

From: [Der Vue](#)
To: [Marcia Moermond](#)
Cc: [Mai Vang](#); [Joanna Zimny](#); [Mitchell Imbertson](#)
Subject: FW: 340-42 Kellogg Blvd W
Date: Friday, March 7, 2025 1:05:55 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image010.png](#)

Marcia,

Please see the emails below. Melissa (with Plan Exam) reached out to me after the Appeals for 340-342 Kellogg Blvd W was heard. I spoke with Mitch regarding the new development, and we just heard back from Nathan. He states a Change of Use is required. I hold myself accountable for not touching base with Plan Exam, etc. (this did not cross my mind in reviewing this and attempting to confirm information with multiple divisions here at DSI).

I am looking to your guidance on how we proceed further. I am out at today at 1:30 pm and will be back in on Monday. I will make time for a call (if you wish), and will need to loop AJ in. He's on vacation starting this afternoon and won't be back until March 18, 2025.

Thank you.



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From: Melissa Doody <Melissa.Doody@ci.stpaul.mn.us>
Sent: Friday, March 7, 2025 9:26 AM
To: Der Vue <Der.Vue@ci.stpaul.mn.us>; Mitchell Imbertson <mitchell.imbertson@ci.stpaul.mn.us>
Cc: Matthew Graybar <Matthew.Graybar@ci.stpaul.mn.us>; Nathan Bruhn <nathan.bruhn@ci.stpaul.mn.us>
Subject: RE: 340-42 Kellogg Blvd W

Hi Der and Mitch,

Please see below for Nathan Bruhn. Please keep in mind, this is based on looking over their website and social media, it looks like they mix and then serve drinks, to be consumed on-site. It's the mixing of the drink on-site and serving that leads us to that it should be a B occupancy w/ a change of occupancy building permit. Do we know if they have a license with MDH?

You can see from a tiktok social media video it shows that they're mixing the drinks on-site:
https://www.tiktok.com/@ralph_matthews/video/7464074219102473515

Thanks

Melissa Doody
Plan Examiner

She/Her

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SAINT PAUL
MINNESOTA

From: Nathan Bruhn <nathan.bruhn@ci.stpaul.mn.us>

Sent: Friday, March 7, 2025 9:05 AM

To: Melissa Doody <Melissa.Doody@ci.stpaul.mn.us>; Der Vue <Der.Vue@ci.stpaul.mn.us>

Cc: Matthew Graybar <Matthew.Graybar@ci.stpaul.mn.us>

Subject: RE: 340-42 Kellogg Blvd W

Melissa,

I agree with your findings. This would be considered a change of use to a B occupancy. The owner will need a permit for the change of use.

Regards,

Nathan Bruhn

Building Official

Department of Safety and Inspections

City of Saint Paul

375 Jackson Street, Suite 220

St. Paul, MN 55101

Phone: 651-266-9033

Email: Nathan.Bruhn@ci.stpaul.mn.us



SAINT PAUL
MINNESOTA

From: Melissa Doody <Melissa.Doody@ci.stpaul.mn.us>

Sent: Wednesday, March 5, 2025 10:06 AM

To: Der Vue <Der.Vue@ci.stpaul.mn.us>

Cc: Matthew Graybar <Matthew.Graybar@ci.stpaul.mn.us>

Subject: RE: 340-42 Kellogg Blvd W

Hi Der,

I will try following up with Building Official Nathan Bruhn and get back to you, since for example if we had someone proposing a new-build coffee shop and they called in an M on the building permit, I don't believe we would not accept that proposal on a building permit review. If they are physically selling like a packaged product in addition to the product consumed on-site, then we'd consider that a M occupancy that is secondary or accessory to the primary B occupancy. The code path in the building code I imagine would be similar as in the fire code but the space is considered a small assembly space where people gather for consuming food and drink on-site, so that fits the bill for [Section 303.1](#), and then right after that 303.1.1 requires it to be considered a B instead of an A for $OL < 50$. Mercantile is going to be for retail/sale of like physical and prepackaged products, not food/beverage products consumed on-site in an assembly setting.

