



DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File Number: LU 24-078744 CU (Hearings Office 4240016)

Applicant: Brian Kimura
BK Architecture LLC
3934 NE Martin Luther King Jr. Boulevard #205a
Portland, OR 97212
bkimura@bk-arch.com

**Applicant's
Representative:** Leslie Lum
Unite Oregon
1390 SE 122nd Avenue
Portland, OR 97233
leslie@uniteoregon.org

Hearings Officer: William Guzman

Portland Permitting & Development (PP&D) Staff Representative: Christine Caruso

Site Address: 1390 SE 122nd Avenue

Legal Description: GENERAL COMMON ELEMENTS, KENTRON SOUTH CONDOMINIUM;
BLDG B LOT 2 PARKING SP B2/P1-P7; SPECHT AC, LOT 2 EXC PT IN
ST

Tax Account Number: R196779, R274143

State ID Number: 1S2E02BC 70022, 1S2E02BC 01900

Quarter Section: 3143

Neighborhood: Mill Park

Business District: Gateway Area Business Association

District Coalition: District 1

Plan District: None

Zoning: RM1 – Residential Multi-Family 1

Land Use Review: Type III, CU – Conditional Use Review

PP&D Staff Recommendation to Hearings Officer: Approval with conditions.

Public Hearing: The hearing was opened at 2:00 p.m. on November 18, 2024, via the Zoom platform and was closed at 2:57 p.m. The record was closed at the end of the hearing.

Testified at the Hearing:

Chris Caruso
Brian Kimura
Robert Koury

Proposal: The Applicant requests a Conditional Use Review to convert existing office space to a daycare. The proposed daycare space will occupy about one-half of the existing commercial building in a portion of the ground floor and a portion of the half-sunken lower level. The ground floor daycare area will be 1,392 square feet and the lower daycare area will be 1,392 square feet for a total of 2,784 square feet of daycare use on the site. A new outdoor play area will utilize a portion of the south parking lot. The project will not expand the existing building footprint or alter any of the exterior facades.

A Daycare use is classified as an Institutional use in Zoning Code Table 110-1. Adding a new Daycare use that has floor area not all on the ground floor requires approval of a Type III Conditional Use Review (33.120.100.B.6.c, 33.815.040.A.1).

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- Zoning Code Section 33.815.105.A-E – Institutional and Other Uses in Residential and Campus Institutional Zones Approval Criteria

The Portland Zoning Code is available online at <https://www.portland.gov/code/33>.

II. ANALYSIS

The Hearings Officer finds that the City delivered a “Request for Response” on October 8, 2024, to applicable City Bureaus and all that responded raised no issues or objections to the Applicant’s proposal.

Posted signs notified passers-by of the public hearing (Exhibits D-3 and D-4) and a “Notice of Public Hearing” was mailed on October 16, 2024 (Exhibit D-6). The Hearings Officer finds adequate notice of the Hearing was provided to the public.

The only objection to the proposal raised in written testimony and at the Hearing pertains to a condominium agreement (Exhibit H-6); the opposition testimony argues that the agreement prohibits a daycare use in the structure at the subject site.

Exhibit G-1 is the application submitted to PP&D seeking the conditional use review. This application form includes the following certification:

“I am also responsible for gaining the permission of the owner(s) of the property listed above in order to apply for this review and for reviewing the responsibility statement with them. * * * The City of Portland is not liable if any of these actions are taken without the consent of the owner(s) of the property. * * * By my signature, I indicate my understanding and agreement to the Responsibility Statement.”

The Hearings Officer finds that the Applicant signed this application certifying that they were responsible for gaining the permission of the owners of the property to apply for this review and confirming the City is not liable if any of these actions are taken without the consent to the owner(s).

The Hearings Officer finds that this Type III conditional use approval is limited to a determination of whether the proposal can meet the applicable approval criteria of Zoning Code Section 33.815.105.A-E. The opposition testimony did not identify a legal basis for considering the condominium agreement in this review process. The City took the position that the condominium agreement was not applicable to the approval criteria or this stage of the land use review process. The Hearings Officer’s review confirms that applying this agreement to this review is not appropriate for the following reason.

Title 33.800.050.A, labeled, The Function of Approval Criteria, states the following:

The approval criteria that are listed with a specific review reflect the findings that must be made to approve a request. **The criteria set the bounds for the issues that must be addressed by the applicant and which may be raised by the City or affected parties. A proposal that complies with all of the criteria will be approved.** A proposal that can comply with the criteria with mitigation measures or limitations will be approved with conditions. A proposal that cannot comply with the criteria outright or cannot comply with mitigation measures will be denied.

The clear direction in this provision above, as applied to this land use application, is that the criteria identified in Title 33.815.105 “set the bounds for the issues” to be considered and if met, the application will be approved. Some of the conditions in Title 33 reference documents and agreements outside the City Code (example Title 33.815.105.E: “The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.”).

If City Council intended the Hearings Officer to utilize condominium agreements in determining the conditional use approval, it would have included such direction in Title 33. The Hearings Officer finds that the condominium agreement is not relevant to this conditional use review application decision before the Hearings Officer. This finding resolves the objection to the use of the property as a daycare solely because it is an impermissible use under the condominium agreement. The certification by the Applicant that they understand they must gain the permission of the owner(s) of the property resolves the issues of whether ownership or consent exists to use the exterior portions of the property for a play area and new trash enclosure.

III. CONCLUSIONS

The Hearings Officer finds that the City's presentation (Exhibit H-5), Staff Report (Exhibit H-4), and oral testimony at the Hearing provide a thorough and substantial basis for the Hearings Officer to conclude that the applicable approval criteria have been met. The Hearings Officer finds the Applicant supports the findings of the Staff Report, its recommendation of approval, and the proposed condition(s) of approval. The Hearings Officer hereby adopts the Staff Report as the decision, incorporates it herein by reference, and attaches it hereto for convenience.

IV. DECISION

Approval of Conditional Use Review to convert existing office space to a daycare that will be 1,392 square feet on the ground floor and 1,392 square feet on the lower level for a total of 2,784 square feet of daycare use on the site, plus a new outdoor play area in a portion of the south parking lot, subject to the following conditions:

- A. A finalized building permit must be obtained to establish the Daycare use and document the approved project. As part of the permit application submittal, the following development-related condition B must be noted on the site plans or included as a separate sheet. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 24-078744 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No field changes allowed.

William Guzman

William Guzman, Hearings Officer

November 22, 2024

Date

Application Determined Complete: October 7, 2024
Report to Hearings Officer: November 8, 2024
Decision Mailed: November 22, 2024
Last Date to Appeal: 4:30 p.m., December 6, 2024
Effective Date (if no appeal): December 9, 2024

Conditions of Approval. This project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER’S DECISION MUST BE E-MAILED TO LANDUSEINTAKE@PORTLANDOREGON.GOV. The appeal application form can be accessed at : [Land Use Review Appeals, Land Use Review Appeal Costs and Appeal Fee Waivers | Portland.gov](#). If you do not have access to e-mail, please telephone (503) 865-6744 for assistance on how to submit the appeal; please allow one business day for staff to respond. **An appeal fee of \$5,789.00 will be charged.**

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Community & Civic Life may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chairperson or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization’s bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Assistance in filing the appeal and information on fee waivers are available from Portland Permitting & Development website: <https://www.portland.gov/ppd/zoning-land-use/land-use-review-fees-and-types/land-use-review-appeals>.

Recording the final decision. If this land use review is approved the final decision will be recorded with the County Recorder. *Unless appealed*, the final decision will be recorded by Portland Permitting & Development.

Expiration of this approval. Generally, land use approvals (except Comprehensive Plan and Zoning Map Amendments) expire five years from the date of the final decision unless one of the actions below has occurred (see Zoning Code Section 33.730.130 for specific expiration rules):

- A City permit has been issued for the approved development,
- The approved activity has begun (for situations not requiring a permit), or

In situations involving only the creation of lots, the final plat must be submitted within three years.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within seven years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS RECEIVED IN THE HEARINGS OFFICE – SEE NEXT PAGE
(NOT ATTACHED UNLESS INDICATED)

The exhibits in the land use case file are all assigned a letter (example A-1). The Hearings Office accepts exhibits filed online in its case management system. These exhibits are marked in the lower right-hand corner that identifies the exhibit as a “Portland Hearings Office” exhibit. All of these exhibits are designated “H Exhibits” (that is, Hearings Office Exhibits). See the PP&D Staff Report for a list of exhibits prior to “H.”

Exhibits, Orders, and Other Attachments

Number	Title	Status
Exhibit 1	Land Use Hearing Intake Form	Accepted
Exhibit 2	Hearing Participation Information	Accepted
Exhibit 3	Hearing Scheduling Info.	Accepted
Exhibit 4 (attached)	STAFF REPORT	Accepted
Exhibit 5	STAFF PRESENTATION	Accepted
Exhibit 6	Koury Email and Attachment	Accepted
Exhibit 7	Record Closing Information	Accepted



City of Portland, Oregon - Portland Permitting & Development

1900 SW Fourth Avenue • Portland, Oregon 97201 | 503-823-7300 | www.portland.gov/ppd

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 24-078744 CU
PC # 23-066144
HEARINGS OFFICE FILE # 4240016
REVIEW BY: Hearings Officer
WHEN: November 18, 2024 at 2:00 PM

This land use hearing will take place online using the Zoom platform. See the instructions on how to participate remotely (online or by phone) at this link:

<https://us06web.zoom.us/j/88443506640> or contact the Hearings Office at HearingsOfficeClerks@portlandoregon.gov or 503-823-7307. Additional Hearings Office information is available at www.portland.gov/omf/hearings/land-use.

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

Portland Permitting & Development Staff: Christine Caruso / Christine.Caruso@portlandoregon.gov

GENERAL INFORMATION

Applicant: Brian Kimura
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3934 NE Martin Luther King Jr Blvd #205a
Portland, OR 97212 | bkimura@bk-arch.com

Representative: Leslie Lum
Unite Oregon
1390 SE 122nd Ave
Portland, OR 97233 | leslie@uniteoregon.org

Site Address: 1390 SE 122ND AVE

Legal Description: GENERAL COMMON ELEMENTS, KENTRON SOUTH CONDOMINIUM;
BLDG B LOT 2 PARKING SP B2/P1-P7; SPECHT AC, LOT 2 EXC PT IN ST

Tax Account No.: R196779, R274143

State ID No.: 1S2E02BC 70022, 1S2E02BC 01900

Quarter Section: 3143

Neighborhood: Mill Park, contact Trevor Hopper at mill.park.pdx.chair@gmail.com

Business District: Gateway Area Business Association, contact at gabapdxboard@gmail.com

District Coalition: District 1, contact Alison Stoll at alisons@cnncoalition.org

Plan District: None

Zoning: RM1 – Residential Multi-Family 1

Case Type: CU – Conditional Use Review

Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the review body can be appealed to City Council.

Proposal:

The applicant requests a Conditional Use Review to convert existing office space to a daycare. The proposed daycare space will occupy about one-half of the existing commercial building in a portion of the ground floor and a portion of the half-sunken lower level. The ground floor daycare area will be 1,392 square feet and the lower daycare area will be 1,392 square feet for a total of 2,784 square feet of daycare use on the site. A new outdoor play area will utilize a portion of the south parking lot. The project will not expand the existing building footprint or alter any of the exterior facades.

A Daycare use is classified as an Institutional use in Zoning Code Table 110-1. Adding a new Daycare use that has floor area not all on the ground floor requires approval of a Type III Conditional Use Review (33.120.100.B.6.c, 33.815.040.A.1).

Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- Zoning Code Section 33.815.105.A-E – Institutional and Other Uses in Residential and Campus Institutional Zones Approval Criteria

The Portland Zoning Code is available online at <https://www.portland.gov/code/33>.

ANALYSIS

Site and Vicinity: The 9,922 square foot site is currently developed with two commercial office buildings and two surface parking lots. Both buildings were constructed in 1973 as commercial buildings prior to current zoning. The area is a mix of commercial office, government operations, multi-family buildings, and single-dwelling houses. There are government operations buildings and commercial buildings to the west across SE 122nd Avenue that are within designated commercial zoning. Development to the south also includes a government building within residential zoning. Development to the north and east includes a commercial office building, multi-family buildings and single-dwelling houses within designated residential zoning.

The classification of the abutting streets is shown below:

Street Name	Pedestrian	Bicycle	Transit	Freight	Traffic	Emergency Response
SE 122nd Ave	Major City Walkway	Major City Bikeway	Major Priority Transit	Major Truck Street	Major City Traffic	Major Emergency Response Street
SE Madison St	Local Service	Local Service	Local Service	Local Service	Local Service	Local Service

The Transportation Plan also designates SE 122nd Avenue as a Civic Corridor. The site is not within a Pedestrian or Bicycle District.

