

RLH VO 18-52



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

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 820580)
 - 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, <u>October 9, 2018</u>
Time <u>11:30</u>
Location of Hearing: <u>Room 330 City Hall/Courthouse</u>

Address Being Appealed:

Number & Street: 990 Payne Ave. City: St. Paul State: MN Zip: 55130

Appellant/Applicant: 990 Payne Ave LLC Email: paulsonlawfirmpllc@gmail.com

Phone Numbers: Business 651-260-8205 Residence _____ Cell _____

Signature: [Signature], attorney for 990 Payne Ave LLC Date: 10/1/2018

Name of Owner (if other than Appellant): Irma Sonia Orega

Mailing Address if Not Appellant's: 860 Blue Gentian Road, Suite 200, Eagan MN 55121

Phone Numbers: Business 651-260-8205 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:

Appellant appeals from the Revocation of its certificate of occupancy.
 The items cited have been cleaned up or moved.
 The second floor and basement are not used for commercial purposes
 The City of St. Paul has allowed the certificate of occupancy for the first floor for years and is now acting in an arbitrary and capricious manner to deny the use of the building.



CITY OF SAINT PAUL

September 21, 2018

990 PAYNE AVENUE LLC
990 PAYNE AVE
ST PAUL MN 55130-3902

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 990 PAYNE AVE
Ref. # 12198

Dear Property Representative:

Your building was inspected on September 20, 2018, 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 re-inspection will be made on October 22, 2018 at 11:00 a.m. 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. **1st Floor - Door to Loading Dock** - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code. - *Repair damaged door closer.*
2. **1st Floor - Electrical Room** - NEC 110.26 - Provide and maintain a minimum of 36 inches clearance in front of all electrical panels. - *Provide clear access to electrical room and clearance in front of electrical panels.*
3. **1st Floor - Fire Sprinkler Riser** - MSFC 901.4.6 - Provide and maintain a minimum of 3 feet unobstructed access around all fire sprinkler valves.

4. **1st Floor - Front Exit** - MSFC 1104.1, 1011.1 - Provide or relocate and maintain approved exit signs to indicate a clear path to the exits. - *Remove the decorations that are blocking the view of the front exit sign.*
5. **1st Floor - Near Restrooms** - MSFC 901.6 - Have fire extinguisher recharged and tagged. - *Fire extinguisher on wall near the restrooms is past due for service and shows low pressure on gauge.*
6. **1st Floor - Near Restrooms** - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the ceiling in an approved manner. - *Repair damaged area of ceiling and patch hole in rear area near restrooms.*
7. **1st Floor - Rear Areas** - MSFC 315.3 - Provide and maintain orderly storage of materials. - *Provide orderly storage including in the area near fire sprinkler controls and the area near the disconnected walk-in cooler.*
8. **1st Floor - Rear North Exit** - MSFC 1104.5, 1011.3 - Provide and maintain approved external or internal lighting of the exit sign. - *Repair non-working bulbs in exit sign.*
9. **1st Floor - Rear North Exit** - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path. - *Remove all storage on the stairway and obstructing access to the door.*
10. **1st Floor - Restaurant Seating** - MSFC 1004.3- Post the occupant load on an approved sign in a conspicuous location near the main exit of the room.
Maximum Occupancy: 74
Post at front 1st floor restaurant seating area. Any increases in occupant load or use of the 1st floor rear area for assembly use will require plans and a permit to be submitted to DSI.
11. **2nd Floor - North Stairway** - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path. - *Remove all storage on the stairway and obstructing the door at bottom of north stairway.*
12. **2nd Floor** - SPLC 40 - Uncertified portions of the building must not be occupied until inspected and approved by this office. - *The 2nd floor of the building is not approved for occupancy of any type. No storage is permitted on the 2nd floor and this level must remain completely unused until approval is given under building permit.*

