



APPLICATION FOR APPEAL

RECEIVED
SEP 15 2023
CITY CLERK

Saint Paul City Council – Legislative Hearings
310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585
legislativehearings@ci.stpaul.mn.us

We need the following to process your appeal:

☒ \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number _____)

☒ Copy of the City-issued orders/letter being appealed & any attachments you may wish to include

☒ Walk In ☐ Mail ☐ Email

Appeal taken by: _____

HEARING DATE & TIME

(provided by Legislative Hearing staff)

Tuesday, September 26, 2023

Location of Hearing:

☐ Telephone: you will be called between _____ & _____

☒ In person (Room 330 City Hall) at: 1:30 PM
(required for all condemnation orders and Fire C of O revocations and orders to vacate)

Address Being Appealed:

Number & Street: 353 University Ave W. City: St. Paul State: MN Zip: 55103

Appellant/Applicant: Si Nguyen Email: singuyen234@gmail.com

Phone Numbers: Business 651-227-7136 Residence _____ Cell 612-735-7953

Signature: _____ Date: 9/15/23

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: _____

Phone Numbers: Business _____ Residence _____ Cell _____

What Is Being Appealed and Why? Attachments Are Acceptable

☒ Vacate Order/Condemnation/
Revocation of Fire C of O

need more time to fix code violations

☐ Summary/Vehicle Abatement

☐ Fire C of O Deficiency List/Correction

☐ Code Enforcement Correction Notice

☐ Vacant Building Registration

☐ Other (Fence Variance, Code Compliance, etc.)

Legislative Hearing Fact Sheet

Appeal Applications

Appeals must be filed no later than the date indicated in the order issued by the City of Saint Paul. Questions about appeal deadlines should call 651-266-8585.

In person appeals: fill out the appeal form in our office City Hall 15 Kellogg Blvd. West, Room 310 Monday through Friday between 8 a.m. and 4:30 p.m. \$25 filing fee accepted by cash or check only.

U.S. Mail appeals: download one of the appeal forms below and return the filled-out form, along with a copy of the order, and any evidence you would like the hearing officer to consider, along with the \$25 filing fee (check only, please do not mail cash) to the address below.

Emailed Appeals: download an appeal form below and email to legislativehearings@ci.stpaul.mn.us, along with a copy of the order, and any evidence you would like the hearing officer to consider. You will need to mail the \$25 filing fee separately (Check should be made to: City of Saint Paul and sent to the address below).

Scheduling Your Appeal Hearing

The date and time of the hearing for those applications submitted in person will usually be set at that time. Mailed/ emailed applications will be copied and returned to the appellant with the date and time clearly indicated on the form. Generally, appeal hearings are scheduled one to four weeks after the application is submitted. Once an appeal has been scheduled, it may not be rescheduled more than once. Additional rescheduling will only be done by referral from the City Council.

Legislative Hearings provide a forum to review appeals of City-issued orders and develop recommendations for City Council consideration. Appellants not satisfied with the recommendation of the Hearing Officer also have an opportunity to be heard before the City Council if they wish to appeal further. Any person unsatisfied by the quasi-judicial decision of the City Council may obtain judicial review by timely filing of an action.

If you are appealing a special assessment or wish to be heard on a proposed order to abate a nuisance building, the appeal dates and times are automatically listed in the orders themselves.

Hearings are held on Tuesdays; scheduled as follows:

- 9:00 Special Tax Assessments (1st and 3rd Tuesdays)
Orders to Remove or Repair (2nd & 4th Tuesdays)
- 11:00 Summary & Vehicle Nuisance Abatement Orders, Correction Notices and Code Enforcement Orders to Vacate
- 1:00 Vacant Building Registration Notices & Orders
- 1:30 Fire Certificate of Occupancy Orders to Vacate (Condemnations & Revocations)
- 2:00 Fire Certificate of Occupancy Orders & Letters
- 3:00 Other Cases (such as Code Compliance Inspection Reports, Fence Variances)

What to Expect at the Hearing

A number of appeals are heard in each hearing session. For each appeal, City Staff will give a report including orders, photos, and other documents. The appellant is given time to testify, present information, testimony, photos or other documents. The Hearing Officer will take all of this into account to develop a recommendation for Council consideration. The hearings are informal but it is expected that cell phones will be silenced and City staff and appellants will address one another respectfully.