Zoning: The RM1 zone is a low-scale multi-dwelling zone that is generally applied in locations intended to provide a transition in scale to single-dwelling residential areas, such as the edges of mixed-use centers and civic corridors, and along or near neighborhood corridors. Allowed housing is characterized by one to three story buildings that relate to the patterns of residential neighborhoods, but at a somewhat larger scale and building coverage than allowed in the single-dwelling zones. The major types of new development will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland’s residential neighborhoods.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Request for Response” was mailed **October 8, 2024**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of PP&D (Exhibit E1)
- PP&D Water (Exhibit E5)

The Life Safety Section of PP&D responded that a change of occupancy permit will be required at building permit review time and that they do not object to the proposal (Exhibit E2).

PP&D Transportation provided analysis that is included in the findings for Zoning Code Sections 33.815.105.D.1 and 2 below. Transportation has no objection to the requested Conditional Use (Exhibit E4).

PP&D Environmental Services does not object to approval of the Conditional Use Review. PP&D Environmental Services provided additional information to support the building permit process. More information provided in the findings for 33.815.105.D.3 below (Exhibit E3).

PP&D Urban Forestry responded with information on street tree requirements and no objections to the land use review proposal (Exhibit E6).

The Fire Bureau noted that all applicable Fire Code requirements will apply at time of permit review and development (Exhibit E7).

The Police Bureau responded that police will be able to adequately serve the site (Exhibit E8).

Neighborhood Review: Signs notifying passers-by of the public hearing were posted by October 17, 2024 (Exhibits D3 and D4) and a “Notice of Public Hearing” was mailed on October 16, 2024 (Exhibit D6). No written responses have been received from either the Neighborhood Association or notified neighbors in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Conditional Uses

33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

A. Proportion of Household Living uses. The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and
2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: For purposes of this criterion, staff considers the residential area to be residentially zoned lots within 400 feet of the subject site, which corresponds to the public notice radius required by Zoning Code Section 33.730.030.E.1 for this review. The residential area around this site includes all or part of 19 residentially-zoned tax lots. Sixteen of these tax lots are in Household Living (residential) use and three are in commercial use.

The proposed daycare will reuse a portion of an existing commercial building on a residentially-zoned lot. The lot is currently developed with two commercial buildings and 2 surface parking lots. The other commercial uses will remain on site. The boundaries of the existing site will not expand, and the proposal will not change the existing proportion of non-residential uses in the neighborhood. The proposed daycare will not result in any new commercial building area and will remove a portion of a surface parking lot for an outdoor play area. The daycare use will not significantly lessen the residential appearance and function of the area, as there are no additional alterations to the site or to adjacent commercial structures.

With plans to accommodate as many as 24 children and 6 employees (Exhibit A1, Page 1), and as discussed in the findings for criteria B through D, below, the site will maintain compatibility with the surrounding residential area and will not impose unreasonable impacts on neighborhood livability or on neighborhood residential streets. In fact, the proposed daycare may provide a conveniently located supportive service for families living in the nearby residential areas.

For these reasons, staff finds the proposal will not significantly lessen the residential appearance and function of the area and that criterion A is met.

B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and

Findings: City-designated scenic resources are identified on the official zoning maps with a lower case "s." There are no City-designated scenic resources on the site or in the surrounding neighborhood. Therefore, this criterion is not applicable.

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.

Findings: The subject site's land area (9,922 square feet) is somewhat larger than neighboring residential lots, more in line with or smaller than the commercial properties to the north, south, and west along SE 122nd Avenue, making this a transitional site between the single- and multi-dwelling development and the denser commercial development. Current development on the site will remain in place with the exception of a portion of the south parking that will be converted into a 2,700 square foot outdoor play area surrounded by a 3'-6" tall fence. A new trash enclosure is also being constructed north of the building and will be screened from the adjacent property to the east.

The proposed daycare use retains the height, scale, and setbacks of the existing building which is one and one-half stories tall and only directly abuts one single-family house lot to the east. There is also no play structure proposed in the new play area, only removal of 7 parking spaces. Further, the proposal includes L3 or F2 high-screen landscaping around the new trash enclosure which is along the east property line, where the property abuts residential development. This new screening at the trash enclosure will mitigate any impacts to the adjacent lot (Exhibit C1).

In summary, the proposed daycare use is compatible with adjacent residential development in terms of site size and building scale. Staff finds the proposal will effectively mitigate differences in appearance with adjacent residential development. For these reasons, staff finds criterion B.3 is met. (Since B.3 is found to be met, B.2 does not need to be addressed.)

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

Findings:

Noise

Some noise impacts will occur from children playing outside, but staff does not expect significant, adverse noise impacts. Outdoor play will happen during regular business hours, and the site is likely to be empty in the early morning, evening, and overnight hours when most people in neighboring houses are likely to be home. The applicant notes that the daycare will operate with similar hours (between 8 am – 5 pm, Exhibit A1, Page 2) and the number of visitors and staff are consistent with the current office operation.

Glare from lights

The only exterior lights will be what is existing on the building. No new lights are proposed and there will be no nighttime operations. There is no lighting proposed in the outdoor play area.

Late-night operations

No late-night operations are proposed.

Odors and Litter

No impacts from odor or litter are expected from the proposed daycare use. The daycare operation is unlikely to increase litter in the neighborhood and trash will be collected in the new covered trash enclosure (Exhibit C1).

Privacy

The applicant states that existing fencing between the site and the adjacent lot to the east will remain in place (Exhibit A1, Page 2). New L3 or F2 high-screening will be installed between the east lot line and the trash enclosure (Exhibit C1). The existing fencing and new screening will prevent activity on the subject site from adversely affecting the privacy of any abutting lot.

Safety

The daycare operation is unlikely to create safety impacts on neighboring residential lots. The Fire Bureau, Police Bureau, and Life Safety Review Section of PP&D all reviewed the proposal and responded with no objections (Exhibits E7, E8, and E2, respectively). All applicable building code and fire safety requirements will be enforced in the building permit review required to change to daycare use.

Summary

Staff finds the proposal will not create significant adverse impacts on residential properties related to noise, glare, late-night operations, odors, litter, privacy, or safety. Staff finds criterion C is met.

D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;

Findings: The PPD Transportation section submitted the following response (Exhibit E3):

“Both streets are currently improved with asphalt paving, curbing, and established pedestrian corridors. The proposed daycare is determined not to be an increase in trip generation to the site, thus PBOT is unable to obtain property dedication in conjunction with the project. However, it is unclear at this time if the project will trigger’s the city’s Significant Alteration threshold of \$389,893. If so, then reconstruction of the site’s corner will be required. Capital Improvement Project (CIP) T01051 will be installing a midblock crossing at the north property line with signal infrastructure. Vehicular access to the site is and will continue to be provided by a curb cut located off of 122nd Ave due to approval of Driveway Design Exception (DDE) 24-073688 TR. Therefore, The TSP designations and existing street characteristics are reflective of and appropriate for the existing neighborhood and this criterion is met.”

2. The transportation system is capable of supporting the proposal in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings: The PPD Transportation section submitted the following response (Exhibit E4):

“To address the street capacity and Level of Service (LOS) evaluation factors, the applicant’s traffic engineer sited TRN 10.27, which noted that a LOS study is not required

when proposed development results in no net increase to vehicle trips. The applicant's traffic engineer summarized in Table 3 that the proposed conditional use will not change the size of the existing building and is estimated to result in a reduction in weekday daily trips. Further, we note that the TSP does not identify any capacity-related needs or projects near the site. For these reasons, this criterion is met. Therefore, PBOT finds all the intersections are deemed to be operating at current LOS and the existing intersections are capable of handling the proposed site improvements without negatively impacting the City of Portland's operational standards.

Only one crash was identified from ODOT's database. However, the City's Vision Zero Dashboard identified 3 crashes tens of feet north and south of the subject site. The site is not located near any of the identified High Crash Networks incidents in the Vision Zero Dashboard. Pedestrian safety will be improved with the completion of the previously mentioned mid-block crossing. Overall, The PBOT has developed a comprehensive plan to improve safety along 122nd Avenue and has several funded projects to address the plan recommendations. More information can be found online here: <https://www.portland.gov/transportation/planning/122nd-plan>. Therefore, PBOT finds the resulting proposed development will not negatively impact transit access or other transportation modes, nor have an adverse impact on safety of the neighborhood.

The subject site is located at the intersection of two ROWs. Therefore, the connectivity requirement does not apply.

In accordance with TRN 10.40, driveways are allowed on the lowest classified street, which in this case is SE Madison St. The applicant has been issued DDE 24-073688 TR to retain the existing accesses. If there is a substantial change in development, the southern driveway will be required to be closed and relocated to the SE Madison frontage. Otherwise, the site provides sufficient parking and maneuvering on-site to accommodate the drop-offs / pick-ups as well as staff parking. Therefore, PBOT finds the proposed development will not impact the existing on-street parking supply in any way. Therefore, this criterion is met.

The transportation-related neighborhood impacts associated with the proposed use typically involve impacts to on-street parking and potential increases in traffic at area intersections. As documented, the proposed day care will not significantly alter or increase the increased traffic surrounding the use, and with the existing parking lot and adequate on-street parking supply. Therefore, transportation-related impacts as a result of the proposed library expansion will be negligible.

In conclusion, based on the evidence included in the record, and primarily, the applicant has demonstrated to PBOT's satisfaction that "the transportation system is capable of supporting the proposed use in addition to the existing uses in the area".

Based on PP&D Transportation's analysis, this criterion is met.

3. Public services for water supply and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Bureau of Environmental Services (Exhibit E3) reviewed the proposal and responded with the following comments: "Staff finds the applicant's proposed sanitary sewer service acceptable for the purpose of reviewing the conditional use application against the sanitary sewer disposal approval criterion." "Staff finds the existing stormwater management system acceptable for the purpose of reviewing the conditional use against the stormwater management approval criterion." "BES does not

object to approval of the Conditional Use Review application. The proposed development will be subject to BES standards and requirements during the permit review process.”

The Water and Fire Bureaus responded with no concerns (Exhibits E5 and E6). For these reasons, this criterion is met.

- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: There are no adopted area plans for this location, therefore this criterion does not apply.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

Staff finds the proposed daycare will be compatible with the surrounding residential neighborhood and will not cause significant negative impacts on neighbors. The transportation system and other public services are adequate to support the proposal.

Staff finds that each of the applicable Conditional Use Review approval criteria are met and recommends approval of the proposal.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of Conditional Use Review to convert existing office space to a daycare that will be 1,392 square feet on the ground floor and 1,392 square feet on the lower level for a total of 2,784 square feet of daycare use on the site, plus a new outdoor play area in a portion of the south parking lot, subject to the following conditions:

- A. A finalized building permit must be obtained to establish the Daycare use and document the approved project. As part of the permit application submittal, the following development-related condition B must be noted on the site plans or included as a separate sheet. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 24-078744 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No field changes allowed.

PROCEDURAL INFORMATION

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on September 11, 2024. The application was determined to be complete on 10/07/2024.

ORS 227.178 states the City must issue a final decision on land use review applications within 120 days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant. In this case, the applicant did not extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on February 4, 2025.**

Some of the information contained in this report was provided by the applicant.

As required by Zoning Code Section 33.800.060, the burden of proof is on the applicant to show that the approval criteria are met. Portland Permitting & Development has independently reviewed the information submitted by the applicant and has included this information only where Portland Permitting & Development has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of Portland Permitting & Development with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to specific conditions of approval, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by Portland Permitting & Development. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. To comment, you may testify at the hearing, submit comments at www.portland.gov/omf/hearings/land-use; email your comments to HearingsOfficeClerks@portlandoregon.gov; write to the Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201; or FAX your comments to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on Portland Permitting & Development website at <https://www.portland.gov/ppd/zoning-land-use/public-notices>. Land use review notices are listed on the website by the District Coalition in which the site is located; the District Coalition for this site is identified at the beginning of this staff report.

Appeal of the decision. The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,789 will be charged (one-half of the PP&D LUS application fee, up to a maximum of \$5,789).** Assistance in filing the appeal and information on fee waivers are available from Portland Permitting & Development website: <https://www.portland.gov/ppd/zoning-land-use/land-use-review-fees-and-types/land-use-review-appeals>.

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Community & Civic Life may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chairperson or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Assistance in filing the appeal and information on fee waivers are available from Portland Permitting & Development website: <https://www.portland.gov/ppd/zoning-land-use/land-use-review-fees-and-types/land-use-review-appeals>.

Recording the final decision. If this land use review is approved the final decision will be recorded with the County Recorder. *Unless appealed*, the final decision will be recorded by Portland Permitting & Development.

