

354 510

Portland, Maine

NATHANIEL R. HUCKERL - BAUER, ESQ
C/O DRUMMOND + DRUMMOND, LLP

1 MONUMENT WAY
PORTLAND ME 04101

February 29, 2016

I-95 Portland Portfolio I LLC

3250 Sacramento St

San Francisco, CA 94115

CBL: 026 F013001

Located at 0041 CHESTNUT ST

NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

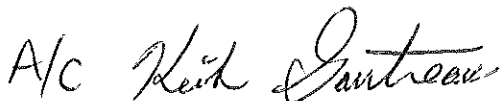
An inspection of the property located at the address referenced above revealed that the structure and premises fail to comply with NFPA 2009 Fire Code and/or NFPA Life Safety Codes. Attached is a list of those violations.

The above-referenced property is in violation of the Chapter 10, Fire Prevention and Protection, Article 1 of the Portland City Code (the "Code") and National Fire Protection Association (NFPA) 101 Life Safety Code. Please note that the Code is available online at www.portlandmaine.gov.

This is a notice of intent to prosecute. As such, the matter is being referred to the City of Portland Corporation Council for legal action and possible civil penalties as provided for in Chapter 10, Fire Prevention and Protection, 10-25 of the Code and in Title 30- A.M.R.S.A. 4452.

Please be advised that you will need to contact the Fire Prevention Bureau at 207-874-8400 before the court date on the attached Reference to Court letter to either schedule a re-inspection or to submit a plan of action to correct these violations.

Sincerely,



Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager I-95 Portland Portfolio I Lic		Inspector Sean Donaghue	Inspection Date 2/28/2016
Location 0041 CHESTNUT ST	CBL 026 F013001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 69.05					
Violation:	PORTLAND FIRE DEPARTMENT CHAPTER 10 4.3.1, 4.3.2 BUILDING ADDRESS NOT MARKED ON BUILDING; 4.3.1 Signs shall be located in a position readily visible as approaching from the main access and approved by the Fire Department. Signs shall be illuminated or retro reflective on a contrasting background and the letter(s) size shall be approved by the Fire Department.				
	4.3.2 Street Address shall be clearly marked on the front of the building and building sign as approved by the Fire Department.				
Notes:	NUMBERS MUST BE LARGER THAN 4 INCHES, CONTRACTING IN COLOR AND CLEARLY VISIBLE				
2) 73.10					
Violation:	NFPA 101-7.2.4.3.1 FIRE BARRIER REQUIRES MAINTENANCE; Fire barriers separating buildings or areas between which there are horizontal exits shall have a minimum 2-hour fire resistance rating, unless otherwise provided in 7.2.4.4.1, and shall provide a separation that is continuous to the finished grounded level.				
Notes:	HOLES IN WALLS 41B 1ST FLOOR BY MAILBOX, 41A HOLES IN LAUNDRY AREA, 3RD AND 4TH FLOORS				

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3) 80.16

Violation: NFPA 101-7.9.3 EMERGENCY LIGHTS REQUIRE MAINTENANCE; 7.9.3 Periodic Testing of Emergency Equipment

7.9.3.1 Required emergency lighting systems shall be tested in accordance with one of the three options offered by 7.9.3.1.1, 7.9.3.1.2, or 7.9.3.1.3.

7.9.3.1.1 Testing of required emergency lighting systems shall be permitted to be conducted as follows:

(1) Functional testing shall be conducted monthly with a minimum of 3 weeks and a maximum of 5 weeks between tests, for not less than 30 seconds, except as otherwise permitted by 7.9.3.1.1(2).

(2) The test interval shall be permitted to be extended beyond 30 days with the approval of the authority having jurisdiction.

(3) Functional testing shall be conducted annually for a minimum 1-1/2 hours if the emergency lighting system is battery powered.

(4) The emergency lighting equipment shall be fully operational for the duration of the test required by 7.9.3.1.1(1) and (3).

(5) Written records of visual inspections and tests shall be kept by the owner for inspection by the authority having jurisdiction.

Notes: 41A 3RD FLOOR EMERGENCY LIGHT IS BROKEN, REQUIRES MAINENANCE AND PROPER MOUNTING

4) 80.28

Violation: NFPA 101- 7.5.1.1 EXIT OBSTRUCTED; Where exits are not immediately accessible from an open floor area, continuous passageways, aisles, or corridors leading directly to every exit shall be maintained and shall be arranged to provide access for each occupant to not less than two exits by separate ways of travel, unless otherwise provided in 7.5.1.1.3 and 7.5.1.1.4.

