

RLH WA 21-26



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

JUN 16 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 536072)
- Copy of the City-issued orders/letter being appealed
- Attachments you may wish to include
- This appeal form completed
- Walk-In OR Mail-In
- for abatement orders only: Email OR Fax

HEARING DATE & TIME
 (provided by Legislative Hearing Office)
 Tuesday, JUNE 22, 2021

Time: you will be called between
11:30 A.M. & 1:00 P.M.

Location of Hearing:
 Teleconference due to Covid-19 Pandemic

Address Being Appealed:

Number & Street: 756 Cleveland Ave.^S City: St. Paul State: MN Zip: 55116

Appellant/Applicant: FRANCIS PHAN Email _____

Phone Numbers: Business 651-698-8408 Residence _____ Cell 651-353-5433

Signature: [Signature] Date: 6-16-2021

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.)

See attached repairs in progress waiting for available contractor

The following should also be called: Borqdon Long 515520-9711

James Farnsworth 612-804-2205

Kathy Carruth 651-249-1465



By Order of the
 City of Saint Paul
 Department of Safety & Inspections
 Fire Inspection Division
 651-266-8989



REVOCACTION NOTICE

The Fire Certificate of Occupancy required for the
 Occupancy or Use of This Building, has been Revoked.

It is unlawful to Use or Occupy this building

After: JUNE 17, 2021 @ 3:00 PM.

Persons Using or Allowing the Use or Occupancy of
 This Building, are Subject to Criminal Penalties.

Building Address: 756 CLEVELAND AVENUE SOUTH

Code: SPLC, Art.: 34.09, Sect. _____.

Inspector: HUSEBY, LAURA, Date: MAY 18, 2021

Under Penalty of Law, this notice shall not be removed without authorization from the
 Department of Safety & Inspections

Any Person affected by this Order, may file an appeal at the Office of the City Clerk,
 Room 310, City Hall, 15 Kellogg Blvd. West, or call (651) 266-8688 within 10 days
 of the original notice. The cost to file an appeal is \$25, and must include a copy
 of the letter of Revocation. This letter of Revocation is available at: Saint Paul Department
 of Safety & Inspections, Fire Inspection Division, 375 Jackson Street Suite #220 Saint Paul, MN 55101



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

May 18, 2021

Paster Ford Cleveland Llc
5320 W 23rd St Ste 205
Saint Louis Park MN 55416-1667

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 756 CLEVELAND AVE S
Ref. # 16313

Dear Property Representative:

Your building was inspected on May 18, 2021 for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code.

A reinspection will be made on June 17, 2021 at 3:00 PM or the property vacated.

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

DEFICIENCY LIST

1. Interior-Vina Restaurant - SPLC 34.19 - Provide access to the inspector to all areas of the building. Failure to do so may result in enforcement action.
Provide access to the roof for inspection of the exhaust fan and make-up air units.
2. Exterior-Unit 756 - Roof-top Exhaust Fan - MSFC 607.3 Operations and maintenance. Commercial cooking systems shall be operated and maintained.
MSFC 607.3.1 Ventilation system. The ventilation system in connection with the hood(s) shall be operated at the required rate of air movement for the cooking equipment and cooking medium.
Exhaust fan has been replaced with non-compliant exhaust fan including: missing a hinge-kit for tipping the exhaust fan to clean ductwork from the top of ductwork down to cooking equipment; missing grease trough/catcher for the exhaust fan to keep grease from accumulating on roof.

3. Unit 756 - Main Floor Commercial Kitchen- Vina - MSFC 904.11.6.2 - Provide required six-month service of the hood and duct fire suppression system. Provide documentation from qualified contractor.
*5/18/21: Update: copy from November 2020 provided, by next inspection the suppression system will need to be inspected again June 2021.
Provide a copy of the suppression system inspection report for the exhaust hood.*
4. Unit 756 - Commercial Kitchen - MMC Section 508. Makeup air shall be supplied during the operation of commercial kitchen exhaust systems that are provided for commercial food heat-processing appliances. The amount of makeup air supplied shall be approximately equal to the exhaust air. The makeup air shall not reduce the effectiveness of the exhaust system. Makeup air shall be provided by mechanical means and the exhaust and makeup air systems shall be electrically interlocked to ensure that makeup air is provided whenever the exhaust system is in operation. Makeup air intake openings shall comply with IMC Sections 401.4 and 401.5
4/20/21: Review of the kitchen exhaust and make-up air unit with HVAC inspections to verify no make-up air. A balance report will be required for the balancing of the make-up air with the new to the space exhaust fan. Provide a copy of the balance report from a licensed HVAC contractor.
5. Unit 756 Cleveland - Basements - 2020 MSBC Chapter 1300.0120 Permits. Subpart 1. Required. An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.
Replacement of the exhaust fan for the restaurant was done prior to November of 2020. No permits for the replacement of this equipment have been obtained by a licensed contractor and will need to get a licensed HVAC contractor to install a compliant exhaust fan for the system. Cannot verify the license for contractor: Lux Mechanical, 1360 University Avenue West, #488 and a licensed contractor will be required if this contractor cannot produce a competency card for HVAC installations in the city of St. Paul.
6. Interior-Christian Science Reading Room - SPLC 34.19 - Provide access to the inspector to all areas of the building. Failure to do so may result in enforcement action.
No one at the property during last inspection May 18, 2021. Signage in window said "OPEN" but no one answered the door.
7. Interior - Christian Science Reading Room - MSFC 906.1, MN Stat. 299F.361 - Provide approved fire extinguishers in accordance with the following types, sizes and locations.
Provide 5 lb. ABC-rated fire extinguisher in basement where missing.

8. Interior - Christian Science Reading Room - MSFC 901.6 - Have fire extinguisher recharged and tagged.
Main floor extinguisher dated from 2018. Fire extinguishers need to be maintained annually.

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: Laura.Huseby@ci.stpaul.mn.us or call me at 651-266-8998 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Laura Huseby
Fire Safety Inspector

Ref. # 16313