Expiration of this approval. Generally, land use approvals (except Comprehensive Plan and Zoning Map Amendments) expire five years from the date of the final decision unless one of the actions below has occurred (see Zoning Code Section 33.730.130 for specific expiration rules):

- A City permit has been issued for the approved development,
- The approved activity has begun (for situations not requiring a permit), or

In situations involving only the creation of lots, the final plat must be submitted within three years.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within seven years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

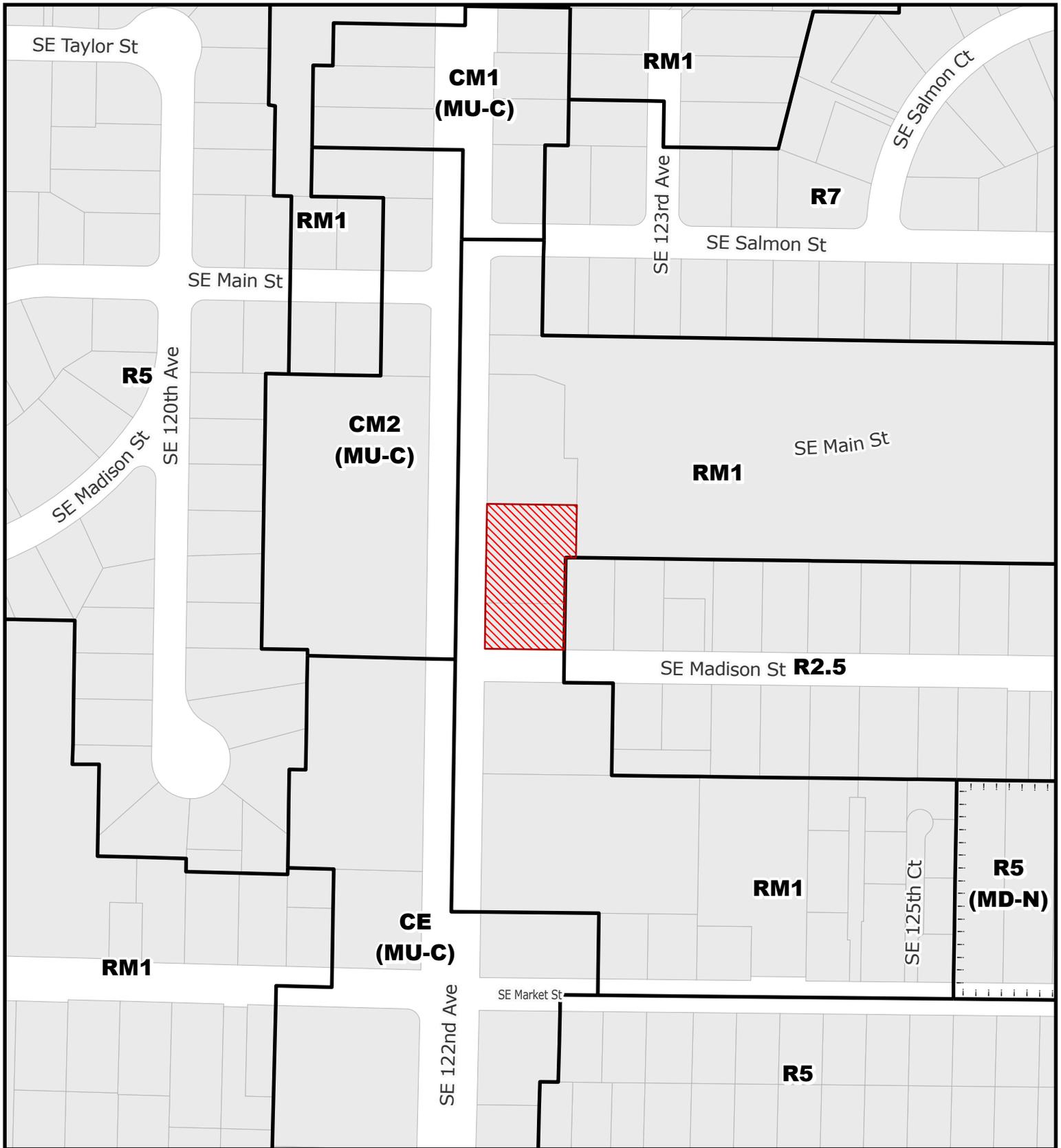
Planner's Name: Christine Caruso
Date: November 6, 2024

EXHIBITS (not attached unless indicated)

A. Applicant's Information:

1. Narrative
2. Pre-Application Conference Summary
3. Traffic Impact Study
4. Drawings, August 29, 2024
5. East and West Elevations, October 4, 2024
- B. Zoning Map (attached)
- C. Plans & Drawings:
 1. Site Plan (attached)
 2. Lower Level Floor Plan (attached)
 3. Upper Level Floor Plan (attached)
 4. North and South Elevations (attached)
- D. Notification information:
 1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant's statement certifying posting
 5. Mailing list
 6. Mailed notice
- E. Agency Responses:
 1. Site Development Review Section of PP&D
 2. Life Safety Review Section of PP&D
 3. PP&D Environmental Services
 4. PP&D Transportation
 5. PP&D Water Bureau
 6. PP&D Urban Forestry
 7. Fire Bureau
 8. Police Bureau
- F. Letters: none received
- G. Other:
 1. Original LUR Application
 2. Completeness Memo, October 2, 2024
 3. Land Use Hearing Intake Form Template
 4. Hearing Participation Instructions
- H.

Portland Permitting & Development is committed to providing equal access to information and hearings. To request an accommodation or alternative format of communication, please contact us at least five business days prior to the hearing at 503-823-7300 (TTY 503-823-6868).



For Zoning Code in Effect Post October 1, 2022

ZONING 

 Site

File No. LU 24 - 078744 CU

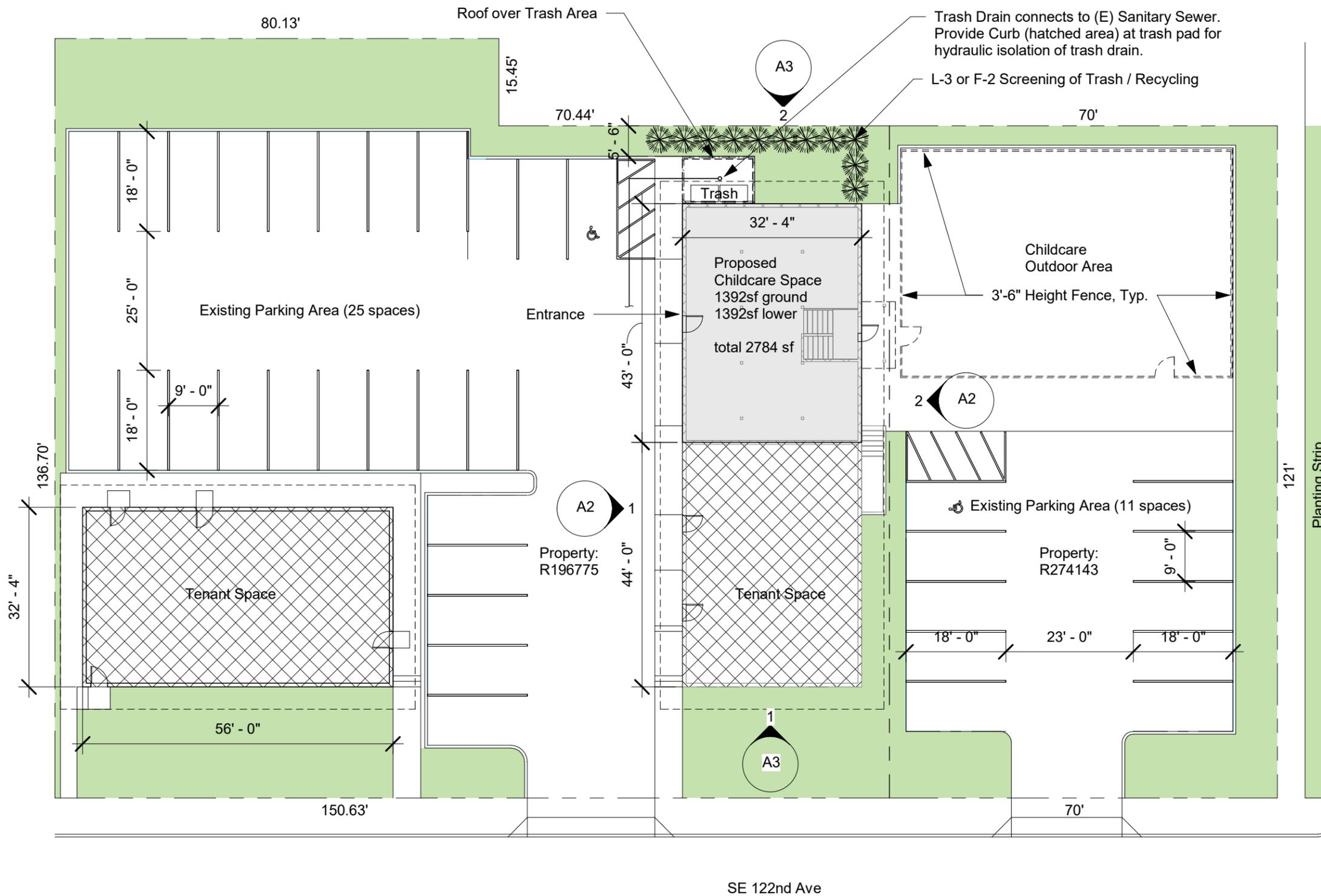
1/4 Section 3143

Scale 1 inch = 200 feet

State ID 1S2E02BC 70022

Portland Hearing Office
 Case # 240015
 Bureau Case # LU 24-078744 CU
 Exhibit # 4
 Page 12 of 16

Exhibit B Sep 11, 2024



Property Data:

Address: 1390 SE 122nd Ave, Portland, OR 97233
 Owner: Unite Oregon (501c3)
 Property ID: R196775, R196779, & R274143

Site Area: R196775 = 19,477 sf
 R274143 = 8,470 sf

Building Area: 2,784 sf (bldg proposed for conditional use)
 Zoning: RM-1
 Base FAR: 1:1
 Building Height: 35'
 Setbacks: Front 10', Sides & Rear 5'
 Max Building Coverage: 50% of Site Area
 Min Landscape Area: 30% of Site Area

Project Narrative

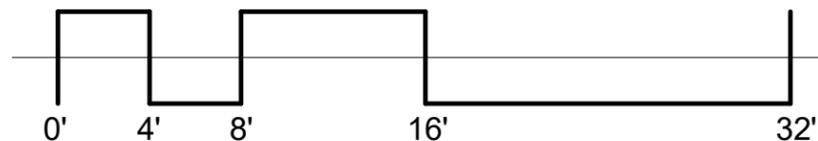
Request for Conditional Use: We are seeking approval to convert the existing condo office space to Childcare. The proposed space occupies roughly half of the commercial condo building. The office space is split between 2 floors. The upper floor is at grade with the parking lot to the north and the lower level is a half sunken basement. The upper floor is 1,392 sf and the lower floor is 1,392sf. Outdoor playspace will utilize the open property to the south (also listed as 1390 SE 122nd Ave).

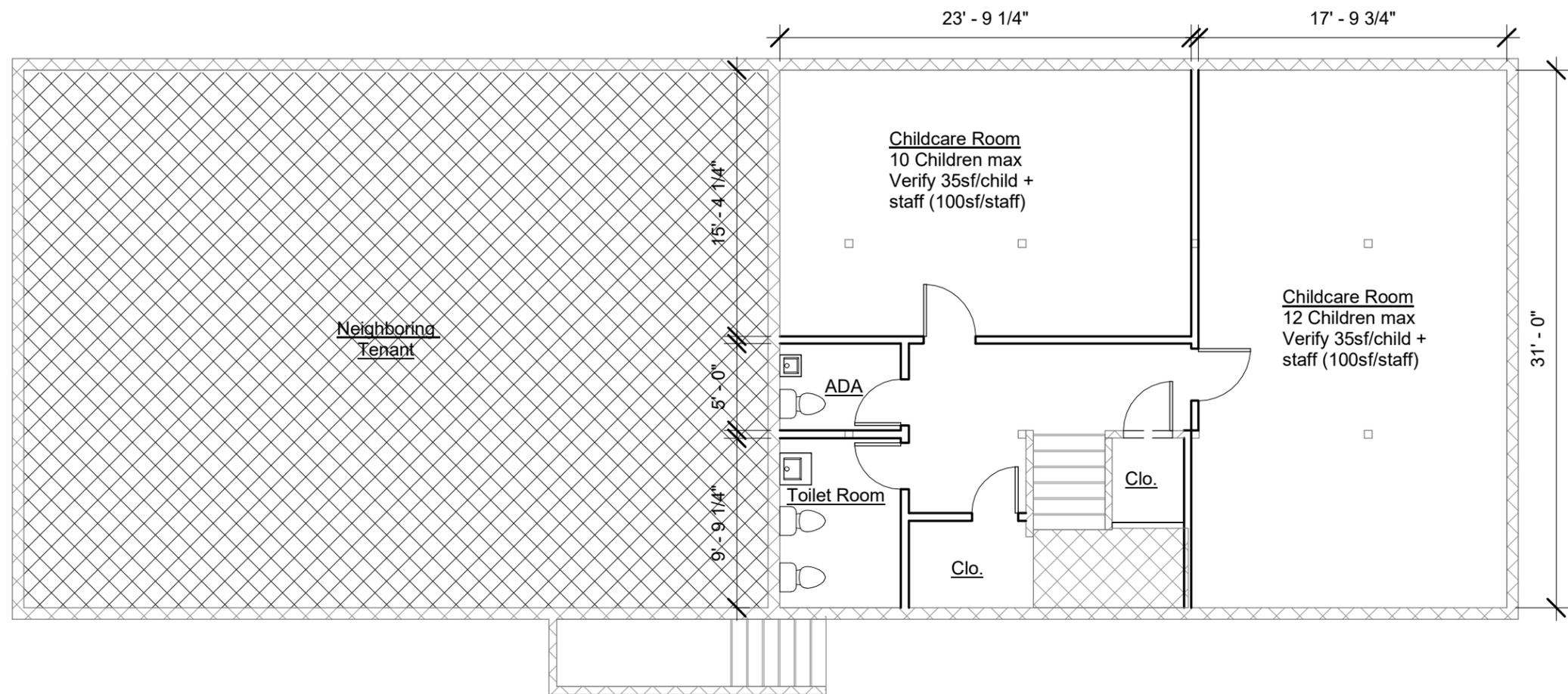
The project is an interior tenant improvement and will not add any additional building footprint to the property. There is no plans for modifying the existing stormwater disposal system. We will continue to use the existing system. This application is subject to a Type III Conditional Use Review.

