



APPLICATION FOR APPEAL

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 _____)
Rakhma check #3712 mailed 4/20/2024
- ☒ 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, May 7, 2024

Location of Hearing:

☒ Telephone: you will be called between 2pm & 4pm

☐ In person (Room 330 City Hall) at: _____
(required for all condemnation orders and Fire C of O revocations and orders to vacate)

Address Being Appealed:

Number & Street: 123 S Wheeler St City: St Paul State: MN Zip: 55105

Appellant/Applicant: Gloria Berg Email: gberg@rakhma.org

Phone Numbers: Business (612) 824-2345 Residence N/A Cell (815) 954-3170

Signature: Gloria Berg Date: 04/21/2024

Name of Owner (if other than Appellant): Rakhma Inc

Mailing Address if Not Appellant's: 4953 Aldrich Ave S, Minneapolis, MN 55419

Phone Numbers: Business (612) 824-2345 Residence N/A Cell ED: 952-261-5742

What is being appealed and why? Attachments Are Acceptable

- ☐ Vacate Order/Condemnation/Revocation of Fire C of O
- ☐ Summary/Vehicle Abatement
- ☒ Fire C of O Deficiency List/Correction Ref. #111831 (see attached)
- ☐ Code Enforcement Correction Notice
- ☐ Vacant Building Registration
- ☐ Other (Fence Variance, Code Compliance, etc.)

No photos from
4/12/24
inspections



April 12, 2024

RAKHMA INC
4953 ALDRICH AVE S
MINNEAPOLIS MN 55419-5352

FIRE INSPECTION CORRECTION NOTICE

RE: 123 WHEELER ST S
Ref. #111831
Residential Class: B

Dear Property Representative:

Your building was inspected on April 12, 2024 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date. A re-inspection will be made on **May 17, 2024 at 3:00 pm.**

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

DEFICIENCY LIST

1. Basement - Dryer - MMC 504.1 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter and installed in accordance with the mechanical code. This work may require a permit(s). Call DSI at (651) 266-8989. **Approximately 10 feet of flexible dryer ventilation is in use without evidence of UL listing**
2. Egress doors - Locks - MSFC 1010.1.9 - Remove unapproved locks from the exit doors. The door must be openable from the inside without the use of keys or special knowledge or effort.

MSFC Chapter 2 Definitions: SUPERVISED LIVING FACILITY. A facility in which supervision, lodging, meals, and, in accordance with the rules of the Department of Human Services and the Department of Health, counseling and developmental habilitative or rehabilitative services are provided to persons who are chemically dependent, adult mentally ill, or physically or developmentally disabled.

- Class A-1 supervised living facility. A supervised living facility for six or fewer ambulatory or mobile disabled persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.
- Class A-2 supervised living facility. A supervised living facility for more than six ambulatory or mobile disabled persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.
- Class B-1 supervised living facility. A supervised living facility for six or fewer ambulatory or nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.
- Class B-2 supervised living facility. A supervised living facility for seven to 16 ambulatory or nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.
- Class B-3 supervised living facility. A supervised living facility for 17 or more ambulatory or nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

- SECTION 8104
- SUPERVISED LIVING FACILITIES
- 8104.1 Classification of supervised living facilities.
- Supervised living facilities are classified in accordance with Chapter 2 and must meet the fire safety requirements for the designated occupancy classification.
- 8104.1.1 Class A-1 supervised living facilities.
- Class A-1 supervised living facilities must meet Group R-3 occupancy requirements.
- 8104.1.2 Class A-2 supervised living facilities.
- Class A-2 supervised living facilities housing not more than 16 persons, excluding staff, must meet Group R-4 occupancy requirements. Class A-2 supervised living facilities housing more than 16 persons, excluding staff, must meet Group I-1 occupancy requirements.
- 8104.1.3 Class B-1 supervised living facilities.
- Class B-1 supervised living facilities meeting the fire-protection provisions of Chapter 32 of NFPA No. 101 (Quincy, Massachusetts, 2012) for impractical evacuation capabilities shall be classified as Group R-3 occupancies. For the

purposes of Sections 8104.1.3 and 8104.1.4, Standard No. 101 (2012) Chapter 32 is incorporated by reference, is not subject to frequent change and is available at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155.

