

Development Services

From Concept to Construction

Phone: 503-823-7300 Email: bds@portlandoregon.gov 1900 SW 4th Ave, Portland, OR 97201

More Contact Info (<http://www.portlandoregon.gov/bds/article/519984>)



APPEAL SUMMARY

Status: Decision Rendered

Appeal ID: 31480	Project Address: 3933 NE MLK Jr Blvd
Hearing Date: 4/12/23	Appellant Name: Dennis Hadley
Case No.: B-017	Appellant Phone: 503-422-6235
Appeal Type: Building	Plans Examiner/Inspector: David Bartley
Project Type: commercial	Stories: 2 Occupancy: R-2, R-3, B Construction Type: V-B
Building/Business Name:	Fire Sprinklers: Yes - throughout
Appeal Involves: other: Fire separation requirement	LUR or Permit Application No.: 22-121830-CO
Plan Submitted Option: pdf [File 1] [File 2]	Proposed use: Adult Care Facility

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	705.3 Buildings on the same lot.
Requires	For purposes of determining required wall and opening protection ... , buildings on the same lot shall have an imaginary lot line between them.
Code Modification or Alternate Requested	Request is to allow the patio roof for the adult care facility to extend to a distance of 5' from building "B".
Proposed Design	The patio roof area is protected with sidewall sprinkler heads located 9'-0" above patio deck surface. The wood structure will be treated with an exterior fire retardant, and wood preservative. Flamestop II is recommended and has a Class A rating per ASTM E84.
Reason for alternative	<p>The patio roof was constructed to the size currently shown, with the sidewall sprinkler heads already installed, inspected and approved by the Fire Marshal when the inspector realized the patio cover was constructed too close to the adjacent building "B".</p> <p>The use of the area is for the adult care residents (4 beds total) and their guests. It is anticipated to be a low use area.</p> <p>The sprinkler heads offer the best active system available to provide protection for the tenants and property and the fire retardant paint provides a self-extinguishing reaction when in contact with an open flame.</p>

APPEAL DECISION

Reduction in the minimum required fire separation distance from 20 feet to five feet: Denied. Proposal does not provide an equivalent level of Life Safety protection.

For Fire related questions appellant may contact Jeff Galvan (503-823-3993).

For other, appellant may contact John Butler (503 865-6427) or e-mail at John.Butler@portlandoregon.gov with questions.

Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 90 calendar days of the date this decision is published. For information on the appeals process, go to www.portlandoregon.gov/bds/appealsinfo, call (503) 823-6251 or come in to the Development Services Center.

From: [Galvan, Jeff](#)
To: [Ruark, Donna](#); [Aulwes, Kathy](#); [Bryant, James](#); [Butler, John](#); [Crise, Brian](#); [Daley, Sarah](#); [Didion, Natalie](#); [Disciascio, Joe](#); [James, Mc Kenzie](#); [Morris, Tim](#); [Orrison, Jody](#); [Pagnotta, Chris](#); [Rozzell, Matt](#); [Silva, Michael](#); [Stanley, Corey](#); [Tallant, Kimberly](#); [Tebeau, David](#); [Tomka, Russ](#); [Weeks, Josh](#); [Whitehill, Terry](#); [Wood, David](#)
Subject: B-17- 3933 NE MLK- Appeal ID#31480
Date: Wednesday, April 12, 2023 2:30:11 PM
Attachments: [IMG_0117.JPG](#)
[IMG_0109.JPG](#)
[IMG_0111.JPG](#)
[IMG_0116.JPG](#)
[IMG_0108.JPG](#)

All-

I went by and looked at the location.

You will see several attached pictures.

You will find the patio cover and the building it's attached to.

Also, you will find a close-up of the sprinkler deflector.

I looked up the model number. This head is a "dry" sidewall, Which is appropriate for this application.

It is not an extended coverage (EC) as they are calling out in the appeal.

The area that they are trying to cover is 17' 8" in depth, and the installed heads are standard coverage (15'x15').

I spoke with the fire systems inspector that handled the plan review and installation of the fire sprinklers.

These sidewalls were not part of the approved FS permit. (21-070079)

Lots of questions for me,

- EC heads?
- Permitting for those heads (design)
- Workmanship-like install, the holes look like they are roughed in but not finished
- Use of the patio?

I would recommend holding for further or even denying this until the sprinkler system issues are fixed.

I am happy to answer questions or provide further details, as needed.

Respectfully,

JEFF GALVAN | Senior Fire Inspector
PORTLAND FIRE & RESCUE
1900 SW 4th Ave
Portland, OR 97201
Phone: 503.823.3820 | Mobile: 503.209.8404 | Fax: 503.823.7291
www.portlandoregon.gov/fire

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The content of this email shall not be construed as altering or waiving any code, law or regulation which may require fire protection or other life safety features not covered or alluded to. It is the responsibility of the owner and design professional to ensure that a diligent design and application of the Fire and Building Code requirements are accomplished.









