



CITY OF SAINT PAUL
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July 25, 2019

Timothy J. Grande
DeWitt Mckall Counsel & Moore
2100 AT&T Tower
901 Marquette Ave
Minneapolis MN 55402

VIA EMAIL: tjg@dewittmcm.com

RE: Inquiry on Rehabilitation Standards for 888 Maryland Avenue East

Dear Mr. Grande:

I received your July 19, 2019 letter inquiring about specific standards for the rehabilitation of 888 Maryland Avenue East. You indicated this information would be useful to your client, Mr. Meltzer, as he discusses the terms of sale for the property to a new restaurant proprietor. As we discussed in our July 22, 2019 phone conversation, I am following up by way of this letter to confirm the details of our discussion.

As discussed, there is currently a Substantial Nuisance Abatement Order for the removal of 888 Maryland Avenue East, which has been appealed. The nature of these orders is that if the owner or responsible party does not abate the nuisance by rehabilitating or removing the building, the City will proceed with demolition. The measure of completion of the rehabilitation is the issuance of a Certificate of Occupancy from the City's Department of Safety and Inspections (DSI). As you know, an acceptable plan was not presented by the ownership group to the City Council and on February 7, 2019, the Council eliminated the option for rehabilitation and ordered the removal of the property.

I have considered your client's desire for assurance the property will not be demolished mid-way through a rehabilitation effort. I cannot guarantee future actions of the City, which are dependent on compliance with orders and the timeliness of the work. However, I discussed this matter with the City's Building Official, Steve Ubl and Code Enforcement Manager, Steve Magner. We believe there is a path for a higher level of confidence on the part of your client or the buyer. We suggest that the General Contractor/Architect/Designer of Record come in to file permit applications and provide a scope of work. The scope should be specific as to the entire build out of the property as a restaurant. Plan Review staff at DSI, under Steve Ubl's supervision, will make sure that all identifiable concerns are covered in this review. DSI could then grant a *tentative* approval for the issuance of permits, pending Council action on the Substantial

Nuisance Abatement Order granting time for the work to be done. This tentative approval would be attached to the Council record. I would continue to look for the other conditions articulated in the record to be met, such as providing a schedule for the work, contractor bids, etc. Also, I would still be looking for the project to be completed within the grant of time from the Council, which is typically 180 days or less.

We discussed potential zoning complications in the July 16, 2019 Legislative Hearing, which depend on the type of restaurant and whether the restaurant proprietor would want to re-establish the drive-through. I think it makes the most sense to have this resolved prior to a Council vote. Zoning concerns would be identified in the Plan Review process and you would be provided with information on the process for any zoning changes.

I think by handling the permitting and zoning issues prior to Council's reconsideration of this matter, the uncertainty will be significantly reduced. If you would like to proceed in the manner I have described above, you may begin by providing a scope of work for DSI staff review. Steve Ubl will be your contact in this matter and he can be reached at 651-266-9021 or stephen.ubl@ci.stpaul.mn.us.

Our next Legislative Hearing is still scheduled for **August 13, 2019 at 9 a.m. in Room 330 City Hall**. I would like to use this opportunity for us to establish expectations on deadlines for proceeding with a rehabilitation.

Sincerely,

Marcia Moermond

Marcia Moermond
Legislative Hearing Officer

c: Steve Magner
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