- 8104.1.4 Class B-2 supervised living facilities.
- Class B-2 supervised living facilities meeting the fire-protection provisions of Chapter 32 of NFPA Standard No. 101 (Quincy, Massachusetts, 2012) for impractical evacuation capabilities shall be classified as Group R-4 occupancies.
- 8104.1.5 Class B-3 supervised living facilities.
- Class B-3 supervised living facilities must meet Group I-2 occupancy requirements.
- [BE] 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.
- **-Front and back egress doors are not readily openable, require more than one single operation and are have locks that are not permitted**

3. Exterior walls and front porch - SPLC 34.09 (1)(2)(a), 34.33 (1)(b) - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint. **-Exterior brick is coming loose in several locations and is crumbling.**

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: Ryan.Tessman@ci.stpaul.mn.us or call me at 651-266-1908 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Ryan Tessman
DSI Fire Safety Inspector II

Reference Number 111831



Loving care for memory loss since 1984

April 19, 2024

St Paul Safety and Inspections
375 Jackson Street, Suite 220
St. Paul, MN 55101

Re: 123 Wheeler St S, Ref. #111831 – Application for Appeal Addendum

To Whom It May Concern:

This is to request consideration for the deficiencies that were included in the fire inspection correction notice.

1. Dryer vent – notice states that flexible dryer vent is approx. 10 ft. Rakhma measures its current transition vent to be ~79" (see photo at end of document). The connection from the dryer as well as to the outside is solid metal and does not contain any screws. The vent is not concealed within construction. It is our understanding that code allows up to 8 ft for transition vent based upon the following (2020 Minnesota Mechanical and Fuel Gas Code 504.8.3 Transition ducts): "Transition ducts used to connect the dryer to the exhaust duct system shall be a single length that is listed and labeled in accordance with UL 2158A. Transition ducts shall be not greater than 8 feet (2438 mm) in length and shall not be concealed within construction." (<https://www.dli.mn.gov/business/codes-and-laws/2020-minnesota-state-building-codes>) *fyi... we were unable to find the code on the City of St. Paul website.*
2. Egress doors – locks
Rakhma has several things in play related to 'egress doors – locks' that we would like to have considered.
 - a. Rakhma, a non-profit organization with group homes for mostly low income dementia residents, has been working with vendors to understand what options are available to incorporate a fail-safe exit (for safety in an emergency) while also ensuring the day-to-day safety of our residents (vulnerable adults). Rakhma understands the risk of elopement first hand. In the past several years, we have had 2 residents elope from our Rakhma Joy Home, and 1 from an adult day center. One resident was found across town sleeping on a bus, another was picked up by police after consuming too much alcohol, and the third we were fortunate to have found him wandering around the neighborhood (note, it was not just down the block). Therefore, we feel if we do not implement a suitable solution, we increase the safety risk of our residents.
 - b. Rakhma is working with a vendor to determine the appropriate solution. At this point, we believe it includes:
 - a. a wired and connected smoke detector system (connected to a fire panel)
 - b. a fail safe exit that will include doors with a key pad for entrance/exit
 - c. the fail safe exit will release if the smoke detectors are set off
 - d. there will be one-motion override in the home entrance to release the fail safe exit (it will have an alarm attached so that we know if the fail safe exit has been released)
 - e. we are also looking at gate/fence replacement requirements because this also needs to be considered for the fail safe exit (depending on the solution, we may request a variance that the fence gate not automatically open if the smoke alarm is set off for 2 reasons – 1) we want to ensure the safety of our residents from elopement during an emergency, we are working with an architect on best evacuation routes; 2) we have experience in one of our other homes of a resident intentionally setting off the fire alarm in order to elope)

The vendor is currently following up with the St. Paul Fire Marshall to ensure the solution meets code/requirements.

- c. Once an appropriate solution has been finalized, due to the amount of investment, Rakhma intends to gather 2 competitive quotes based upon our procedures.
 - d. Rakhma has applied for a MN Living Well grant to help cover the expense of this solution. Rakhma is currently in the running to receive the grant. The grant is to be awarded by July 1, 2024. This should align with feedback from the Fire Marshall, receiving competitive quotes, awarding the work to a vendor, and getting the work scheduled. Based upon grant requirements, money cannot be spent prior to July 1, 2024. Rakhma realizes that the work needs to be completed even if we are not awarded the grant, but for the sustainability of our organization, it would be best to pay for these expenses with money from the grant.
- Based upon the above, Rakhma is requesting a delay in reinspection. Rakhma will work with the current vendors prior to the hearing date to understand when the work can be scheduled to implement the final solution.

3. Exterior walls and front porch –

https://library.municode.com/mn/st_paul/codes/code_of_ordinances?nodeId=PTIILECO_TITVIBUHO_CH34MIPRMASSTALSTPR_S34.08EXPRARREPR

- a. SPLC 34.09 (1) – *“Protective treatments. All exterior surfaces, including, but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in a professional state of maintenance and repair. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting, by utilizing paint which is not lead-based, or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding, stucco, masonry and/or similar finishes, as well as those between the building envelope and the perimeter windows, doors and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion or replaced with an approved corrosive resistant material. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.”*

Rakhma will ensure that all chipped paint is scraped and repainted. Rakhma will also ensure that masonry work is free of leaks.