TOP
V3610
K5.6

HORIZONTAL
SIDEWALL

FLOW

200°F/93°C

c[®]ULUS



3933

3933 MLK

From: [Bartley, David](#)
To: [Ruark, Donna](#)
Cc: [BDS Appeals](#)
Subject: RE: B-17, 3933 NE MLK Jr Blvd, 4/12/23
Date: Thursday, April 6, 2023 8:23:11 AM

Correction: I said sprinklers above, but they're below the patio cover, and only at the building wall where the patio cover is attached.

Thank you,

David Bartley, Commercial Plans Examiner

City of Portland - Bureau of Development Services
Life Safety Plan Review Section, Plan Review and Permitting Services Division
1900 SW 4th Avenue, Suite 5000
Portland, OR 97201
David.Bartley@portlandoregon.gov
503-865-6529

Work Hours: Monday-Friday, 7:30AM - 4:00PM

Read [here](#) for news about services available at the Development Services Center.

From: Ruark, Donna <Donna.Ruark@portlandoregon.gov>
Sent: Thursday, April 06, 2023 8:09 AM
To: Bartley, David <David.Bartley@portlandoregon.gov>
Cc: BDS Appeals <AppealsS@portlandoregon.gov>
Subject: B-17, 3933 NE MLK Jr Blvd, 4/12/23

David, here's another appeal with your name on it. Please respond to all with your comments for the board.

Thank you!

Donna Ruark
(she/her)
Admin. Specialist II
Building Official and Appeals Team
Bureau of Development Services
Donna.Ruark@portlandoregon.gov
503-823-6251

Work hours: Mon. to Thurs. 6:30 to 4:30

From: [Bartley, David](#)
To: [Ruark, Donna](#)
Cc: [BDS Appeals](#)
Subject: RE: B-17, 3933 NE MLK Jr Blvd, 4/12/23
Date: Thursday, April 6, 2023 8:19:07 AM

This is a patio cover, so completely open underneath, just posts. The patio cover and the adjacent building are both V-B. The only added protection is sidewall sprinklers above the patio cover. Their main argument is "no one called us on it," but I called it at permit review, and the Architect changed the Architectural drawings to provide 20' separation.

My main hesitation is this affects multiple buildings.