In addition to this these folks need a SAC determination, they changed the use and changes of use need a SAC determination from Met Council. If they owe SAC, they pay for it on the building permit. We could get in trouble with Met Council for not charging SAC when we are supposed to. They also need mechanicals, the mechanical/ventilation situation for a Mercantile use might be very different from a small assembly space, so we make sure that is checked on a building permit. I would say regardless of the Change of Occupancy Group, it's still a change in use and needs a building permit.

I'll double check everything with Nathan and follow up

Thank you!

Melissa Doody
Plan Examiner

She/Her

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SAINT PAUL
MINNESOTA

From: Der Vue <Der.Vue@ci.stpaul.mn.us>
Sent: Wednesday, March 5, 2025 9:35 AM
To: Melissa Doody <Melissa.Doody@ci.stpaul.mn.us>
Cc: Matthew Graybar <Matthew.Graybar@ci.stpaul.mn.us>
Subject: RE: 340-42 Kellogg Blvd W

Hi Melissa,

I appreciate this. In speaking with YaYa, Eric Hudak and Fire Safety Commercial Supervisor, the Mercantile use will remain in place so long as it remains as is (coffee/tea shop, non-alcoholic bottled beverages and limited snacks – no food processing onsite).

This was put on the record for the occupant of the commercial space yesterday at Hearings and will be recommended to the City Council by the LHO.

Thanks so much for your follow-up!



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From: Melissa Doody <Melissa.Doody@ci.stpaul.mn.us>
Sent: Tuesday, March 4, 2025 4:43 PM
To: Der Vue <Der.Vue@ci.stpaul.mn.us>
Cc: Matthew Graybar <Matthew.Graybar@ci.stpaul.mn.us>
Subject: RE: 340-42 Kellogg Blvd W

Hi Der,

Matt forwarded this one along to me and I took a look at the property and the folders and whatnot. Looks like last Fire C of O approved as a Mercantile Occupancy. I think Plan review would be OK with that also it being that it was a long standing use that was approved on several C of O's over the years, though I'm not sure it ever got a building permit way back when, I didn't see one on file from when it was converted I believe to a duplex/2 unit building to the Mercantile use (perhaps around 2010?).

Anyways, it looks likely that this would fall under a B Occupancy as a Tea/Coffee/Internet Café, that is if the occupant load is less than 50. But that is a change of use and a change in occupancy, and would require a building permit. For the building permit plan review, we would need to see at a minimum all of the below submitted to our office before a building permit for change of use can be issued:

- [Building permit application](#) filled out and submitted to our office
- Plans of the building – showing the layout – windows, walls, doors, uses of spaces, counter tops, plumbing fixtures, seating arrangement, etc.
 - Depending on the scope, a licensed architect may be required, but we'd be willing to take a look at plans not signed by an architect to at least get the ball rolling.
- [SAC Determination from Met Council](#)
- HVAC/Mechanical and Ventilation plans signed by a licensed mechanical engineer

The building permit review will also include any other reviews needed by other departments, such as Zoning. Feel free to forward along to any/all that may find this info useful.

Thank you,

Melissa Doody
Plan Examiner

She/Her

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SAINT PAUL
MINNESOTA

From: Matthew Graybar <Matthew.Graybar@ci.stpaul.mn.us>

Sent: Tuesday, March 4, 2025 11:25 AM

To: Melissa Doody <Melissa.Doody@ci.stpaul.mn.us>

Subject: FW: 340-42 Kellogg Blvd W

FYI

Respectfully,



SAINT PAUL
MINNESOTA

Matthew Graybar

DSI Zoning Inspector III
Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101

P: 651-266-9080

F: 651-266-9009

matthew.graybar@ci.stpaul.mn.us

From: YaYa Diatta <yaya.diatta@ci.stpaul.mn.us>

Sent: Tuesday, March 4, 2025 10:43 AM

To: Der Vue <Der.Vue@ci.stpaul.mn.us>; Tia Anderson <Tia.Anderson@ci.stpaul.mn.us>; Frances Birch <Frances.Birch@ci.stpaul.mn.us>