Interpreter: If you need an interpreter for your hearing, please call 651-266-8585 to arrange one.



August 18, 2023

Saigon Investment Group LLC
7330 157th St W
Saint Paul MN 55124-5101

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 353 UNIVERSITY AVE W
Ref. # 31715

Dear Property Representative:

The building and building permit history was reviewed on August 18, 2023, for the renewal of the Certificate of Occupancy. Failure to comply with the applicable requirements has made it necessary to revoke the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code.

A reinspection will be made on September 15, 2023 at 9:00 AM or the property vacated.

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

DEFICIENCY LIST

1. Interior - 353-355 University Avenue West - SPLC 40. Grounds for Pending Revocation. The fire code official may issue a notice to the owner(s) and known interested parties of the city's suspension or revocation of a fire certificate of occupancy issued under the provisions of this code if it is found upon inspection by the fire code official that the building or occupancy is in violation of provisions of this or other applicable safety codes, ordinances, rules and regulations. The commercial building occupancy, or portion thereof, shall not again be used or occupied until such time as the said certificate is issued or renewed or suspension lifted following inspection and a determination by the fire code official that the commercial building occupancy, or portion thereof, is in compliance with applicable safety codes. ***The suspension, revocation, or denial may be appealed to the legislative hearing officer within ten (10) days of this issuance.***
Per the deficiencies cited in this report, an order for the revocation of the Fire Certificate of Occupancy is issued for the above-referenced property (Continued on next page).

Revocation will take effect on the re-inspection date listed above. Owner(s) and responsible parties have until this date to submit information to St. Paul Building Plan Review and Fire Safety Inspections regarding alterations to the building and compliance with MN State Fire Code and MN State Building Codes.

2. Exterior - Front Entry Obstruction to Exiting removed - MSFC 1031.2, 1031.3 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path.

Remove the oriented strand board from the front exit permanently. The boarding of the exterior of the building is no longer allowed.

3. Interior - Automatic Door Operations at University Avenue Entry - MSFC 901.2 Construction documents. The fire code official shall have the authority to require construction documents and calculations for all fire protection systems and to require permits be issued for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted for review and approval prior to system installation.

MSFC 901.2.1 Statement of compliance. Before requesting final approval of the installation, where required by the fire code official, the installing contractor shall furnish a written statement to the fire code official that the subject fire protection system has been installed in accordance with approved plans and has been tested in accordance with the manufacturer's specifications and the appropriate installation standard. Any deviations from the design standards shall be noted and copies of the approvals for such deviations shall be attached to the written statement.

Provide documentation on the operation of the automatic doors regarding their operation during fire alarm, Ansul system trigger. An electrical permit is required to tie the automatic doors into the fire alarm system and/or Ansul system.

4. Interior - Automatic Front Door System - MSFC 1104.1, 1010.1.9.7 - Remove all unapproved special egress control devices or comply with all requirements for the installation of special egress control devices.

Provide documentation on the operation of the lock system for the automatic doors at University Avenue entrance.

5. Interior - Back Doors - MSFC 1104.1, 1010.1.9.4 - Post a sign at interior side of door stating 'THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED' at main exits with interior key locks. The minimum stroke of the letter must be 1 inch high with a contrasting background.

6. Interior - Cardboard and Trash - MN Stat 299F.18 - Immediately remove and discontinue excessive accumulation of combustible materials.

7. Interior - Building Fire Alarm Work - MSFC Chap. 1, Section 107.2.1 Inspection Requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the fire code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

Permit #2021 301976 obtained by Sentry Systems for work on the building fire alarm system has not been inspected by the Fire Engineering Division for compliance. Direct the contractor to contact Fire Engineering for review of the work and finalizing of the permit.