1 Site Plan
 1" = 20'-0"



BK Architecture, LLC
 3934 NE Martin Luther King Jr Blvd, Suite 205A
 Portland, OR 97212
 www.bk-arch.com
 503 408 4971 (best)
 503 719 6810
 bkimura@bk-arch.com

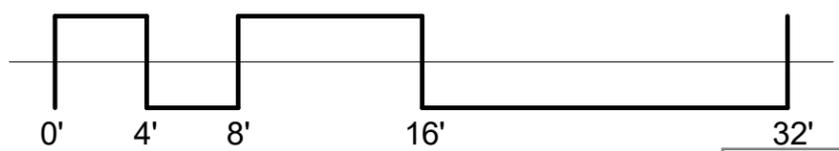




① Lower Level Floor Plan
1/8" = 1'-0"



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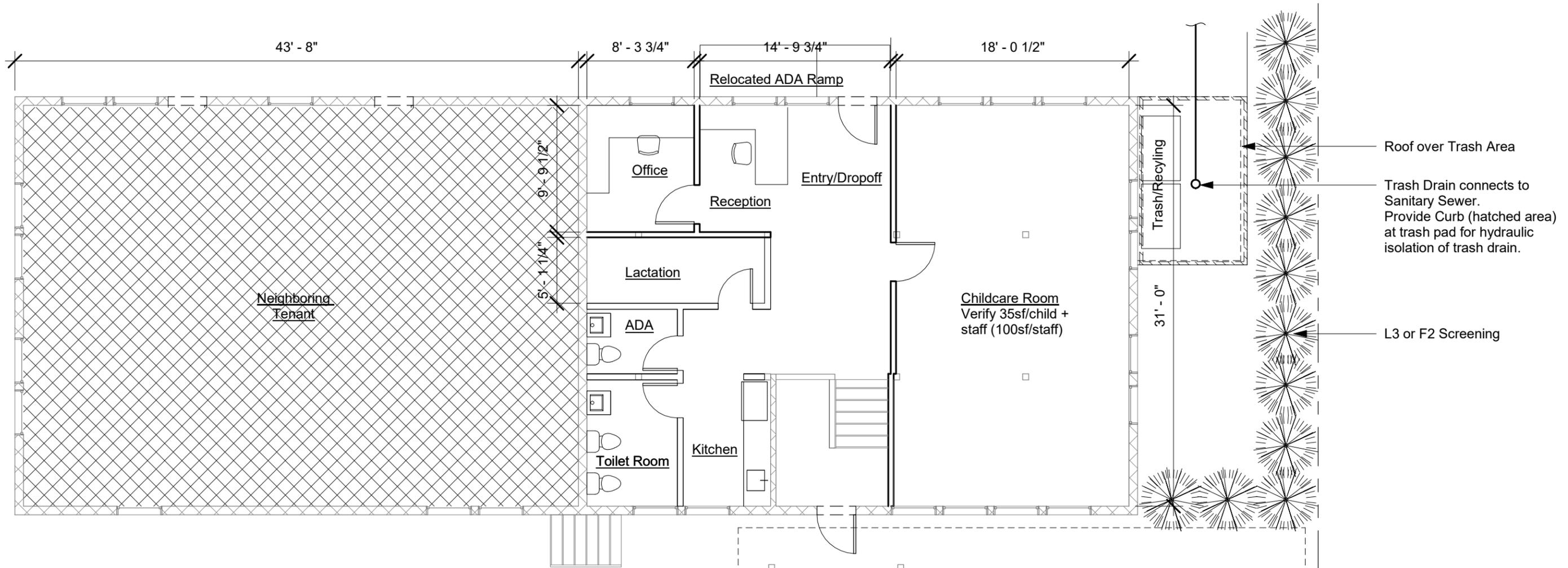


Lower Level Floor Plan

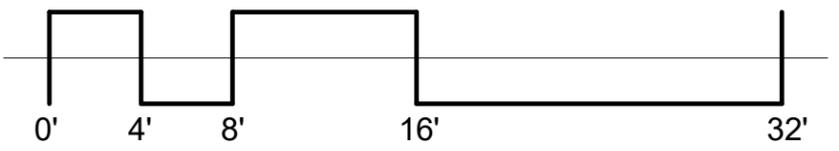
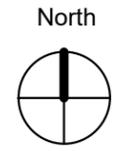
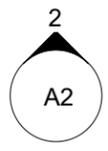
Portland Hearings Office
 Case # 4240016
 Bureau Case # LU 24-078744
 Exhibit # 4
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Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233

LU 24-078744 CU Exhibit C2



1 Upper Level Floor Plan
1/8" = 1'-0"



Outdoor Childcare Playarea
40' x 35'



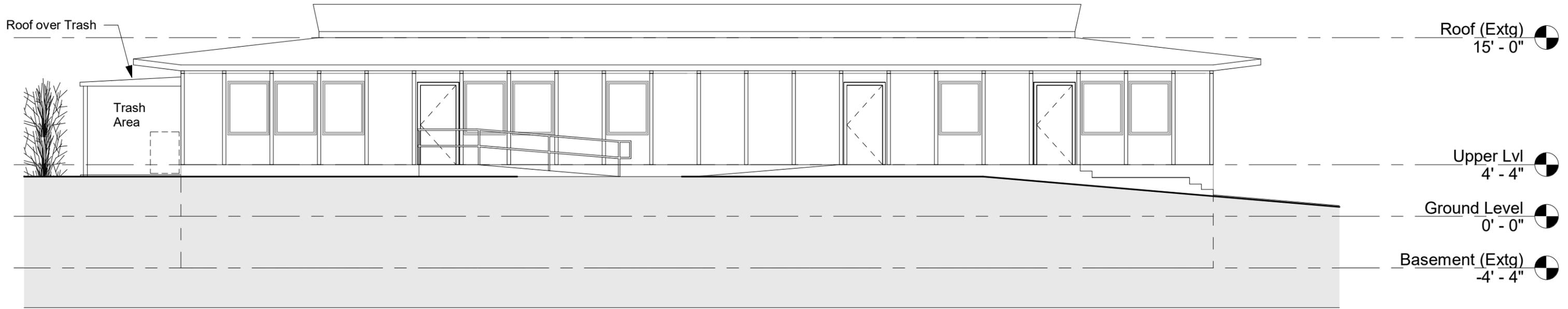
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Unite Oregon
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 Portland, OR 97233

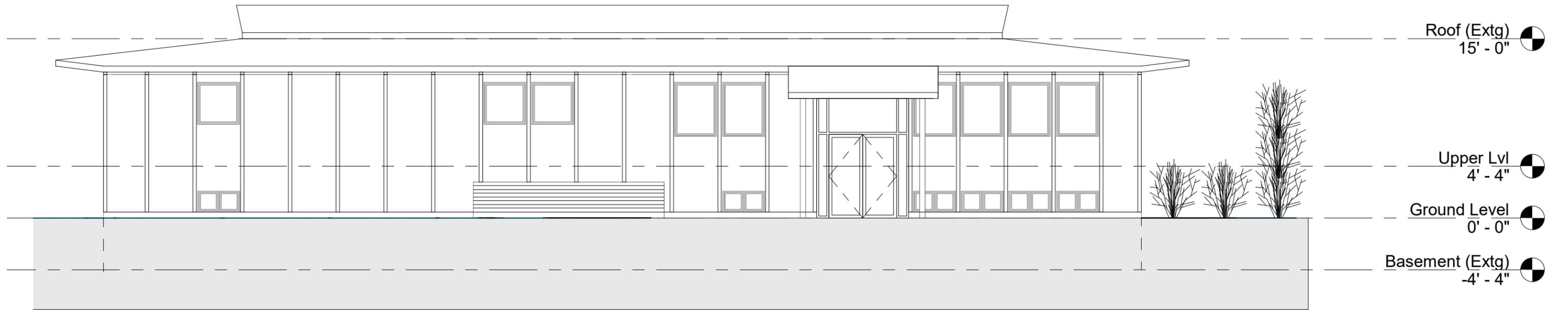
Upper Level Floor Plan
 Date: 10.4.2024

LU 24-078744 CU Exhibit C3

Portland Hearing Office
 Case # 4240016
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 Exhibit # 4
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1 North
1/8" = 1'-0"



2 South
1/8" = 1'-0"



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Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 10.4.2024
Elevations
 LU 24-078744 CU Exhibit C4

Portland Hearings Office
 Case #4240016
 Bureau Case #LU 24-078744
 Exhibit #4
 Page 16 of 16

Opted-out parties for the case #4240016

Robert Koury
7327 SW Barnes Rd. Box #600
Portland, Oregon 97225

Leslie Lum
1390 SE 122ND AVE
PORTLAND OR 97233

BRIAN KIMURA
3934 NE MARTIN LUTHER KING JR BLVD #205A
PORTLAND OR 97212

4240016 (LU 24-078744 CU) Email Mailing List

bdshearingsclerk@portlandoregon.gov; Christine.Caruso@portlandoregon.gov;
leslie@uniteoregon.org; bkimura@bk-arch.com; Dawn.Krantz@portlandoregon.gov;
mill.park.pdx.chair@gmail.com; gabapdxboard@gmail.com; alisons@cnncoalition.org;
robert.g.koury@gmail.com

August 29, 2024

RE: Approval Criteria Narrative (33.815.105)

Criterion A:

Proportion of Household Living uses. The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and
2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Response:

1390 SE 122nd Ave is an office complex consisting of 2 office buildings and surface parking lots. To the North is a similar office complex with matching architectural language. To the South is a Fire station followed by a multifamily residential complex that is setback from 122nd by a large surface parking lot. On the west side of 122nd across from the proposed daycare is zoned CM2 and CE Commercial with a shopping center and Multnomah County government facilities. To the East on SE Madison St is residential single family houses zoned R2.5, that uses the commercial properties along SE 122nd as a buffer to the residential neighborhood, commercial properties such as 1390 SE 122nd.

The proposed daycare use will occupy an existing space at 1390 SE 122nd Ave. SE 122nd Ave is lined with commercial businesses and government operations. These commercial and government properties create a buffer to the residential neighborhoods. The buildings at 1390 SE 122nd Ave are existing 1-story buildings with extended eaves that creates a pleasing transition to the single family houses to the east. The proposed change of use to a daycare does not change the existing building and therefore will not have a visual impact on the neighborhood. The daycare will operate with similar hours and number of visitors/staff as the current office operation. The daycare will support and benefit the neighborhood families by providing needed childcare for this working class community.

Intensity of Use: The proposed Daycare Use is classified as an Institutional use and is proposed for the Unite Oregon space (currently used as an office). The Unite Oregon space is in the eastern half of the existing office building. The Daycare will occupy the 1st floor (1,392 sf) and Basement (1,392 sf) for a total of 2,784s sf. No new space is being added. The daycare facility will operate between the hours of 8am-5pm Monday – Friday. There will be a maximum of 24 children and 6 employees.

Criterion B:

Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and
2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation and landscaping; or
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation and other design features.

Response:

B.1: There are no City designated scenic resources near the subject site.

B.2&3: The proposed daycare use will be an interior renovation that will not change the exterior of the building. The existing single story building size is approximately 3000sf and respects the zones and neighboring residential property's setbacks. The building has extended roof eaves and is a single-story that blends well with the neighboring residential properties. The landscape and trees will be preserved and remain unchanged.

Criterion C:

Livability: The proposal will not have significant adverse impacts on the livability of nearby residential zone lands due to:

C.1: Noise, glare from lights, late-night operations, odors, and litter; and

C.2: Privacy and safety issues.

Response:

C.1: Noise should not be an issue and in fact might be desirable, as children playground noise might be heard by the neighbors. Glare from lights will only occur during the daytime 8-5 hours so no different than the current office use. There will be no late night operations. There will be no odors created or litter produced from the daycare.