Notes: 41A 4TH FLOOR WINDOW ACCESS TO FIRE ESCAPE BLOCKED BY DRESSER IN HALL/STAIRWELL

5) 80.52

Violation: NFPA 101- 7.2.8.6.2 FIRE ESCAPE REQUIRES REPAIR; THE AUTHORITY HAVING JURISDICTION SHALL BE PERMITTED TO APPROVE ANY EXISTING FIRE ESCAPE STAIR THAT HAS BEEN SHOWN BY LOAD TEST OR OTHER SATISFACTORY EVIDENCE TO HAVE ADEQUATE STRENGTH.

Notes: GENERAL

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6) 81.10

Violation: PORTLAND FIRE DEPARTMENT CHAPTER 10 FIRE ALARM INSPECTION STICKER REQUIRED; Provide annual fire alarm inspection sticker at the annunciator. This sticker must be provided by a licensed master fire alarm company. A list of licensed master fire alarm companies can be found at: www.portlandmaine.gov/fireprevention.

Notes: PANEL STICKER DATED 8/1/14, NOT CURRENT

7) 81.35

Violation: NFPA 13 INCOMPLETE SPRINKLER COVERAGE; REFER TO NFPA 13.

Notes: 41A BASEMENT LAUNDRY, 8 TOTAL MACHINES, 4 WASH, 4 DRY, REQUIRE SPRINKLER PROTECTION

8) 55.25

Violation: NFPA 101- 31.3.4.5.1 SMOKE ALARMS REQUIRED; In buildings other than those equipped through out with an existing, complete automatic smoke detection system, smoke alarms shall be installed in accordance with 9.6.2.10, as modified by 31.3.4.5.2, outside every sleeping area in the immediate vicinity of the bedrooms and on all levels of the dwelling unit, including basements.

Notes: 41A & 41B 1ST FLOOR, 41A 3RD FLOOR BY UNIT 5 HALLWAY DETECTORS BROKEN/MISSING, REQUIRE REPLACEMENT/MAINTENANCE

9) 89.05

Violation: NFPA 1 EXCESSIVE/DISORDERLY STORAGE; REFERENCE NFPA 1 FOR EXCESSIVE FUEL-LOAD.

Notes: 41A 4TH FLOOR STAIRWELL, DRESSER IS NOT ALLOWED AS IT PROVIDES FIRE LOAD IN THE EGRESS STAIR BUT ALSO IT IS SIMULTANEOUSLY BLOCKING THE WINDOW ESCAPE TO SECONDARY EGRESS FIRE ESCAPE

10) 80.37

Violation: NFPA 101- 8.3.4.2 60 MINUTE FIRE DOOR REQUIRED; REFER TO NFPA 101- TABLE 8.3.4.2 THAT STATES FIRE DOOR ASSEMBLIES FOR VERTICAL SHAFTS (INCLUDING STAIRWAYS, EXITS, AND REFUSE CHUTES) ARE RATED AND REQUIRED FOR 1 HOUR.

Notes: 41A INTERIOR DOOR TO BASEMENT NOT A RATED FIRE DOOR

Comments:

STATE OF MAINE

DISTRICT COURT
Location: Portland
Docket No.

CITY OF PORTLAND and body politic and
Corporate, located in the County of
Cumberland and State of Maine,

Plaintiff,

**FIRE PREVENTION AND PROTECTION
CODE VIOLATION**

(M.R. CIV. P. 80H AND 80k)

v.

I-95 Portland Portfolio I LLC
Defendant

SUMMONS NUMBER: 354510

This matter has been referred to the Corporation Counsel's Office for immediate legal action with respect to the code violations detailed in the attached letter. It has been assigned the above summons number and will be filed with the Portland District Court and will be assigned for an initial appearance at the Portland District Court 205 Newbury Street Portland, Maine 04101 at 8:30 A.M. on 04/11/2016. Please contact Tori Ross in Fire Prevention at (207)-874-8400 or via e-mail at meservev@portlandmaine.gov to set up an in-person meeting to meet with somebody in the Fire Prevention Bureau to resolve these issues or make alternative arrangements to relieve you of the requirement to appear in Court on 04/11/2016.

Dated: 3/4/16


Adam R. Lee, Esq. Bar No. 4143
Associate Corporation Counsel
City of Portland
389 Congress St
Portland, ME 04101
207-874-8480