Thank you,

David Bartley, Commercial Plans Examiner

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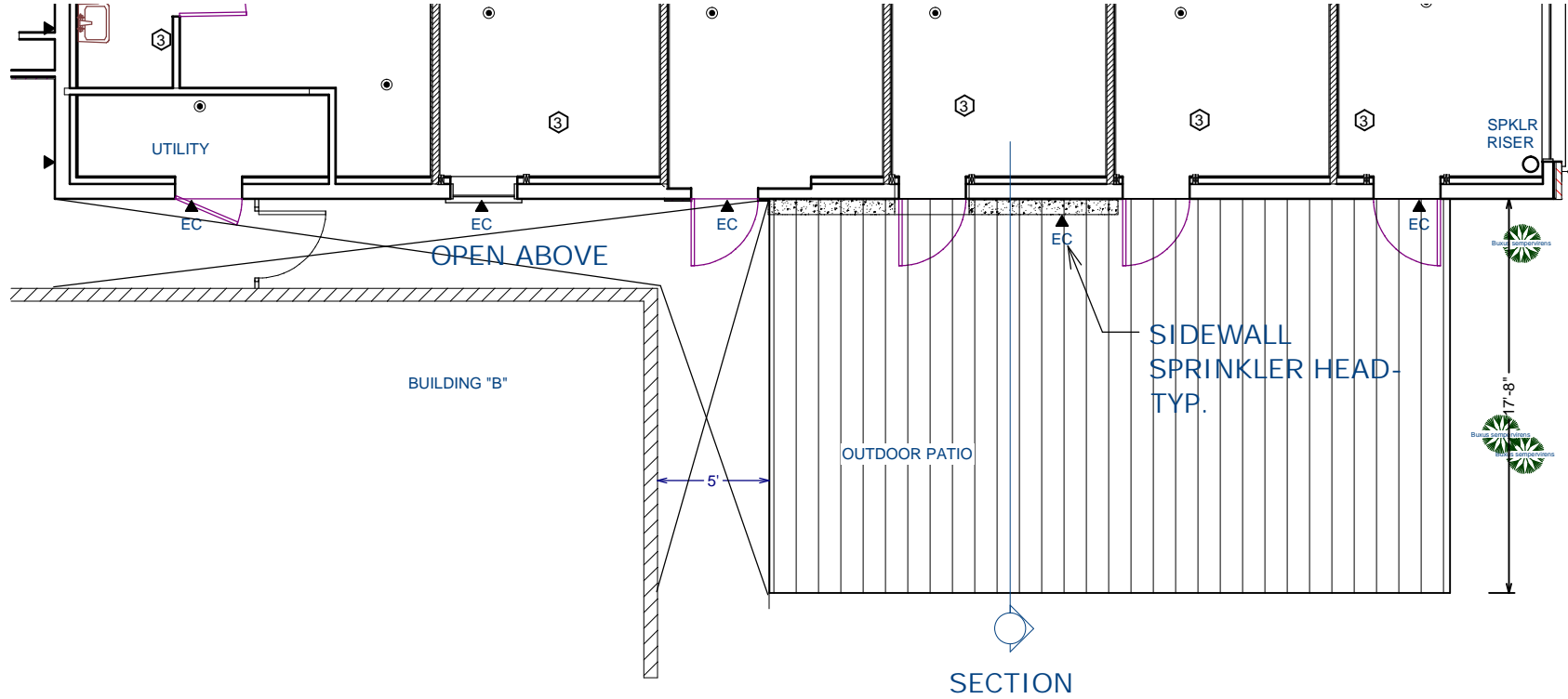
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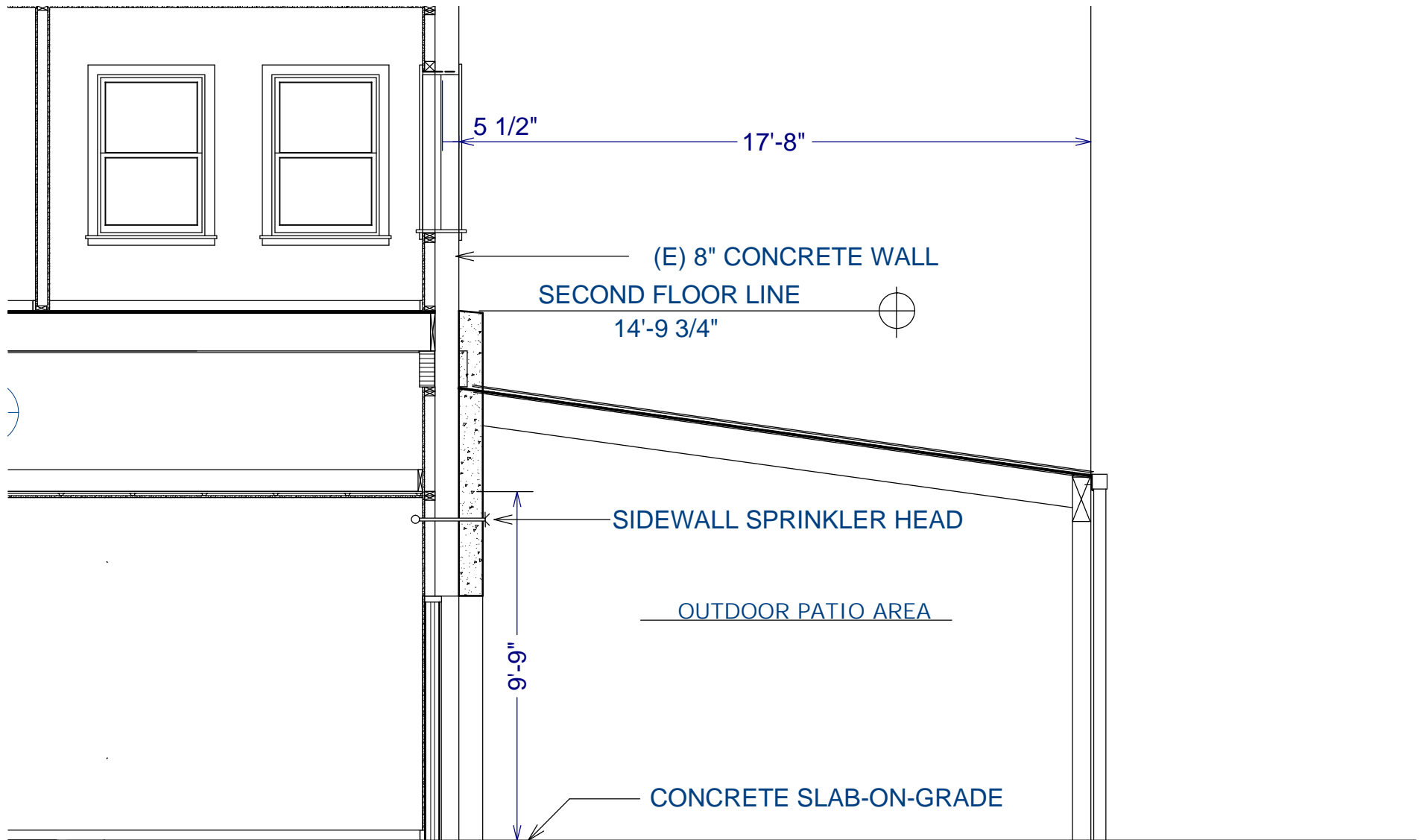
Thank you!