C.2: The proposed project has an existing fence with the neighboring house to the east. The daycare use promotes families and supports the community. It brings the community together, creates bonds, and is extremely safe with families, children and administrators.

Criterion D:

Public services.

D.1: The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;

D.2: Transportation System:

D.2.a: The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development and any additional impacts on the system from the proposed development are mitigated;

D.2.b: Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signa or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;

D.2.c: Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

D.3: Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Response:

D.1: SE 122nd Ave is designated a Major City Traffic Street and SE Madison Ave is designated a Local Service Traffic Street. The daycare use will be accessed from SE 122nd Ave. SE 122nd Ave is a busy street which is lined with businesses and institutional/government facilities.

D.2a: A Traffic Impact Study is submitted with this Conditional Use Review. The proposed use will not have a on-site dropoff area that is safe and secure. The proposal will utilize the existing on-site parking lots to reduce the impact on street parking. Transit stops for Trimet lines 6642, 6643, 6669 are conveniently located within 300ft of the property. The front door has a curbed walkway to the ROW to encourage pedestrian access while promoting a safe walking area. There are on-site bike racks near the entrance for bicycle commuters. Lastly, there is a signaled crosswalk in front of the property on SE 122nd Ave, to allow for convenient safe crossing to the west side of SE 122nd.

D.2b&c: The project will not exceed the Significant Alteration threshold of \$389,893. It is not anticipated that the proposed daycare use and buildout will trigger any PBOT ROW, street crossing, or bicycle and pedestrian improvements or dedications. According to the EA notes, the proposed change in use will not exceed a 15% increase in average daily trips; thus, the first trigger requiring right of way improvements is not met.

D.3: The proposed Daycare will be an interior TI.

Water Supply: Water is available to the site from the 12" CI water main in SE 122nd Ave. The site is currently served through a ¾" meter on a ¾" service line. The proposed use does not anticipate increasing the allowable fixture units for a ¾" meter/line and if upon applying for a building permit will verify through the W3 and W4 forms calculations.

Sanitary Service: A trash enclosure will be adjacent to the northern parking lot and will be proposed with this daycare proposal. The trash enclosure will be covered, paved and have a drain connected to the existing sanitary sewer and be hydraulically isolated through reverse grading and curbing to prevent stormwater run-on. Applicant will verify the diameter of the existing lateral available to the site and will confirm that the portion of the building's lateral that is located in the public right of way is not smaller than the pipe on-property. All connections to the City sewer system will meet the standards of the City of Portland's Sewer and Drainage Facilities Design Manual , PCC 17.32.090, administrative rules ENB-4.07, and ENB-4.17.

Stormwater Management: There are no public storm-only sewers available to this property and a public storm main extension is not required. Additionally there is no offsite discharge location available for stormwater disposal from the development site. The proposed conditional use will not meet any of the triggers for PCC 17.38.40.

Criterion E:

Area Plans. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Response:

E: The proposed Daycare use meets the vision statement of the Mill Park Neighborhood Plan. "Ultimately our primary focus of action and concern is the children of Mill Park, for which the neighborhood group, Peers and Parents You are Caring (PAPYAC) was formed and in the spirit of which it is commonly said 'it requires a whole village to raise one child'.

In response to the Outer Southeast Community Plan, the proposed daycare provides a necessary amenity to the neighborhood community and families by providing childcare and education in a safe controlled environment. In addition it provides economic development by providing a new business that provides jobs that is easily accessed via public transportation, and vehicular and bicycle parking on sit

BDS – Conference Facilitator Summary Memo

Pre-Application Conference

Date: August 31, 2023

To: Brian Kimura, BK Architecture, bkimura@bk-arch.com
Khanh Le, Unite Oregon, lekhanh@uniteoregon.org

From: Matt Wickstrom, Conference Facilitator
Matt.Wickstrom@portlandoregon.gov, 503-865-6513

Case File: EA 23-066144

Location: 1390 SE 122ND AVE

Property ID: R196775, R196779, R274143

Proposal: A Pre-Application Conference to discuss conversion of existing office space to a Daycare use. The daycare will occupy 1,392 square feet of ground floor building area and 1,392 square feet of basement building area. Drop off and pick up are proposed to occur in the existing parking lot. Outdoor play space will occur on the existing lot to the south, also addressed as 1390 SE 122nd Ave. No exterior changes or changes to the current stormwater management system are proposed.

This conference summary report identifies the participants at the conference, provides an initial response to the issues and requirements for the proposed project with separate response from key bureau representatives. This memo identifies current land use review fee information and provides related information that may be helpful as the project moves from concept to completion.

Pre-Application Conferences are required for all major (Type III and IV procedure) land use reviews. The purpose of the conference is to inform the applicant of the substantive and procedural requirements of the Land Use Review, to identify the submittal requirements and documents this information for the applicant and all interested persons.

The information provided at the conference and included in this summary is based on the information that was submitted prior to and at the meeting and reflects regulations in effect at the time of the conference. The meeting is intended to convey information. It is not a public hearing and no land use decision is rendered at the conference. Interested persons may attend the conference and obtain copies of all the written information that is submitted and prepared for it.

You must submit your Land Use Review application within two-years of the Conference.

Conference date: August 17, 2023

Expiration of Conference: August 16, 2025

A. Comments from Bureau Representatives: The chart below identifies the staff who participated in the conference and/or who submitted written comments:

Response attached	Bureau	Responsibilities	Contact
Yes	BDS Land Use Services	Review of land use review	Emily Meharg 503-260-9682
Yes	PBOT	Public Streets	Eileen Cunningham NONE
Yes	BES	Sanitary sewer service, public and private stormwater management, drainageways and drainage reserves, source controls	Abigail Cermak 503-823-7577
Yes	BDS Site Development	Septic systems, private rights-of-way, geotechnical requirements, erosion control	Kevin Wells 503-823-5618
Yes	Water Bureau	Connections to public water	Erin Mick 503-823-6787
Yes	Water Quality Backflow	Reduced pressure backflow assembly requirement	Dave Barrigan 503-823-7479 Jim Baker 503-823-7480
Yes	Fire Bureau	Access grades, fire hydrants, turnarounds	Joe Thornton 503-209-5977
Yes	Urban Forestry	Street trees	Andrew Gallahan 503-823-4511
No	devTeam Portland, BDS	Further information on devTeam Portland can be accessed at: Process Management - Major Projects Group Portland.gov	David Kuhnhausen 503-823-6770

Please refer to the memo from Emily Meharg, Title 33 team, BDS Land Use Services division for the list of application submittal requirements for the required land use review(s). Also, the attached responses from the City bureaus identify additional requirements that are pertinent to the land use review or a later Building Permit submittal.

If you have questions about comments included in this Pre-Application Summary Report, please contact the representative identified in the respective memo. Please note that staff comments are based on the information submitted at the time of application. If you have questions regarding the proposal beyond those covered in this summary report, or if your proposal changes in scope or configuration, a new Pre-Application Conference may be required or an additional Early Assistance application may be needed to provide responses to your follow-up questions.

B. Fees

Below is an estimate of land use fees that may apply to your proposal. Fees charged will be those in effect when the Land Use Review application is submitted. When more than one Land Use Review is requested, full fees are charged for each additional review. The fees below are current; however, fees will increase effective July 1, 2024. You may view the current [Land Use Review fees](#) at the following link: [Fee Schedules - Building Permit Costs, Trade Permit Costs and Other](#)

Land Use Review Type	Estimated Fee
Type III Conditional Use Review	\$24,048 + \$5,141 (for each Adjustment Review)

During the building permit process, Permit Fees will be charged for review of your permits and Systems Development Charges (SDCs) may be assessed for new development. An online fee estimator is available on the BDS website at the following link: [Estimate the Cost of Your Building Permit | Portland.gov](http://portland.gov).

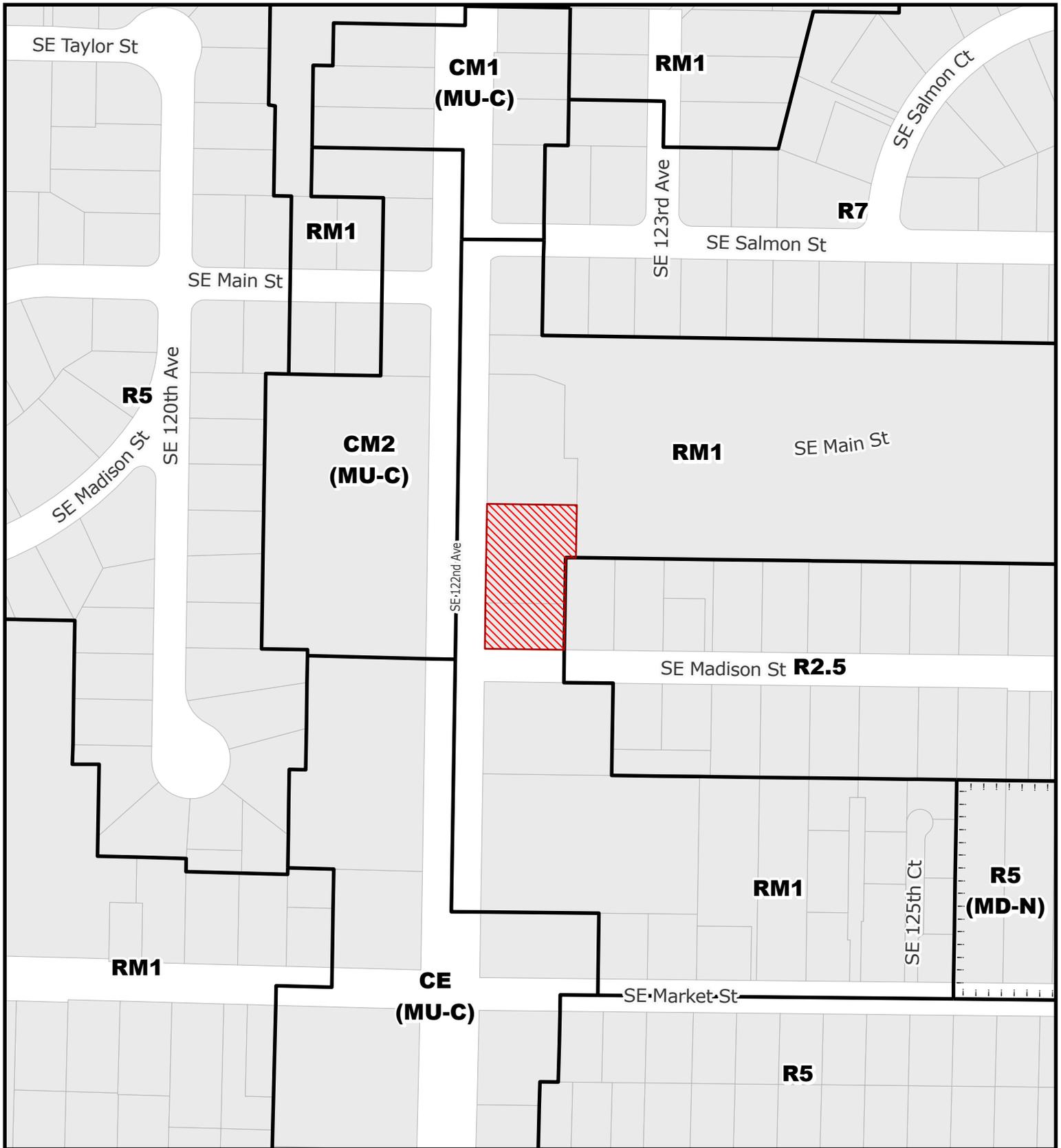
C. Other Information

1. Preliminary Life Safety Plan Review Consultation: For Building Code/Life Safety information, you may sign up for a Preliminary Life Safety meeting. Information can be found at the following link: [Life Safety Preliminary Meeting Request Packet | Portland.gov](http://portland.gov)
2. Electric Service Requirements. Information on electric service requirements for properties served by PGE can be found at the following link: <https://www.portlandgeneral.com/construction/electric-service-requirements>; and information on electric service requirements for properties served by Pacific Power can be found at the following link: <https://www.pacificpower.net/working-with-us/builders-contractors/electric-service-requirements.html>

Please note that the service requirements included in these links may not cover all requirements associated with your project. Applicants should contact the PGE Service Coordinator at 503-736-5450 or the Pacific Power Business Center at 888-221-7070 to identify issues that are specific to your project and to coordinate electric service requirements.
3. PGE requires minimum clearances from electric wires, conductors and cables. Before building, please be aware of these clearances by calling PGE at 503-736-5450. For more information on the [PGE Minimum Clearance Requirements](http://portland.gov) use the following link: [Why You Should Respect Portland General Electric's Power Line Clearances | Portland.gov](http://portland.gov).
4. Portland Housing Bureau. The Housing Bureau provides financial assistance for various development phases to both nonprofit and for-profit affordable housing developers (typically multi-dwelling rental housing). For more information, go to the following link: <https://www.portland.gov/phb>.
5. Bureau of Planning and Sustainability. The Bureau of Planning and Sustainability delivers policy and programs related to green buildings, energy efficiency, renewable resources, waste reduction, and recycling. For more information on [Sustainability Programs and Services](http://portland.gov) in the Bureau of Planning and Sustainability go to the following link: <https://www.portlandoregon.gov/bps/67121>.
6. Energy Trust of Oregon. The [Energy Trust of Oregon](http://energytrust.org) provides technical assistance and cash incentives for energy efficient design. For more information, go to the following link: <https://www.energytrust.org/>
7. Oregon Department of Energy. The [Oregon Department of Energy](http://oregon.gov) Conservation Division provides information on a variety of programs to encourage energy conservation, including tax rebates and low-interest energy loans. For more information, go to the following link: <http://www.oregon.gov/energy/Pages/index.aspx>

