



City of Saint Paul

City Hall and Court House
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Master

File Number: RLH FCO 13-155

File ID: RLH FCO 13-155

Type: Resolution LH Fire C of O

Status: Passed

Version: 2

**Contact
Number:**

In Control: City Council

File Created: 07/08/2013

File Name: 1062 Forest Street

Final Action: 09/04/2013

Title: Appeal of Chue Feng Thao to a letter regarding a Fire Certificate of Occupancy
Deficiency List at 1062 FOREST STREET.

Notes:

Agenda Date: 09/04/2013

Indexes: Ward - 6; Fire C of O Letter

Agenda Number: 38

Sponsors: Bostrom

Enactment Date:

Attachments: 1062 Forest St.appeal.7-8-13, 1062 Forest
St.Photos.1-7-13, 1062 Forest St.Photos.6-28-13,
1062 Forest St.Diagram.7-23-13, 1062 Forest
St.Photos.7-29-13, 1062 Forest St.Thao Ltr 8-14-13

Financials Included?:

Contact Name:

Hearing Date:

Entered by: Racquel.Naylor@ci.stpaul.mn.us

Ord Effective Date:

Approval History

Version	Date	Approver	Action
1	07/08/2013	Moermond, Marcia	Approve
2	08/26/2013	Moermond, Marcia	Approve
2	08/27/2013	Dan Bostrom	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Legislative Hearings	07/16/2013	Laid Over	Legislative Hearings	08/13/2013		
	Action Text: Laid Over to the Legislative Hearings due back on 8/13/2013						
	Notes: Supervisor Shaff will inspect the building to re-measure the attic space, take photos of the door and look at the rear stairway footings.						
	RE: 1062 Forest St (Duplex)						

Chue Feng Thao, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Inspection conducted by Inspector Tennocore
- started in Jan-Feb, 2013
- in the process, the property was sold and some Orders went with it
- there are 4 Orders left
- Mr. Thao is appealing #1, #2, #3
- #1 & #2 - exterior rear stairs - declared unsafe: the posts sit on some deck blocks that are walking off; this is also the only exit for the 2nd floor unit
- photos in file
- #3- the ceiling height on the 3rd floor - (must be 7 feet over half the floor area): the height of the rooms in the north, west and south are above 6'7" for about a third of the floor area and then they slope (photos)

Ms. Moermond:

- looking at photos of rear stairs and is not quite sure why the posts weren't embedded in concrete (Ms. Shaff: you don't necessarily have to embed them in concrete; just a platform that's not attached to a structure isn't required to be embedded in concrete; if it's there are 3 stairs or fewer; or if it's less than 30 inches above average grade, concrete is not required)

Mr. Thao:

- closed on property Feb 28, 2013
- the first unit includes the first floor and the basement; the 2nd unit includes the 2nd and 3rd floors

Ms. Shaff:

- the 3rd floor doesn't require an independent exit
- the 2nd unit requires only 1 exit from the unit
- has a permit from Apr 30, 2013 for various restorations: alterations, repairs, minor repair, no structural work \$3,000 valuation of the work, which has not been inspected
- there was a re-roof permit in 2011 still open; permit for window replacement in 2006
- it looks very much like that 3rd floor was done without permits, at least, without sign-offs

Ms. Moermond:

- would like better measurements of the rooms on the 3rd floor to find out the proportions and also to determine if there is enough square footage for a room to be a bedroom above 5 ft (a lot of measurements need to be done)

Mr. Thao:

- when he bought the property, he looked on the website to see if there were any Orders on it but he didn't see much; then, he got a letter from the inspector that there were Orders on the house, so, he got the permits to fix the walls, kitchen ceilings, decking, bathroom flooring, etc. (general repair)
- he replaced the old wood on the steps of the rear stairs (he will call the building inspector, Todd Sutter, to get a sign-off 651/266-9024)

Ms. Moermond:

- she will rely on Mr. Sutter's impression of the footings on the rear stairs; they look askew
- she also needs dimensions of the 3rd floor bedrooms; the minimum height is supposed to be 7 feet
- will lay this over to Aug 13, 2013 LH at 1:30 p.m.
- Mr. Thao should hold off renting the 2nd floor unit
- we'll hold off on the official fire inspections

Ms. Shaff:

- in the TISH report, it notes "low head room in attic space"
- suggested that she go out and do both the measurements and take a look at the stairs; Mr. Thao should call her tomorrow to coordinate a time

1	Legislative Hearings	08/13/2013	Referred	City Council	09/04/2013
	Action Text:	Referred to the City Council due back on 9/4/2013			
	Notes:	On 8/16/13, appellant contacted our office requesting that his deadline for compliance be later than Sept 4 because he wants to attend the public hearing. Ms. Moermond granted until September 11 for compliance.			

Deny the appeal on the rear stairway footings and grant until September 4, 2013 to get permit signed off; grant the appeal on the ceiling height issue in the third floor.

