

August 18, 2011

James Bloom
Building Official
City of Saint Paul
350 Jackson Street, Suite 220
Saint Paul MN 55101

Re: Occupant load actual use determination Union Depot Lofts association Community Room & Deck

Dear Mr. Bloom:

As you're aware our association, the Union Depot Lofts CIC, is currently appealing orders by Senior Building Inspector Stephen Ubl to provide a second exit from the third floor community room and its associated deck as per the originally approved plans and permit provided to the general contractor, Olson Construction, in 2005. Further, there's no dispute that the city building inspector didn't observe this departure from the approved plans at the time of final inspection and that subsequent certificate of occupancy inspections by city fire inspectors also didn't address any exiting deficiencies.

We understand that the city has an obligation to address building safety hazards when identified. We also believe however that if the exiting hazard was as egregious as suggested that multiple trained city inspectors would not have failed to raise the question. We think that in the course of those inspections it seemed reasonable to those inspectors that the space might have only one exit access.

We are requesting that you:

- Use the discretionary authority granted to your position by the exception to Section 1004.1.1 of the MN State Fire Code (MSFC) to assign an occupant load of 49 persons to the community room and deck thereby reclassifying the use of the space to a B occupancy according to the definitions of occupancy classification in Section 202 of the MSFC; (Section 303.1 of the MN State Building Code (MSBC)). Justification will be provided below.
- Classify the building as a mixed occupancy with separated uses in accordance with Sec. 102.11 of the MSFC and Sec. 508.3 and Sec. 711 of the MSBC.
- Grant an equivalency to permit an approximately 150' common path of travel distance in excess of the limitations of Sec. 1014.3 of the MSFC/MSBC for B uses for the provision of: the non-required horizontal assembly per Sec. 508.3.3 of the MSBC and Sec. 705.2.3 of the MSFC; and, the provision of non-required manual fire alarm activation in the B use per Sec. 907.2.2.1. (Note the allowed 125' common path of travel for R-2 occupancies as applicable to the 2nd floor exit access).

Alternatively, we are requesting that you:

- Use the discretionary authority granted to your position by the exception to Section 1004.1.1 of the MN State Fire Code (MSFC) and Sec. 302.1 of the MSBC to assign an occupant load of 49 persons to the community room and deck and classify the space as an A occupancy.
- Classify the building as a mixed occupancy with separated uses in accordance with Sec. 102.11 of the MSFC and Sec. 508.3 and Sec. 711 of the MSBC.
- Grant an equivalency to permit an approximately 150' common path of travel distance in excess of the limitations of Sec. 1014.3 of the MSFC/MSBC for B uses for the provision of the non-required fire alarm system in accordance with Sec. 907.2.1 of the MSFC. (Note that the non-required fire alarm system will alert occupants to fire detection in the most remote areas of the building).

As either an A occupancy space or B use space with maximum occupant loads of 49, and given an equivalency for common path of egress based upon the provision of non-required fire safety features, the community room and deck meet the requirements for provision of a single exit access per Sec. 1015.1 of the MSFC. Per Sec 1019.1 of the MSFC, occupants within spaces shall be provided with and *have access* to the minimum number of approved independent exits as required by Sec. 1015.1. Emphasis added.

The exit access of the third floor community room / deck use is through the stair connecting the third floor to the second floor corridor system. Exit access then continues through the corridor system to either exit stair enclosure B or exit stair enclosure C. The common path of travel diverges at the junction of the second floor corridors' southernmost and easternmost intersection, (roughly grid G 15 on the Olson approved plans) and occupants then have access to two exits.

Interpreting the vertical travel from the 3rd floor to the 2nd floor as equivalent to the single story of egress travel indicated by the title of Table 1019.2 is consistent with the regulation of egress from mezzanines in sec. 505.3 of the MSBC.

In accordance with your decision in favor of our request, and in keeping with the philosophy of deed restrictions utilized in 402.7.4 of the MSBC, our association would provide and document the following assurances:

- Our community in common legal documents would be modified to place deed restrictions or similar binding language limiting use of the space to 49 persons into our association contracts. We would further require this information be disclosed at point of sale of any of the residential units in our association.
- We would include a provision within the aforementioned documents that would require any tenant wishing to use the space for more than 49 occupants to notify the association officers and to contact the city fire marshal's office for guidance regarding

provision of fire watches or other appropriate temporary measures that would ensure the safety of the occupants.

- We will provide multiple signs within the community room stating “Use of this room and deck are limited to 49 persons at one time by order of the city of Saint Paul” or similar language subject to your approval.
- We will maintain the 3’ 0” swinging door at the west side of the community room as if it were an exit access doorway, with regard to locking, and provide a permitted, inspected, and code compliant landing and stairs to the surface of the roof. While this will not be a required or legal exit, as part of an overall evaluation of occupant safety, it’s fair to say that there is a very large roof area that would permit occupants to walk away from an incident within the community room space itself. This roof area is within reach of fire department access.

We also note that the code compliant fire rated stair used to access the space, the fire and smoke protected openings of the elevator shaft, and the building’s fire suppression system, as further assurance of minimal risk to occupants of the space.

Because this issue is already on the agenda of the city council we respectfully request that your determination be made expeditiously so that we may address the next step of the process in a timely way. A stamped approval on a returned copy of this letter would be welcome.

Sincerely,

Zachary A. Volk
Union Depot Lofts Association president