Attachments:

Zoning Map
Site Plan
BDS Land Use Services Response
PBOT Response
BES Response
BDS Site Development Response
Water Bureau Response
Water Quality Backflow Response
Fire Bureau Response
Urban Forestry Response
Sign-in Sheet

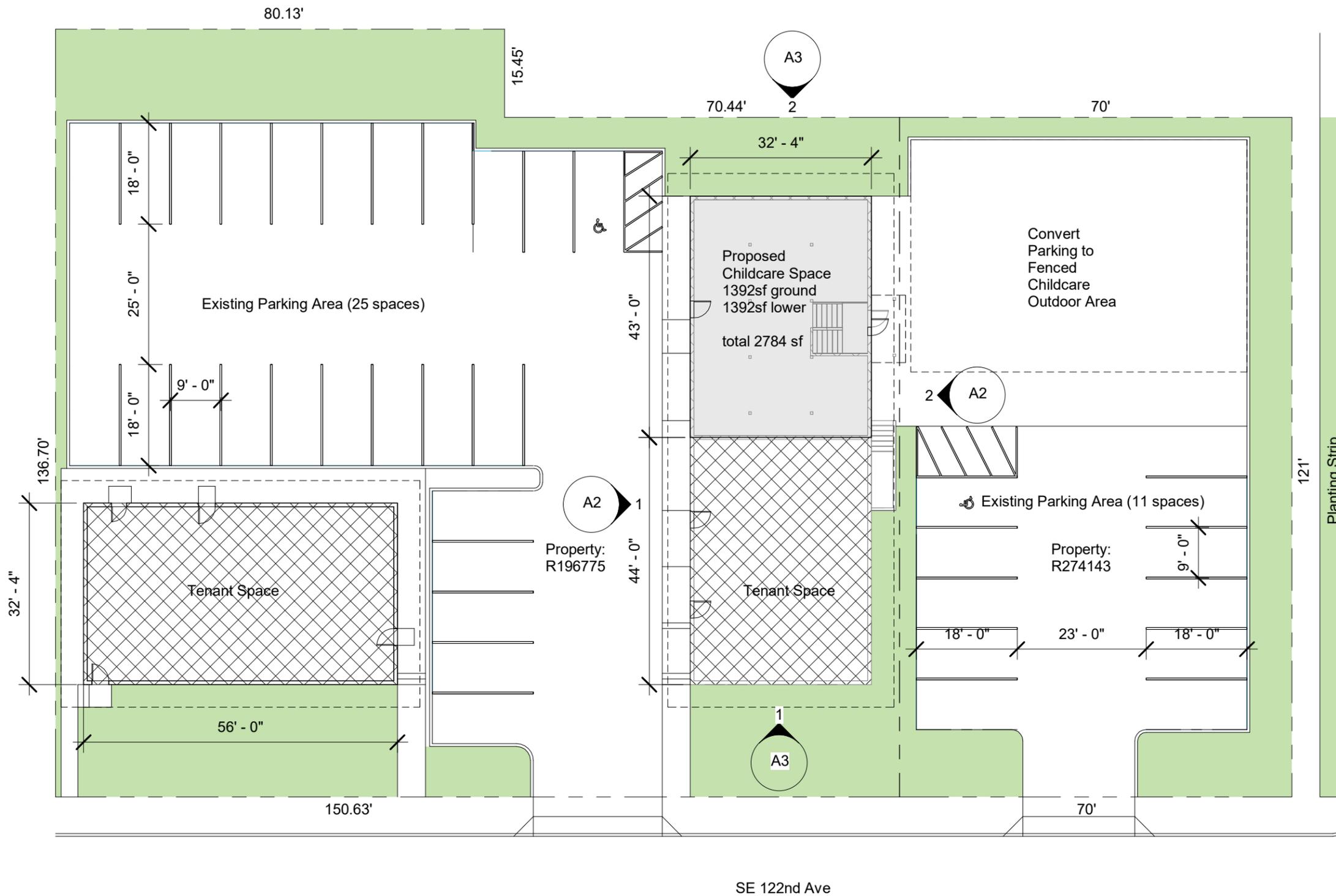


For Zoning Code in Effect Post October 1, 2022

ZONING 

 Site

File No.	<u>EA 23 - 066144 PC</u>
1/4 Section	<u>3143</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1S2E02BC 70022</u>
Exhibit	<u>B Jul 25, 2023</u>



Property Data:

Address: 1390 SE 122nd Ave, Portland, OR 97233
 Owner: Unite Oregon (501c3)
 Property ID: R196775, R196779, & R274143

Site Area: R196775 = 19,477 sf
 R274143 = 8,470 sf

Building Area: 2,784 sf (bldg proposed for conditional use)
 Zoning: RM-1
 Base FAR: 1:1
 Building Height: 35'
 Setbacks: Front 10', Sides & Rear 5'
 Max Building Coverage: 50% of Site Area
 Min Landscape Area: 30% of Site Area

Project Narrative

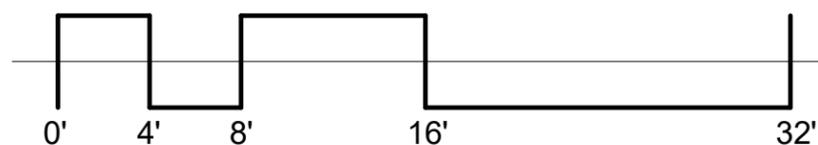
Request for Conditional Use: We are seeking approval to convert the existing condo office space to Childcare. The proposed space occupies roughly half of the commercial condo building. The office space is split between 2 floors. The upper floor is at grade with the parking lot to the north and the lower level is a half sunken basement. The upper floor is 1,392 sf and the lower floor is 1,392sf. Outdoor playspace will utilize the open property to the south (also listed as 1390 SE 122nd Ave).

The project is an interior tenant improvement and will not add any additional building footprint to the property. There is no plans for modifying the existing stormwater disposal system. We will continue to use the existing system. This application is subject to a Type III Conditional Use Review. The first step is an Early Assistance Conference.

1 Site Plan
 1" = 20'-0"



BK Architecture, LLC
 3934 NE Martin Luther King Jr Blvd, Suite 205A
 Portland, OR 97212
 www.bk-arch.com
 503 408 4971 (best)
 503 719 6810
 bkimura@bk-arch.com



SITE PLAN

Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 07.19.2023

LU 24-078744 CU Exhibit A2 Sept 11, 2024



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
TTY: 711
www.portland.gov/bds

BDS – Land Use Planner Response

Pre-Application Conference

Date: August 21, 2023
To: Brian Kimura
(646) 408-4971
bkimura@bk-arch.com
From: Emily Meharg
503-260-9682, Emily.Meharg@portlandoregon.gov
File No.: 23-066144 PC
Location: 1390 SE 122ND AVE
Tax Account: R196775, R196779, R274143
State ID Number: 1S2E02BC 70000, 1S2E02BC 70022, 1S2E02BC 01900
Zoning: Residential Multi-Dwelling 1 (RM1)
Proposal: A Pre-Application Conference to discuss conversion of existing office space to a Daycare use. The daycare will occupy 1,392 square feet of ground floor building area and 1,392 square feet of basement building area. Drop off and pick up are proposed to occur in the existing parking lot. Outdoor play space will occur on the existing lot to the south, also addressed as 1390 SE 122nd Ave. No exterior changes or changes to the current stormwater management system are proposed.

Please contact me with questions regarding this memo, or if I can be of further assistance as you move forward with your proposal.

The information provided at the conference and included in this response is based on the information you provided prior to and at the conference and reflects regulations in effect at the time of the conference. This response provides information and guidance only. It is preliminary in nature and based on the information the applicant provided to BDS staff. It is neither a land use review nor a final decision regarding this project. References are to the Portland Zoning Code available online at www.portland.gov/code/33.

A. Key Issues and Requirements

The following issues and requirements have been summarized for the applicant to pay special attention to as they may impact the proposed project.

1. **Daycare Use.** Per Section 33.120.100.B.6.a, Daycare uses are allowed by right if located within a building that currently contains or did contain a College, Medical Center, School, Religious Institution, or a Community Service use. Based on a Google search of the address, it appears that a Religious Institution and/or a Community Service use may have occupied the building in the past; however, staff was unable to find documentation of an approved conditional use review or other evidence for either use in the City's files.

Therefore, if the building did previously contain a legally established College, Medical Center, School, Religious Institution, or Community Service use, then it was likely prior to the property's annexation into the City (June 30, 1991). If you would like to demonstrate that the building contained one of these uses in the past and you want to get a determination now so that you know whether or not you will need to go through land use review, the preferred method would be for you to submit evidence for the City's review with an application for a [Tier III Zoning Confirmation Letter](#). Alternatively, you could submit documentation of the legally established use with the building permit; however, if it is determined the documentation is insufficient and you do indeed need to go through land use review then it will delay the building permit process at that point. Determination of whether the building legally contained one of the uses listed above will be based on how the previous entity used the building in relation to the description of use categories for the respective use as described in Chapter 33.920. If it is determined that the building contained an allowed Religious Institution, Community Service, or other use listed above, then the Daycare use would be permitted outright and a Conditional Use Review would not be necessary.

Per Section 33.120.100.B.6.b, a Daycare use would also be allowed outright provided the total amount of Daycare use on the site does not exceed 3,000 square feet of net building area not including outdoor play area AND all of the Daycare use, except outdoor play area, is located on the ground floor. As proposed, the Daycare use totals 2,784 square feet, which is less than the 3,000 square foot maximum. However, the use is proposed on both the main floor and the partially sunken basement and thus does not meet Section 33.120.100.B.6.b.(2), which limits the Daycare use to the ground floor.

If the proposal cannot meet Section 33.120.100.B.6.a or b, then it will need to be reviewed as a Conditional Use per Section 33.120.100.B.6.c.

- 2. Conditional Use Review.** Per Section 33.815.040.A.1, a request for a new conditional use is processed through a Type III procedure. A Daycare use is classified as an institutional use per Section 33.920.430. The applicable approval criteria are found in Section 33.815.105, Institutional and Other Uses in Residential and Campus Institutional Zones.

Criterion A is about the proportion of residential uses in the residential area. In your response to this criterion, please inventory and discuss existing non-residential uses in the surrounding residential area. For this criterion, consider the "residential area" as all R-zoned properties within an approximately 400-foot radius from the site. Please describe how proposed changes on this site will affect the overall residential appearance and function of the area. Please also address the intensity of the use by describing the proposed operation of the facility, including anticipated numbers of employees, children in the daycare, and adults visiting the site for services.

Criterion B is about the physical compatibility of the proposal with the surrounding residential area. For your response to criterion B.1, you can simply state there are no City-designated scenic resources near the subject site. For your response to criteria B.2 or B.3 (only one of these must be addressed), please discuss each of the factors listed.

Criterion C is about protecting livability for nearby residentially zoned properties. Please discuss each of the factors listed individually.

Criterion D is about the adequacy of public services for the proposed use. Please address each of the factors listed, referring to responses from the Portland Bureau of Transportation (PBOT), the Bureau of Environmental Services (BES), and the Water Bureau. For D.1, you can find the street designations from the Transportation Element of the Comprehensive Plan here:

<http://pdx.maps.arcgis.com/apps/webappviewer/index.html?id=d1d5e545ca6f436fb119932d710ff2fb>.

Criterion E is about area plans that have been adopted by the City Council. For your response to this criterion, please discuss the proposal's consistency with relevant statements from the [Mill Park Neighborhood Plan](#), and the [Outer Southeast Community Plan](#).

3. **Fences.** Fence height and location for a Daycare use in the RM1 zone are addressed in Section 33.120.285.C.2. Fences are limited to 3.5 feet in height within 10 feet of the front lot line (SE Madison St) and within 5 feet of a side lot line that abuts a street (SE 122nd Ave). Fences are limited to 8 feet in height within 5 feet of a side lot line that does not abut a street or pedestrian connection (east lot line). Per the Chapter 33.910 definitions, lot lines are determined based on the entirety of the site, which includes all properties under common ownership. The front lot line on a corner lot is the shortest of the lot lines that abut a street. Therefore, SE Madison St is considered the front lot line, and SE 122nd Ave and the east property line are considered side lot lines. The height for fences outside of the front, side, and rear setbacks is the same as the base zone height limit.
4. **Nonconforming Situations and Future Reviews.** The site may or may not have other existing nonconforming uses or development. For example, Office uses on this site are limited to 1,000 square feet by right. Office uses larger than that might have nonconforming rights to continue operating, but staff finds no documentation of these rights in our site history. Status of other uses on the site will not be reviewed as part of this process but will be evaluated with future permits, as applicable.

