



Legislation Text

File #: RLH FCO 11-560, **Version:** 1

Appeal of David Leventhal of Cecil's Delicatessen to a Fire Certificate of Occupancy Correction Order at 651 CLEVELAND AVENUE SOUTH.

October 13, 2011

Kris Skow-Fiske

This resolution is follow-up on a case started in 2010, the record of which is referenced for review.

Yes, they embedded in resolution.

WHEREAS, in the matter of the appeal of David Leventhal of Cecil Delicatessen to a Fire Certificate of Occupancy Correction Order at 651 Cleveland Avenue South, 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 appeal be denied on the occupant load maximum of 65, as well as the number of chairs and tables available in the restaurant area; and

WHEREAS, the Legislative Hearing Officer recommends that the following conditions be met in order that a variance allowing a maximum occupant load of 75 be granted:

- 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 passageway;
- 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.

WHEREAS, the Legislative Hearing Officer recommends that the following conditions be met in order that a variance allowing a maximum occupant load of 80 be granted:

- 1) The foyer will need to be modified so the door opens in the direction of travel for emergency exiting from the store;

WHEREAS, the Legislative Hearing Officer recommends that the following conditions be met in order that a variance allowing a maximum occupant load of 85 be granted

- 1) A sprinkler system for the building will need to be installed;

WHEREAS, if the conditions for the variances outlined above are met by January 1, the maximum occupant

load will not need to be decreased to 65 effective January 1, 2012;

WHEREAS, if the Department of Safety and Inspections views these matters in a *less stringent* fashion than articulated above, they are empowered to increase the maximum occupant load to 95; Now, Therefore, Be It

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