RE: 1062 Forest Street (Duplex)

Chue Feng Thao, owner, appeared.

Fire Inspector Leanna Shaff:

- this was at LH on Aug 6, 2013
- there are some head room issues on the 3rd Floor
- also some issues with the footings of the rear stairs
- Ms. Moermond has asked her to go out to take some photos and measurements
- photos in the system
- provided a diagram of the floor area/measurements of 3rd floor
- none of the floor area upstairs would meet the minimum height required, including the hallway
- the highest point of any of the ceilings is 6'7"

Ms. Moermond:

- as she looked at the photos, she was not able to get a sense of the floor area above 5 ft
- the minimum floor area for 1 person is 70 sq.ft.
- the area for any of the rooms on 3rd floor is less than 70 sq.ft
- looking at the photos, one of the bedrooms might qualify with a ceiling height variance (Ms. Shaff: but getting to that bedroom has issues with height)

Ms. Shaff:

- she took a lot of pictures
- the Appellant was in the midst of doing some repairs
- when he put the flashing between the structure and the upper deck; there are some broken boards and things that aren't attached to the structure correctly; some of the decking has too much gap; stairs aren't strung correctly; on post is waling off it's foundation
- there is a general building permit, so she spoke with Steve Ubl about this; he said that the building inspector should catch these problems on re-inspection
- Fire Code doesn't require a 2nd exit from this upper level

Ms. Moermond:

- if this back stair and decking is Condemned while this is being figured out, it won't inhibit the use of the rest of the structure
- the Orders did not Condemn the stair and decking; the Orders required repair and inspection by a building inspector

Ms. Shaff:

- she showed the photos of the back stair and decking to Mr. Ubl, who concurred with her assessment
- Inspector Todd Sutter has not inspected this piece
- permit was pulled Apr 30, 2013 and will expire the end of Oct 2013
- walked thru her diagram of 3rd floor
- at the nose of the top stair landing, ceiling is 76 inches high
- the wall at the top is 4'4"; two feet of that are below 60 in (very narrow walkway); code requires at least 33 in, roughly
- take right off the stairs and to the right down the hall is the bathroom where there's a toilet and a sink (it would be very difficult for a person of her height, around 5'4" to use that room)
- next room is a bedroom with a ceiling height of 78 in.
- hallway center is 76 in high, 14 in wide
- room across is a bedroom 77 in high

Ms. Moermond:

- total bedroom area is 108 sq.ft area and the area of the room over 5 ft is 77 sq.ft. - it's only 44 in wide at 78 in high --- so, 1/2 of the area is at 6'6" - and it should be that 1/2 of the area is at 7 ft high
- the other bedroom is pretty much the same
- this 3rd floor of the building is the 2nd floor of the 2nd Unit
- there is 1 bedroom on the 2nd floor
- very big shortfall; this 3rd floor is definitely a converted attic

Ms. Shaff:

- the conversion may go back to before 2004 (before Amanda records)

- TISH lists low head room in the attic space

Ms. Moermond:

- will recommend granting the variance although she is not comfortable going either way, knowing that the 2nd unit would shrink dramatically

- advised Mr. Thao to come to the City Council Public Hearing Sep 4, 2013 in case the Council wants to discuss this separately

- this 3rd floor is way off the code requirement and will be lucky to get this variance; the measurements do not work and ceiling codes have been very stable for decades

- regarding the back stairs and deck, if Mr. Thao can get the building permit signed-off by Sep 4, 2013, it'll be good; if it's not signed-off by Sep 4, the Department of Safety and Inspections (DSI) is fully empowered to Condemn it

2 City Council 09/04/2013 Adopted Pass

Action Text: Adopted

Yea: 7 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Khaliq, City Council President Lantry, Councilmember Stark, Councilmember Thune, and Councilmember Tolbert

Nay: 0

2 Mayor's Office 09/09/2013 Signed

Action Text: Signed

Text of Legislative File RLH FCO 13-155

Appeal of Chue Feng Thao to a letter regarding a Fire Certificate of Occupancy Deficiency List at 1062 FOREST STREET.

WHEREAS, in the matter of Appeal of Chue Feng Thao to a letter regarding a Fire Certificate of Occupancy Deficiency List at 1062 FOREST STREET, the Legislative Hearing Officer has reviewed the appeal and considered the testimony of City staff and the appellant; and

WHEREAS, the Legislative Hearing Officer recommends that the City Council recommends denying the appeal on the rear stairway footings and grant until September 11, 2013 to get permit signed off; grant the appeal on the ceiling height issue in the third floor; Now, Therefore, Be It

RESOLVED, that the Saint Paul City Council hereby accepts and adopts the Legislative Hearing Officer's recommendation in this matter.

Appeal #2-Deck footing and #3 Third Floor on the deficiency list of the fire and safety inspection. Third floor a sleeping space.