has never undergone significant renovation, nor has it been used for any purpose other than the cold storage of food products. Since Americold has owned and/or operated the facility, it has always maintained a current and valid Fire Certificate of Occupancy. Americold is not aware of any amendments to either the Minnesota State Fire Code or the Minnesota State Building Code that would now render its certificate of occupancy deficient.

Lastly, the commercial viability of the property as a cold storage facility is largely dependent on being able to utilize the full storage capacity of the building. Deficiency List Item Number 4’s insistence that storage be reduced to 12 feet eliminates nearly 50% of the storage capacity, which hamstringing Americold’s ability to meet its customers’ storage needs—despite having safely done so for nearly four decades.

For at least these reasons, Americold appeals Deficiency List Item Number 4.



CITY OF SAINT PAUL

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Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

May 13, 2021

JOHN BRISSON  
ATLAS COLD STORAGE  
240 CHESTER STREET  
ST PAUL MN 55107

## **FIRE INSPECTION CORRECTION NOTICE**

RE: 236 CHESTER ST  
Ref. #35410

Dear Property Representative:

Your building was inspected on May 11, 2021 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date. A re-inspection will be made on or after June 14, 2021.

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

### **DEFICIENCY LIST**

1. EXTERIOR - THROUGHOUT - MSFC 5003.5 - Provide NFPA 704 hazard identification placards.  
-Multiple faded placards throughout the property. Replace the faded placards.
2. FIRE ALARM SYSTEM - DOCUMENTATION - MSFC 907.8 - Provide required annual maintenance of the fire alarm system by a qualified person and provide written documentation to this office as proof of compliance.  
-Email inspector documentation.

3. INTERIOR - EXITS - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path.  
-Several doors were sticking when trying to open. Assure that the doors open without any difficulty.
4. REFRIGERATOR/FREEZER - WAREHOUSE - THROUGHOUT - MSFC 3205.5 -  
Maximum permissible storage height and pile volume in high-piled storage areas shall be in accordance with MSFC table 3206.2 Maximum pile / volume shall not exceed 12 feet.  
-Multiple areas throughout the building had storage in excess of 12 feet, approximately 20 to 24 feet in some areas at the time of inspection. Reduce the storage height to no more than 12 feet off the ground.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: [Sebastian.Migdal@ci.stpaul.mn.us](mailto:Sebastian.Migdal@ci.stpaul.mn.us) or call me at 651-266-8985 between 8:00 a.m. - 9:30 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Sebastian Migdal  
Fire Safety Inspector

Reference Number 35410



240 Chester