The Conditional Use Review for the proposed daycare will make the entire site a Conditional Use site. Any future changes to the site, including changes to the daycare or any other development, may be subject to Conditional Use Review as detailed in Section 33.815.040. Note that the [land use application form](#) has a Responsibility Statement that, among other things, requires the applicant to attest that the applicant is responsible for gaining the permission of the owner(s) of the property listed on the form in order to apply for this review and for reviewing the responsibility statement with them.

5. **Helpful Links.** The City has a website for starting or expanding a Commercial Certified Child Care Business that contains some useful links and may be helpful as you move forward. The website is located here: <https://www.portland.gov/bds/commercial-permitting/commercial-certified-child-care-businesses>.

B. Land Use Reviews Required

The following table identifies land use reviews required for your project. Please refer to the identified code citations for additional information. Information on procedure for types of reviews are available at <https://www.portland.gov/bds/zoning-land-use/land-use-review-fees-and-types>.

Review Procedure	Land Use Review	Approval Criteria
Type III	Conditional Use Review, if proposal can't meet Section 33.120.100.B.6.a or b	33.815.105.A-E
Type III	Adjustment Review, running concurrently with Conditional Use Review, if any development standards are not met.	33.805.040.A-F

C. Development Standards

- **Base Zone Development Standards**

Proposed development must meet development standards of the Multi-Dwelling Zones base zone. Existing development may not go further out of conformance with standards.

- Refer to [Zoning Code Chapter 33.120](#) for standards applicable in this zone.

Note that although a Daycare is an institutional use, Daycare uses in the Multi-Dwelling Zones are subject to the regular base zone development standards (and not the Development Standards for Institutions in 33.120.275) per Section 33.120.275.B.

- **Parking and Loading**

Proposed development must comply with the motor vehicle parking, bike parking, loading areas, and transportation demand management (TDM) requirements of [Zoning Code Chapter 33.266](#).

- **Landscaping and Screening**

Development must comply with landscaping and screening requirements in the following Zoning Code chapters:

- [Chapter 33.120, Multi-Dwelling Zones](#);
- [Chapter 33.248, Landscaping and Screening](#)

Additional landscaping standards specific to parking and loading areas for uses other than houses, duplexes, triplexes, and fourplexes are identified in [Zoning Code Section 33.266.130.G](#).

- **Nonconforming Upgrades**

Whenever a property owner or tenant makes interior or exterior improvements to a site valued at more than \$347,000, up to 10% of the project cost must be spent toward bringing the site into conformance with identified zoning code standards. Refer to [Zoning Code Chapter 33.258.070.D.2](#).

- **Tree Regulations**

The City's Tree Code (Title 11) will apply. Please review the tree preservation and protection standards in Tree Code Sections 11.50.040 and 11.60.030 and the tree density standard in Tree Code Section 11.50.050. The Tree Code can be viewed at <https://www.portland.gov/code/11>.

D. Previous Land Use Reviews.

Staff did not identify any relevant land use case reviews for the subject site.

E. Neighborhood Notification

When you apply for a Type III Land Use Review, all property owners within 400 feet, and all neighborhood associations and recognized organizations within 1,000 feet of your site will receive notification of your proposal.

Contact information for neighborhood associations, neighborhood district coalitions, and business associations is available at <https://www.portlandoregon.gov/civic/search/>.

F. Submittal Requirements for Land Use

This list identifies the materials you must submit for your application to be considered complete. For additional details see Zoning Code Section [33.730.060](#).

	Item to submit	Details
1.	Completed application form	Application Form available at: https://www.portland.gov/sites/default/files/2022/land_use_review_application_070122.pdf
2.	Fees	Land use review fees at: https://www.portland.gov/bds/current-fee-schedules#toc-city-of-portland-fee-schedules
3.	Requirements for written narrative, maps, plans, etc.	General Submittal Requirements (Zoning Code Chapter 33.730.060)
4.	Optional Request for an Evidentiary Hearing and Waiver of Right to a Decision within 120 Days	Allows new facts and evidence (an “evidentiary hearing”) to be presented if your project is appealed to City Council. You must submit the request form within 21 days of submitting your land use review application. The 120 day waiver can be accessed at the link below: https://www.portland.gov/sites/default/files/2021/waiver_within_120days_041421.pdf

To submit land use reviews and other LUS applications:

When you are ready to submit a land use review application, please see the BDS Website at <https://www.portland.gov/bds/land-use-review-fees-and-types/land-use-reviews-and-final-plate-applications> for current submittal requirements. We are accepting electronic land use applications via email at LandUseIntake@portlandoregon.gov. A Land Use Services technician will reply with instructions for providing payment.

To submit permits (after any required land use review decision is final):

When you are ready to submit a permit, please see our website for updated information on how to apply for permits: <https://www.portland.gov/bds/permit-review-process/apply-or-pay-permits>.



1900 SW Fourth Ave., Suite 5000 Portland, OR 97201 503-823-5185
Fax 503-823-7576 TTY 503-823-6868 www.portlandoregon.gov/transportation

Mingus Mapps Commissioner Tara Wasiak Interim Director

PBOT – Development Review

Pre-Application Conference Response

Date: August 29, 2023

To: Brian Kimura, BK Architecture, LLC
646-408-4971, bkimura@bk-arch.com

From: Eileen Cunningham, PBOT Development Review
503-823-2999, Eileen.Cunningham@portlandoregon.gov
Vu Mai, PBOT Permit Engineering
503-823-1183, vu.mai@portlandoregon.gov

Case File: EA 23-066144

Location: 1390 SE 122nd Ave

R#: R196775, R196779, R274143

Proposal: A Pre-Application Conference to discuss conversion of existing office space to a Daycare use. The daycare will occupy 1,392 square feet of ground floor building area and 1,392 square feet of basement building area. Drop off and pick up are proposed to occur in the existing parking lot. Outdoor play space will occur on the existing lot to the south, also addressed as 1390 SE 122nd Ave. No exterior changes or changes to the current stormwater management system are proposed.

Portland Bureau of Transportation/Development Review (PBOT) staff has reviewed the pre-application conference materials to identify potential issues and requirements.

A. Key Issues and Requirements

1. PBOT will evaluate the proposal subject to the approval criteria in PCC Chapters 33.641 and 33.654. Regarding Chapter 33.641, and specifically, Section 33.641.020:

Transportation Impacts (33.641.020):

The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by 33.641.020.B.

Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

2. **Traffic Impact Study:** The applicant is required to submit a narrative that individually addresses each of the transportation-related approval criteria listed below and a professionally prepared Traffic Impact Study (TIS) to adequately address criteria listed below. The TIS memo is required to include crash analysis and observational analysis addressing safety and street capacity approval criteria. See attachment A.
3. **Triggers for Right-of-Way Improvements and Dedication:** Per 17.88.020, alterations which increase the number of occupants of a site are required to provide a standard full width improvement, including sidewalks, and may require dedication to allow the full width improvement to be constructed. For PBOT purposes, occupancy is determined based on trips rates from the *Institute of Transportation Engineers Trips Generation Manual, 11th Edition*. Standard improvements are based on the requirements of [PBOT Development Review Manual to Creating Public Streets and Connections](#) and the [Portland Pedestrian Design Guide](#).

The applicant proposes a tenant improvement and change in use of the existing building, 2,784 sq ft of medical-dental office to a daycare center. The site contains two buildings, totaling approximately 7,429 sq ft of existing medical-dental office uses which generates 267 average daily trips (ITE Code 720). Per the applicant, a maximum of 32 students is allowed by state code based on the proposed daycare center’s square footage, which will generate 131 average daily trips (ITE Code 565). The remaining 4,645 sq ft of medical-dental office use generates 167 ADT (ITE Code 720). Overall, the proposed change in use will not exceed a 15% increase in average daily trips; thus, the first trigger requiring right-of-way improvements is not met.

The second trigger for public improvements is a “Significant Alteration” as defined in 17.88.010.C. If a project meets this definition, frontage improvements are required within the existing right-of-way. A “Significant Alteration” is defined as changes to property that are 35 percent or greater than the assessed value of all improvements on the site. Mandatory improvements for fire, life safety, and accessibility do not count toward the threshold.”

Based on assessor data available on www.portlandmaps.com, the 2022 assessed value of improvements on the site is \$1,113,980, which includes the following. Staff notes that the site is contains of multiple Property IDs:

Property ID	State ID	2022 Improvement Valuation
R196779	1S2E02BC 70022	\$342,130
R196775	1S2E02BC 70000	\$0
R196776	1S2E02BC 70011	\$186,570
R196777	1S2E02BC 70012	\$248,760

R196778	1S2E02BC 70021	\$326,540
R274143	1S2E02BC 1900	\$9,980
Total		\$1,113,980

This makes the Significant Alteration threshold \$389,893. If the permit value as assigned by BDS is \$389,893 or higher, public improvements are required within the existing right-of-way. This includes rebuilding any damaged or deteriorated portions of the existing curb and sidewalk as well as ADA compliant corner improvements. *If the Significant Alteration threshold is met, the following improvements will be required within the existing right-of-way. PBOT will apply Significant Alteration requirements based on cumulative building permit values for building permits that are in an “issued” or under review” status 12 months prior to the current permit’s start date.* Please see Section D for detailed information.

4. **Frontage Improvements:** The site is on the northeast corner of the intersection of SE 122nd Ave and SE Madison St which is stop-controlled. The site is zoned Residential Multi-Dwelling 1 (RM1) and is not in a Pedestrian District. There is a signalized mid-block crossing at the north property line of R274143. The site’s SE 122nd Ave frontage is exempt from curb extensions (TRN 1.28). Neither of the street frontages are built to current standard. *If the Significant Alteration threshold is met, the frontages are required to be reconstructed as detailed below.*

- **SE 122nd Ave:** The existing SE 122nd Ave 7-ft-wide pedestrian corridor does not meet City standards. Right-of-way dedication cannot be required. Repair and replace broken or damaged panels within the existing pedestrian corridor.

The site’s SE 122nd Ave frontage includes a signalized mid-block crossing. See notes below regarding the ADA ramp and the funded Capital Improvement Project.

Staff notes that SE 122nd Ave is classified as a High Crash Corridor.

See Section G, Appeals (Public Works Alternative Review).

- **SE Madison St:** The existing SE Madison St 11-ft-wide pedestrian corridor meets the width standards of Local Street but does not meet current City standards for Local Street configuration. Therefore, reconstruct the site’s frontage to City standards. Provide a 11-ft pedestrian corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, a 6-ft wide sidewalk, and a 0.5-ft wide frontage zone. A continuous planting strip with tree wells is recommended, but the hardscaped with tree wells is allowed based on proposed use.

See Section G, Appeals (Public Works Alternative Review).

- **ADA-Compliant Corner/Ramp Improvements:** Provide ADA compliant corner/receiving ramp improvements at the site’s frontage on the intersection of intersection of SE 122nd Ave/SE Madison St.

See Section G, Appeals (Public Works Alternative Review).

The signalized mid-block crossing at the north property line of R274143 will be improved by the funded SE 122nd Capital Improvement Project (CIP) T01051 and, thus, is not required to be improved.

- **SE 122nd Capital Improvement Project:** Funded Capital Improvement Project (CIP) T01051 will rebuild the mid-block crossing signal along the site's frontage with modern poles, mast-arms, and ramps. Please coordinate required frontage improvements with the project's Capital Improvement Manager, Bryan Poole, available at bryan.poole@portlandoregon.gov or 503-823-1173.
 - PBOT strongly encourages the applicant to voluntarily dedicate the 5-ft needed for standard improvements along SE 122nd Ave. While the PBOT Capital Improvement Project (CIP) will reconstruct the existing 7-ft sidewalk corridor, mid-block crossing signal, and corner ADA ramps, this is considered a temporary safety improvement. Should the site further develop in the future that triggers dedication and standard improvement, the applicant would have to demolish the CIP improvements and reconstruct the frontage with standard improvement. If the applicant voluntarily dedicates the 5-ft and coordinates with the CIP project manager, the CIP (upon confirmation with project manager, Bryan Poole) will construct standard improvements along SE 122nd. This would represent relief from the significant cost of demolishing the newer sidewalk and reconstructing the frontage in the future.
- 5. **Public Works Permit:** *If the Significant Alteration threshold is met*, the required improvements will trigger a Public Works Permit. A chart describing which situations qualify for Minor Improvement Permits and which situations require Public Works Permits is available at <https://www.portlandoregon.gov/article/688387>. Concept Development approval (30% design) including plans, fees, signed application for permit, and a performance guarantee for the estimated value of the improvement must be submitted **prior to Building Permit approval**. See Section C for additional details.
- 6. **Driveway Curb-Cut and Driveway Design Exception:** The site has two existing driveway curb-cuts onto SE 122nd Ave along the site's frontage which they propose to retain. The southern driveway, serving R274143, is approximately 28 ft north of the property corner at the intersection of SE 122nd Ave and SE Madison St. The northern driveway is 34 ft north of the driveway serving R274143. This driveway does not meet TRN-10.40 D.2 spacing standards, which requires a minimum of 100 feet of frontage between the centerlines of driveways on the same property frontage. Additionally, the site's driveways do not meet the standards of TRN-10.40 D.5 which requires that a site with multiple street frontages take access on the site's lowest classification street frontage. The subject site's lowest classification street frontage is SE Madison St, but both site accesses are on SE 122nd Ave. The applicant shall close-off existing driveways which no longer lead to legal parking and rebuild the curb. **A Driveway Design Exception is required to retain the existing accesses onto SE 122nd Ave.**

For any driveway that does not conform with the requirements of 17.28.110 and TRN-10.40, review and approval through a Driveway Design Exception shall be required **prior to land use approval**. The City Traffic Engineer may require the applicant to submit additional information in support of the request. The City Traffic Engineer may deny or approve the request. If approved, the City Traffic Engineer may specify conditions of approval. Additional information about Driveway Design Exceptions, including application materials can be found at <https://www.portland.gov/transportation/development/driveway-design->

[exceptions](#). Please note the application instructions and fee information are on the bottom of page 2 of the application form.