Donna Ruark
(she/her)
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Building Official and Appeals Team
Bureau of Development Services
Donna.Ruark@portlandoregon.gov
503-823-6251



REFLECTED CEILING PLAN

1/8" = 1'-0"



SECTION @ PATIO COVER

1/4" = 1'-0"

FLAME STOP® II

PRODUCT DATA SHEET

FLAME STOP INC.
1-877-397-7867

DESCRIPTION:

Flame Stop II is a water-based, post-treatment, interior/ exterior fire retardant, and wood preservative that penetrates the material and bonds with the cellular structure. The penetrant protects the substrate by developing a self-extinguishing reaction when the treated material comes in contact with an open flame. When properly applied on certain untreated woods such as Douglas fir, the wood shall have a Class A rating. Flame Stop II contains polymers that maintain the fire retardation for up to five years for exterior applications. Flame Stop II is non-combustible, non-carcinogenic, easy to apply, and contains no PDBE's.

BASIC USES:

Flame Stop II protects exterior and interior woods such as: porous woods, cedar shake shingles, decking, and structural lumber.

ADVANTAGES:

Flame Stop II is a Class A, one-coat system with a Flame Spread of 25 and Smoke Developed of 25 on Douglas fir. Since Flame Stop II penetrates and forms a molecular bond with the substrate, the life of the flame retardation shall be indefinite for most interior applications. For exterior applications, it is recommended that the Flame Stop II be reapplied after five years. Flame Stop II will not alter the structural integrity of wood, such as pressure treatment does, and is preferred, because it is user-friendly, functions as a wood preservative, dries clear, and can be easily applied by spraying, immersing, brushing, or rolling. Flame Stop II contains mold and mildew inhibitors which are effective against black mold. Once cured for 48 hours, the treated material may be painted with most latex-based paints.

LIMITATIONS:

Storage Range: 45 – 110 degrees Fahrenheit (7 – 43 Celsius)
Shelf Life: One year, if kept within storage range.
A compatibility test is strongly recommended.
Moisture content should be 5 – 15% before treatment.
Do not dilute.

TECHNICAL SUPPORT

Total solids: 15%

Wt per gallon: 9 Lbs.

Average ph: 7.0

Color: White - cures Clear

Solvents: Water

**Bacterial: Good
resistance**

**Fungus: Good
resistance**

Volatility: None

Toxic: No

Biodegradeable: Yes

**Corrosive: Mildly corrosive
on unplated steel**

Linear shrinkage: None

**Insects, rodents
and mold: Excellent
resistance**

CONTACT US AT:

924 Blue Mound Rd.
Ft. Worth, TX 76131
817-306-1222
FAX 817-306-1733
info@flamestop.com

VISIT US AT:

www.flamestop.com

APPLICABLE STANDARDS:

Flame Stop II has been tested to the following standards: ASTM E-84, NFPA 255, UL 723: U.S. Testing #LA 62466, Omega Point Laboratories #8746-108578 Class A Rating.

APPLICATION:

Ensure that all materials are clean prior to application. Apply Flame Stop II as is by spraying, brushing, rolling, or immersing at the rate of 125 square feet per gallon. If spraying onto a vertical surface where runoff could occur, multiple applications may be necessary. When doing multiple coats, wait until the first coat has penetrated before beginning the next application. One coat will require a 48-hour curing period. For spray application, use a .012 tip size and a low-pressure airless sprayer.

**** After treatment a 48-hour conditioning period is necessary before testing ****

TESTING:

A small-scale test can be preformed with the utilization of a sample of the treated material and a small flame (butane lighter or match). Hold a 4" x 12" piece of the treated material vertically and apply the flame to the lower portion for 10 seconds, and then remove the ignition source. The flame must self-extinguish within two (2) seconds. This test is similar to the small-scale NFPA 701 field test.

FLAMESPREAD 25 AND SMOKE DEVELOPED 25 PER ASTM-E84 February, 2010

NOTES:



WARRANTY:

Seller's and manufacturer's only obligation shall be to replace such quantity of the product proved to be defective. Neither seller nor manufacturer shall be liable for any injury, loss or damage, direct or consequential, arising out of the use or the inability to use the product. Before using, user shall determine the suitability of the product for his intended use, and user assumes all risk and liability whatsoever in connection therewith.