13. **652 Jenks - 1st Floor Rear Suite** - SPLC 40.06 - Uncertified portions of the building must not be occupied until inspected and approved by this office.
1st floor rear suite (former Sidhe Brewing) is uncertified and vacant and may not be reoccupied until inspected and approved. Contact inspector at (651)266-8986 for inspection prior to any occupancy or use of this area.
The proposed use as an A-2 Banquet Hall/ assembly seating is a change of occupancy and requires review prior to use, floor plans and a building permit may be required. Contact Project Facilitator Jeff Fischbach at (651)266-9106.
14. **Basement - Stairway** - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path. - *Remove all storage on stairway and at the top of stairway obstructing access to the basement.*
15. **Exterior - Exit Near Loading Dock** - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path. - *Relocate the dumpsters where they are obstructing the exit door to exterior.*
16. **Exterior - Throughout** - SPLC 34.09 (1)(2), 34.33 (1) - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.
17. **Exterior - Windows** - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window glass. - *Replace all cracked glass in multiple locations throughout exterior.*
18. **Exterior - Windows** - SPLC 34.09 (4), 34.33 (3) - Provide or repair and maintain the window screen. - *Repair, replace or remove damaged and torn window screens.*
19. **Exterior** - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-8989. - *Replace or remove damaged light fixture near the garage door at exterior loading dock.*
20. **Fire Sprinkler Installation** - SPLC 33.05 - Permits - Complete the installation of the fire sprinkler system which is in process and bring the system to service. Contact DSI to obtain final inspections and approval for the work completed under these permits. As of this letter date, no inspection request has been received from your sprinkler contractor.

21. **Hamburguesas El Gordo - Kitchen Hood - MSFC 904.11.6.2** - Provide required six month service of the hood and duct fire suppression system. Provide documentation from qualified contractor. - *Replace missing cover on the control panel for Ansul suppression system. Provide copy of full report from the most recent service.*
22. **Hamburguesas El Gordo - Kitchen Hood - MSFC 609.2** - Provide an approved hood and duct ventilation system to remove the grease laden vapors. This work may require a permit(s). Call DSI at (651) 266-8989. - *Replacement stove has griddle which extends outside of the hood. Appliances must be entirely underneath the hood and properly aligned with Ansul suppression nozzles. Either remove deep fryer and move stove completely under hood or replace with other appliances that fit under hood. If fryer is kept next to the burner a splash guard would be required.*
23. **Hamburguesas El Gordo - Kitchen Hood - MSFC 904.11** - The existing hood and duct suppression system is not approved to protect the hazard. Replace the existing hood and duct fire suppression system with a UL 300 listed fire suppression system, or equivalent. All work must be done under a permit. Call DSI at (651) 266-8989. - *Replacement stove has griddle which extends outside of the hood. Appliances must be entirely underneath the hood and properly aligned with Ansul suppression nozzles. Either remove deep fryer and move stove completely under hood or replace with other appliances that fit under hood. If fryer is kept next to the burner a splash guard would be required.*
24. **JJ's Steakhouse - Kitchen Hood - MSFC 904.11.6.2** - Provide required six month service of the hood and duct fire suppression system. Provide documentation from qualified contractor. - *Provide full copy of most recent report from hood service.*
25. **JJ's Steakhouse - TV Above Front Counter - MSFC 605.5** - Remove electrical cords that extend through walls, ceiling, floors, under doors, or floors coverings, or are subjected to environmental or physical damage. - *Remove the two electrical cords which go through the wall and across kitchen above the suspended ceiling.*
26. **Throughout - Fire Extinguishers - MSFC 901.6** - Provide required annual maintenance of the fire extinguishers by a qualified person and tag the fire extinguishers with the date of service. - *Service fire extinguishers where past due for service. Some extinguishers were current, some had February 2017 tags.*
27. **Throughout - MSFC 605.5** - Discontinue use of extension cords used in lieu of permanent wiring. - *Remove all extension cords, multiple locations throughout the building.*

28. **Throughout** - MSFC 605.4 - Discontinue use of all multi-plug adapters. - *Remove all unapproved electrical splitters and 3-way extension cord throughout all areas of the building.*

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: mitchell.imbertson@ci.stpaul.mn.us or call me at 651-266-8986 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Mitchell Imbertson
Fire Inspection

Ref. # 12198