Cc: Frank Thurner <Frank.Thurner@ci.stpaul.mn.us>; Matthew Graybar <Matthew.Graybar@ci.stpaul.mn.us>

Subject: RE: 340-42 Kellogg Blvd W

Der,

Thank you for reaching out. I am confirming Frances' determination that the proposed use falls under the classification of a "Coffee Shop, Tea House," as defined in the zoning code section below:

Sec. 65.613. - Coffee Shop, Tea House

An establishment principally engaged in the sale of coffee, tea, and other non-alcoholic beverages for consumption on the premises or for carryout. The establishment may also include the sale of a limited number of food items, as allowed under a limited food menu license.

I hope you would be helpful for your hearing today.

Let me know if you have any questions.

From: Der Vue <Der.Vue@ci.stpaul.mn.us>

Sent: Tuesday, March 4, 2025 10:01 AM

To: Tia Anderson <Tia.Anderson@ci.stpaul.mn.us>; YaYa Diatta <yaya.diatta@ci.stpaul.mn.us>; Frances Birch <Frances.Birch@ci.stpaul.mn.us>

Cc: Frank Thurner <Frank.Thurner@ci.stpaul.mn.us>; Matthew Graybar <Matthew.Graybar@ci.stpaul.mn.us>

Subject: RE: 340-42 Kellogg Blvd W

All,

This is being heard again in Hearings this afternoon. The LHO was awaiting Zoning confirmation on the type of use this business should fall under.

Any updates you can provide would be greatly appreciated. If no confirmation is ready, please let me know so we request a lay over for another week.

Thank you.



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From: Tia Anderson <Tia.Anderson@ci.stpaul.mn.us>

Sent: Tuesday, February 18, 2025 1:13 PM

To: Der Vue <Der.Vue@ci.stpaul.mn.us>; YaYa Diatta <yaya.diatta@ci.stpaul.mn.us>; Frances Birch <Frances.Birch@ci.stpaul.mn.us>

Cc: Frank Thurner <Frank.Thurner@ci.stpaul.mn.us>; Matthew Graybar <Matthew.Graybar@ci.stpaul.mn.us>

Subject: RE: 340-42 Kellogg Blvd W

See attached Frances' email the other week re: her previous conversation w/ the business operator.

Tia

From: Der Vue <Der.Vue@ci.stpaul.mn.us>

Sent: Tuesday, February 18, 2025 12:56 PM

To: Tia Anderson <Tia.Anderson@ci.stpaul.mn.us>; YaYa Diatta <yaya.diatta@ci.stpaul.mn.us>; Frances Birch <Frances.Birch@ci.stpaul.mn.us>

Cc: Frank Thurner <Frank.Thurner@ci.stpaul.mn.us>; Matthew Graybar <Matthew.Graybar@ci.stpaul.mn.us>

Subject: RE: 340-42 Kellogg Blvd W

Thank you. I appreciate your help.



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From: Tia Anderson <Tia.Anderson@ci.stpaul.mn.us>
Sent: Tuesday, February 18, 2025 12:47 PM
To: Der Vue <Der.Vue@ci.stpaul.mn.us>; YaYa Diatta <yaya.diatta@ci.stpaul.mn.us>; Frances Birch <Frances.Birch@ci.stpaul.mn.us>
Cc: Frank Thurner <Frank.Thurner@ci.stpaul.mn.us>; Matthew Graybar <Matthew.Graybar@ci.stpaul.mn.us>
Subject: RE: 340-42 Kellogg Blvd W

Der –

I'm looping in [@Birch, Frances \(CI-StPaul\)](#) from Zoning, in case she has additional info to share/zoning direction.

Both Matt and Yaya are out today, and unfortunately I've not been involved in conversations outside of this email chain.