MSBC Inspections. 1300.0210, Subp. 4. Inspection requests. The building official shall provide the applicant with policies, procedures, and a timeline for requesting inspections. The person doing the work authorized by a permit shall notify the building official that the work is ready for inspection. The person requesting an inspection required by the code shall provide access to and means for inspection of the work.

Permit # 2021 301974 Electrical Permit obtained by Sentry Systems for work that has not been inspected. Direct Sentry Systems to contact the electrical inspector to schedule a review of the work and finalizing of the permit.

8. Interior - Building and Trades Permits - MSBC Chapter 1300.0120 Permits. Subpart 1. Required. An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit. SPLC Chapter 33. Electrical. No person shall perform any new electrical installation in any construction, remodeling, replacement or repair, except minor repair work as defined by the state board of electricity, without first obtaining a permit to do such work from the building official.

No building plans or permit on door installation, no electrical permit for installation of doors or tie to fire alarm system.

9. Interior - Egress Doors/Locks - MSFC 1010.1.9 Door operations. Except as specifically permitted by this section, egress doors shall be readily openable from the egress side without the use of a key, or special knowledge or effort.

MSFC 1010.1.9.4 Locks and latches. Locks and latches shall be permitted to prevent the operation of doors where any of the following exists: (3). Where egress doors are used in pairs, approved automatic (not manual) flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no door knob or surface-mounted hardware. MSFC 1010.1.9.5 Bolt locks. Manually operated flush bolts or surface bolts are not permitted.

1. Provide documentation on the locking system used for locking the front doors.

2. Remove the sliding bolt lock from the back door.

10. Interior - Fire Alarm Testing Report - MSFC 907.8, NFPA 72 14.3.1 - Provide required annual maintenance of the fire alarm system by a qualified person and provide written documentation to this office as proof of compliance.

Provide a copy of the fire alarm testing report for the building.

11. Interior - New Construction at Store Front - 1300.0130 CONSTRUCTION DOCUMENTS Subpart 1. Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit.

Exception: The building official may waive the submission of construction documents and other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with the code. If special conditions exist, the building official may require additional construction documents to be prepared by a licensed design professional.

Subp. 2. Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the code and relevant laws, ordinances, rules, and regulations, as determined by the building official.

Subp. 3. Manufacturer's installation instructions. When required by the building official, manufacturer's installation instructions for construction equipment and components regulated by the code, shall be available on the job site at the time of inspection.

Submit plans to the St. Paul Building Plan Review division detailing the demolition and re-construction of the front of the building and entrances.

Additional details regarding the manufacturer's instructions on the operation of the automatic door operation, proposed locking operations, exit lighting and licensed engineer's evaluation of the header/supporting structural elements above the doors will also be required at plan review.

12. Interior - Rear Exit - MSFC 313.1 - Fueled equipment, including but not limited to motorcycles, mopeds, lawn-care equipment and portable cooking equipment, shall not be stored, operator or repaired within a building.

Gas-powered pressure washer stored in the rear exit.

13. Interior/Exterior - Door Operations - [BE] 1010.1.9.10 Door hardware release of electrically locked egress doors. Door hardware release of electric locking systems shall be permitted on doors in the means of egress in any occupancy except Group H where installed and operated in accordance with all of the following:

1. The door hardware that is affixed to the door leaf has an obvious method of operation that is readily operated under all lighting conditions.
2. The door hardware is capable of being operated with one hand and shall comply with Section 1010.1.9.6. (continued on next page).
3. Operation of the door hardware directly interrupts the power to the electric lock and unlocks the door immediately.

4. Loss of power to the electric locking system automatically unlocks the door.
5. Where panic or fire exit hardware is required by Section 1010.1.10, operation of the panic or fire exit hardware also releases the electric lock.
6. The locking system units shall be listed in accordance with UL 294.

Cannot verify doors have been linked to the fire alarm system or that the lock system is compliant with UL 294.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: Laura.Huseby@ci.stpaul.mn.us or call me at 651-266-8998 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Laura Huseby
Fire Safety Inspector

Ref. # 31715