- b. SPLC 34.09 (2)(a) – *“Foundations, walls, roof and other exterior surfaces. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a professional state of maintenance and repair. a. The foundation elements shall adequately support the building at all points.*

Rakhma does not understand why this code has been cited. The brick on the exterior of the home is purely decorative.

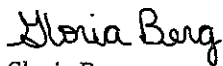
- c. SPLC 34.33 (1)(b) – *“Structures—Exterior standards on nonresidential, industrial, commercial and institutional properties: The owner of any premises regulated by this section, as specified in section 34.03, shall comply with the following requirements:*

(1) Foundations, wall, roof and other exterior surfaces. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a professional state of maintenance and repair. (b) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which admit dampness to the interior portions of the walls or to the interior spaces.

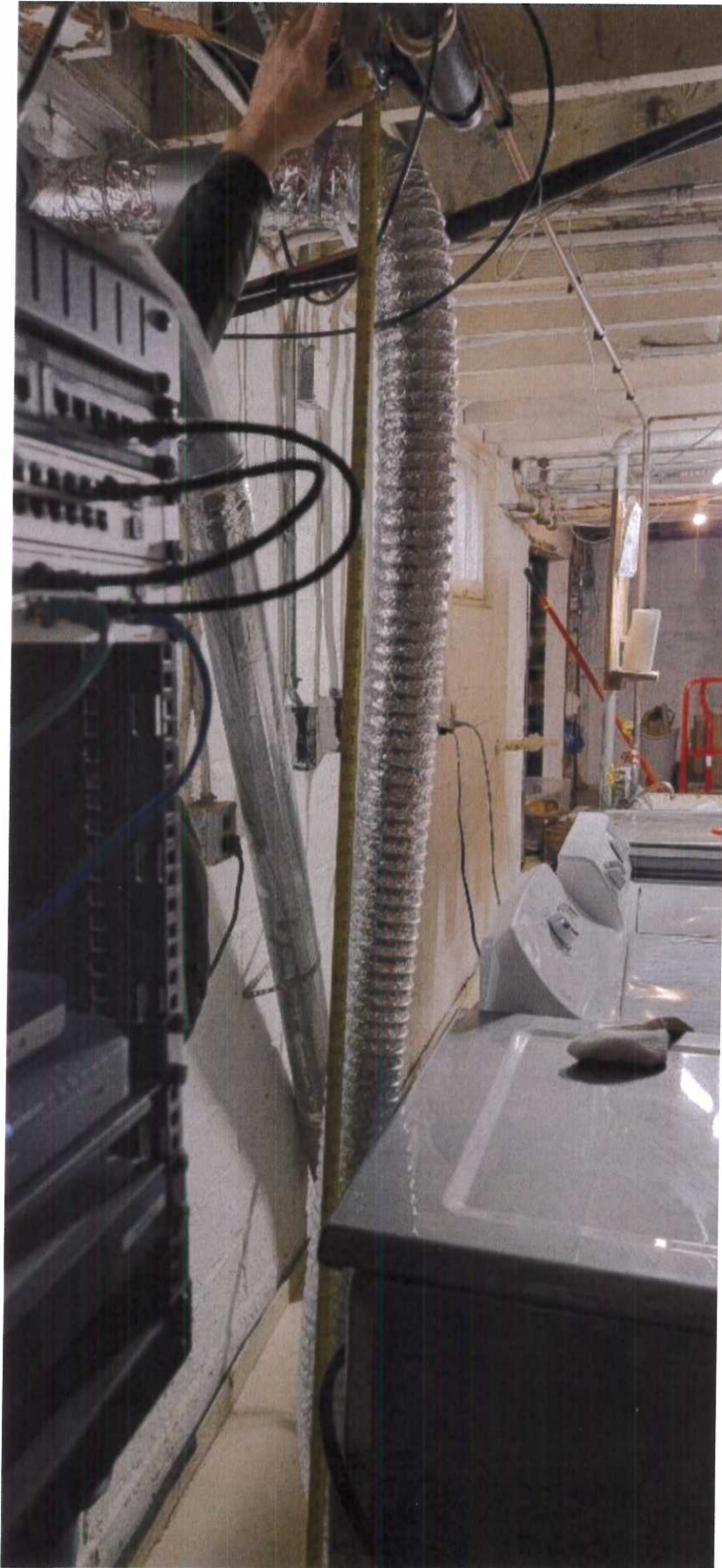
Rakhma will ensure that the masonry work is free of leaks.

Please note that Rakhma mailed check number 3712 to cover the filing fee on April 20, 2024. Thank you for your consideration of these items. We look forward to the hearing to learn more.

Sincerely,



Gloria Berg
Interim Operations Director



Dryer exhaust vent:
Current transition duct length is ~79"
It connects to solid metal ductwork at the
dryer and to the outside connection.