Tia

From: Der Vue <Der.Vue@ci.stpaul.mn.us>
Sent: Tuesday, February 18, 2025 11:50 AM
To: YaYa Diatta <yaya.diatta@ci.stpaul.mn.us>; Matthew Graybar <Matthew.Graybar@ci.stpaul.mn.us>
Cc: Frank Thurner <Frank.Thurner@ci.stpaul.mn.us>; Tia Anderson <Tia.Anderson@ci.stpaul.mn.us>
Subject: RE: 340-42 Kellogg Blvd W
Importance: High

YaYa and Matt,

I am following up on the email below. Based on the information provided, it appears Mercantile would not fit the use of the Kava Lounge. Is this agreed upon with Zoning? Has another use been determined? The correction orders were appealed and being heard this afternoon.

I would like to provide clarification/information to the appellant, and or request the hearing to be laid over if possible pending research from within DSI.

Thanks much.



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From: Frank Thurner <Frank.Thurner@ci.stpaul.mn.us>
Sent: Tuesday, February 18, 2025 11:18 AM
To: Der Vue <Der.Vue@ci.stpaul.mn.us>
Subject: FW: 340-42 Kellogg Blvd W

From: Eric Hudak <Eric.Hudak@ci.stpaul.mn.us>
Sent: Monday, February 10, 2025 8:16 AM
To: Frank Thurner <Frank.Thurner@ci.stpaul.mn.us>
Subject: RE: 340-42 Kellogg Blvd W

No city-issued business license needed for this business. They do need State issued (MDH restaurant and possibly Dept. of AG food handler) licenses. If they served alcohol they would need a city license. Do you want me to advise the rest on this string or is this good enough?

Eric

From: Frank Thurner <Frank.Thurner@ci.stpaul.mn.us>
Sent: Friday, February 7, 2025 3:28 PM
To: Eric Hudak <Eric.Hudak@ci.stpaul.mn.us>
Subject: RE: 340-42 Kellogg Blvd W

Coffee, tea, internet lounge. AJ, Mitch and I looked at his web page (Kava Lounge) and believe it not mercantile . leaving it to your determination.

From: Eric Hudak <Eric.Hudak@ci.stpaul.mn.us>

Sent: Friday, February 7, 2025 2:03 PM

To: Tia Anderson <Tia.Anderson@ci.stpaul.mn.us>; Frank Thurner <Frank.Thurner@ci.stpaul.mn.us>; Matthew Graybar <Matthew.Graybar@ci.stpaul.mn.us>
Cc: Frances Birch <Frances.Birch@ci.stpaul.mn.us>; YaYa Diatta <yaya.diatta@ci.stpaul.mn.us>
Subject: RE: 340-42 Kellogg Blvd W

What type of business are they conducting?

From: Tia Anderson <Tia.Anderson@ci.stpaul.mn.us>

Sent: Friday, February 7, 2025 1:58 PM

To: Frank Thurner <Frank.Thurner@ci.stpaul.mn.us>; Eric Hudak <Eric.Hudak@ci.stpaul.mn.us>; Matthew Graybar <Matthew.Graybar@ci.stpaul.mn.us>
Cc: Frances Birch <Frances.Birch@ci.stpaul.mn.us>; YaYa Diatta <yaya.diatta@ci.stpaul.mn.us>
Subject: RE: 340-42 Kellogg Blvd W

Eric – Not sure if Licensing has been brought in on this complaint re: a non-approved change in use. Looking at the AMANDA file RF #25-005017 it appears lack of business license is one of the issues to be resolved.

Frank – Yaya is out until Feb 18; I'm not familiar with this property if you were previously working with him on the property. Please work with Matt Graybar to verify the change of use.

Tia

City of Saint Paul

Tia Anderson

Principal Planner

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SAINT PAUL
MINNESOTA

From: Frank Thurner <Frank.Thurner@ci.stpaul.mn.us>

Sent: Wednesday, February 5, 2025 3:54 PM

To: Tia Anderson <Tia.Anderson@ci.stpaul.mn.us>

Subject: 340-42 Kellogg Blvd W

After looking this over with my supervisor and manager of Fire inspection it is are believe this need attention of License and Zoning. Attention to the Java Lounge web site says different than what he has been telling us.

Frank Thurner

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