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MCCLAY · ALTON, P.L.L.P.  
ATTORNEYS

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January 15, 2013

Marcia Moermond  
Legislative Hearing Officer  
CITY OF ST. PAUL  
15 West Kellogg Blvd  
St. Paul, MN 55102

RE: **2218-2220 Dayton Ave** and **2151-2153 Dayton Ave**

Dear Ms. Moermond:

Our office represents William R. Nichols, the owner of the property located at 2218-2220 Dayton Ave., St. Paul, and Pro-Mark Property Services, LLC, the owner of the property located at 2151-2153 Dayton Ave.

The owners appeal the NOTICE OF INCOMPLETE STUDENT HOUSING REGISTRATION APPLICATION dated December 5, 2012 on the grounds that the Fire Inspector made an error in determining that the property did not possess a fire certificate of occupancy or provisional certificate of occupancy as of the date of the registration application.

The Department of Safety and Inspections (DSI) must issue a certification of status as an existing student dwelling to the owners because they complied with the requirements of Section 67.704 of the St. Paul Ordinances. The owners submitted registration applications before December 5, 2012, and at the time of the filing of the applications, the property met the definition of student dwelling under the ordinance.

Section 67.704 of the St. Paul Ordinances provides as follows:

The owner(s) of an existing building possessing either a valid fire certificate of occupancy or provisional fire certificate of occupancy and which, at any time within the eighteen-month period immediately preceding the effective date of this article,<sup>1</sup> met the definition of a student dwelling under this article shall submit a written application to register the building within one hundred twenty (120) days of the effective date of this article to the Department of Safety and Inspections ("DSI"). Upon receipt of the written registration application DSI shall determine whether the building's fire certificate of occupancy or provisional fire certificate of occupancy is valid as of the date of the registration application. Upon such determination, DSI shall issue a written certification to the building's owner(s) of the building's status as an existing student dwelling. Certification shall not unreasonably be withheld.

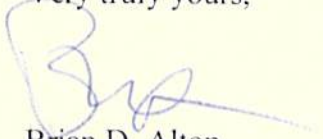
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<sup>1</sup> The effective date of the ordinance was August 8, 2012.

Each of the properties had either a valid fire certificate of occupancy or provisional fire certificate of occupancy as of the date of the registration application (See attached documentation of certificates of occupancy for each property). Both properties were being used as student dwellings prior to the effective date of the ordinance.

Thank you for your consideration in this matter. On behalf of the owners, we respectfully request that the Student Housing Registration Applications be approved.

Very truly yours,



Brian D. Alton  
brian@mcclay-alton.com

BDA/mm  
Enclosures

cc: William R. Nichols  
Connor Nichols