



## CITY OF SAINT PAUL

OFFICE OF THE CITY COUNCIL

310 CITY HALL

15 WEST KELLOGG BOULEVARD

SAINT PAUL, MN 55102-1615

EMAIL: [legislativehearings@ci.stpaul.mn.us](mailto:legislativehearings@ci.stpaul.mn.us)

PHONE: (651) 266-8560 FAX: (651) 266-8574

November 30, 2011

David Leventhal  
651 Cleveland Avenue South  
Saint Paul, MN 55116

RE: Appeal for property at 651 Cleveland Avenue South

Dear Mr. Leventhal:

I want to thank you for providing your time and access to your property on November 17, 2011. The visit provided me with helpful information to process your appeal and this letter is intended to summarize my recommendation to the City Council. Their public hearing on this matter is scheduled for December 7, 2011 at 5:30 p.m. in Council Chambers, Room 300 of City Hall.

From the October 13, 2011 Fire Certificate of Occupancy Orders, the following items were listed as “deficiencies” needing correction:

1. OCCUPANT LOAD – MSFC 1027.1.3 – Reduce the number of tables and chairs to 65 – Reduce tables and chairs and remove old occupant load sign.
2. OCCUPANT LOAD – MSFC 1003.2.2.5 – Post the occupant load on an approved sign in a conspicuous location near the main exit of the room. – OCCUPANT LOAD :65.

The current number of seats in the restaurant exceeds 90, which is significantly more than is considered safe under building and fire codes. The fire inspector indicated the maximum number is 65, which I believe is a generous analysis of the codes. In order to increase the occupant load to 75, I recommend that the City Council require the following conditions be met:

- 1) There is currently no fixed seating in the restaurant. Fixed seating would need to compose 1/3, or at least 25, of the available seats;
- 2) The signage for exiting through the kitchen area needs to be substantially improved so it explicitly indicates the direction of the exit, given there are 2 turns necessary to leave the restaurant through that area;

- 3) The table and chairs nearest the kitchen are to be removed, and the area remain open as a passage-way;
- 4) The occupant load sign must be removed and replaced (as specified above); and
- 5) The seating area located to right upon entrance into the restaurant should be re-configured to both decrease the number of seats (we discussed at least 12 seats) and increase the width of the isles between the tables.

If you wish to increase the occupant to 80, you will need to modify the foyer to change the swing of the door, so that it opens in the direction of travel for emergency exiting from the store. We discussed several options for this, and understand that reconfiguring the space should not have the door opening into the right-of-way, where it may hit passers-by.

If you wish to increase the occupant load to 85, you will need to install a sprinkler system for the entire building.

Finally, if the Department of Safety and Inspections views these matters in a *less stringent* fashion than I do, the resolution before the Council allows them to enforce according to their reading of the relevant codes.

Again, if you wish to discuss my recommendation with the City Council and seek a different outcome, a public hearing is scheduled on this matter for December 7, 2011 at 5:30 p.m. in Council Chambers, Room 300 of City Hall.

Sincerely,

Marcia Moermond  
Legislative Hearing Officer

c: Fire Supervisors (email)