7. **Signals & Street Lighting:** The following comments were provided by Julie Kentosh.

- There is a signalized pedestrian crossing just north of Madison that may be impacted. Reconstruction of the ramp will trigger a need for the push button to meet ADA reach requirements. I would anticipate a new push button on a new 4' pipe post, plus a junction box. If they need to relocate the wooden signal strain pole, then additional signal and street lighting work would be triggered.
- I don't anticipate any lighting needs. We have another project upgrading the lighting on 122nd, and existing lighting on Madison is adequate.

B. PBOT Permit Engineering Review Comments (Vu Mai)

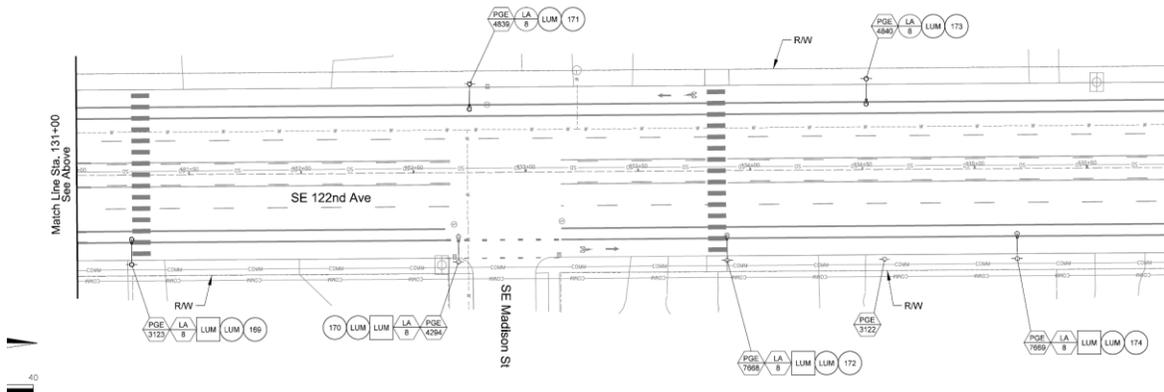
- SE 122nd Avenue
 - Classified as a busy street. Use P-518 for pavement restoration. Review notes 7 to 10 on P-518 for the proposed saw cut line location requirements.
 - There is an active CIP project T01051. Please reach to CIP project manager for comments.
 - All existing driveways shall be reconstructed to the current standards.
 - All existing street signs shall be replaced and re-installed at the standard location behind the face of curb.
 - There are existing street lights on the proposed improvement frontage. Please reach out to SSL group to see if additional street lights are needed.
 - Reconstruct the existing mid-block ramp or submit an ADA report if the applicant would like to retain the existing one. The ADA ramp report must be completed and signed by professional engineer.

T00402

City of Portland Bureau of Transportation
Plans for Proposed Project
Grinding, Paving, Signing, Signal & Striping
2014 Road Rehabilitation
S.E. 122nd Avenue
from S.E. Market Street to S.E. Stark Street
Multnomah County
March 2014

T01051

CITY OF PORTLAND BUREAU OF TRANSPORTATION
PLANS FOR PROPOSED PROJECT
NE/SE 122nd Avenue Corridor Lighting
Multnomah County
XXXX 2023



- At the corner of SE 122nd Avenue and SE Madison St
 - The existing inlet and its lateral will need to be replaced and relocated depending on the dual corner ramps design. Additional inlet may be required. Typical requirements are two inlets per corner.
 - Dual ramps are required at the corner along with ADA ramp report.
 - There are no existing street lights on the proposed improvement frontages at the corner. Please reach out to SSL group to see if additional street lights are needed.



The applicant is encouraged to contact Vu Mai of PBOT Permit Engineering, at vu.mai@portlandoregon.gov or 503-823-1183 with any questions regarding the Public Works submittal requirements. General information on the Public Works process can be found here: <https://www.portlandoregon.gov/index.cfm?&c=53147>.

C. Approval Criteria

The applicant shall submit a written narrative adequately addressing the applicable zoning code approval criteria listed below for the required reviews:

Topic	Code and Comments	Code Citation & Link
<p>Conditional Use Review– Institutional and Other uses in R Zones</p>	<p>Public services.</p> <p>The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;</p> <p>The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;</p>	<p>33.815.105.D</p>
<p>Transportation Impact Review</p>	<p>Transportation impact review requirements</p>	<p>33.852</p>

This list identifies PBOT submittal requirements. Please see the Conference Summary Memo for all of the materials you must submit for your application to be considered complete.

1. Written narrative adequately addressing all transportation related approval criteria ([33.815.105.D](#)). This includes *individually* addressing each evaluation factor below:

Transportation system:

- a. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;*

- b. *Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;*
 - c. *Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;*
2. Preliminary plans showing necessary dedication(s) and right-of-way improvements.
 3. Transportation Impact Study (TIS; see attachment); per Traffic Engineering staff a TIS memo documenting the change in use is acceptable.

All submittal requirements should be submitted with the application.

Additional City Code Requirements	Code Citation and Link	Staff Notes
Creating Public Streets and Pedestrian Connections through the Land Use and Building Permit Process.	TRN-1.09 - Design Standards for Public Streets Portland.gov	Street width and sidewalk configuration standards
Pedestrian Design Guide (2022)	TRN 1.092	Standards for pedestrian facilities including sidewalk corridors.
Utility Vaults	TRN-8.13	TRN-8.13 – Utility Vault or Structure for the Benefit of the Adjacent Property Owner Review Approval Process. See Attachment B for more information.
Driveway Standards	17.28.110 and TRN 10.40	Standards are applied at the time of building permit
Encroachments in the Public Right-of-Way	Encroachment Permits	The City’s policy on encroachments in the public right-of-way
Street Lighting	PBOT Lighting Level Guidelines	PBOT Lighting Level Guidelines
Central Location for PBOT Design Standards	https://www.portland.gov/transportation/development/commonly-	Links to multiple PBOT design guidelines here.

Additional City Code Requirements	Code Citation and Link	Staff Notes
	referenced-transportation-code-and-administrative-rules	

D. Required Public Improvements, Dedication, and Driveways

TSP Classifications: At this location, the City’s Transportation System Plan (TSP) classifies the abutting street(s) as follows.

The site IS NOT within a Pedestrian District.

Street Name	Pedestrian	Bicycle	Transit	Freight	Traffic	Design
SE 122 nd Ave	Major City Walkway	Major City Bikeway	Major Transit Priority Street	Major Truck Street	Major City Traffic Street	Civic Corridor
SE Madison St	Local Service Walkway	Local Service Bikeway	Local Service Transit Street	Local Service Truck Street	Local Service Traffic Street	Local Street

Existing Improvements: At this location, according to the City’s GIS data, the site’s abutting rights-of-way are improved as follows.

Street Name	ROW Width*	Roadway Width*/Condition	Pedestrian Corridor Width*/Configuration			
			Curb	Furnishing	Sidewalk	Frontage
SE 122 nd Ave	90 ft	75-ft paved	0.5-ft	0-ft	6.5-ft	0-ft
SE Madison St	50 ft	28-ft paved	0.5-ft	5-ft	5-ft	0.5-ft

** The applicant is advised the information contained herein is derived from City GIS and other databases typically used by city staff, as well as information from the applicant. It has not been confirmed via a survey. It is the applicant’s responsibility to provide a current survey to document the location of the abutting rights-of-way and to confirm or challenge any anticipated dedication amount.*

Standard ROW Improvements (informational; improvements to be provided within existing right-of-way if Significant Alteration threshold is met):

Street Name	Curb Location	Pedestrian Corridor Width	Pedestrian Corridor Configuration				Estimated Dedication
			Curb	Furnishing/ Stormwater	Sidewalk	Frontage	
SE 122 nd Ave	No change	12-ft	0.5-ft	4-ft	6-ft	1.5-ft	5 ft
SE Madison St	No change	11-ft	0.5-ft	4-ft	6-ft	0.5-ft	None

The estimated dedication amount is based on the information available to City Staff. A site-specific survey is necessary to determine the final dedication amount, which will be determined via the Public Works Permit process.

Furnishing zone treatments are set by Table B-4 of the Pedestrian Design Guide (2022) as follows:

- SE 122nd Ave: Hardscape with tree wells
- SE Madison St: Continuous planting strip with tree wells is recommended, but the hardscaped with tree wells is allowed based on proposed use.

Design District/Streetscape Plan Information: Division Midway Neighborhood Street Plan, East Portland Action Plan, and East Portland in Motion plan; no additional standards not otherwise required by code.

ADA Corner Ramp: The ADA requires projects which construct a new pedestrian facility (e.g. a new sidewalk or ped-push button), resurface a portion of the street, or perform other alterations to provide ADA compliant curb ramps along the route as part of the project. The corner is required to be reconstructed to meet current City and Federal ADA standards. Information regarding ADA curb ramp design and construction criteria can be found at <https://www.portland.gov/transportation/engineering/ada-design-construction-and-reports>.

An ADA ramp report is required if the applicant would like to keep the existing corner improvements. The existing curb ramps shall be verified through an ADA Curb Ramp Field Review Form sent to Vu Mai at Vu.Mai@portlandoregon.gov as early in the process as possible to avoid delays. Ramp report form can be found at: <https://www.portland.gov/transportation/engineering/documents/curb-ramp-design-report-form-2/download>.

Curb Extensions: In accordance with TRN 1.28, single curb extensions are required at any unsignalized intersection (outside the Northwest/Central City Plan Districts) when those sites are also located within Pedestrian District or along a City Walkway AND abut any street with a traffic classification greater than a Local Service Street.

In this case, the site’s SE 122nd Ave frontage is exempt from TRN 1.28 as it is identified for near-term capital improvements intended to provide protected bicycle lanes (or any curb tight bicycle facility) and enhanced transit priority lanes; thus, no curb extension is required along this street frontage.

Right-of-Way Dedication: The City's dedication process is administered by PBOT's Right-of-Way Acquisitions Section and is separate from the Building Permit process. Additional information on the dedication process can be reviewed at the following link:

<https://www.portland.gov/transportation/permitting/granting-easements-satisfy-development-requirements>. It is important for the applicant to understand the dedication process and timeline to avoid any conflicts with the Building Permit process.

When dedication is required, it is the applicant's responsibility to provide a current survey if they wish to confirm or challenge the dedication amount that is being required. Building permits will not be approved prior to the completion of dedication.

Street Trees: The applicant is advised to contact the City's Urban Forester at 503-823-TREE (8733) for specific information on the quantity and type of street trees that will be required. For additional information on street tree requirements, the applicant is advised to visit <https://www.portland.gov/trees/trees-development/documents/street-tree-requirements-public-works-permits/download>

E. Public Works Permit Process

The right-of-way improvements will need to be designed by an Oregon licensed civil engineer and constructed under a Public Works Permit, which is separate from the Building Permit that will be necessary for construction of the proposed project.

Concept Development Phase plans must be submitted to Public Works Permitting in order to verify the type of Public Works Permit that is required and to determine the required performance guarantee amount.

Public Works Design Review will determine specific design elements including stormwater management, bus stop, curb-cuts, landscaping, location of signage, location of utility poles and street lights, as well as other design requirements.

The applicant is therefore encouraged to contact Public Works at (503) 823-1987 or at pwp@portlandoregon.gov to become familiar with the process and initiate the appropriate meetings/process. Additional information on the City's Public Works Permitting process can be found at the following link: <http://www.portlandoregon.gov/publicworks>. It is important for the applicant to understand the Public Works process and timeline to avoid any conflicts with the Land Use Review and Building Permit process.

Concept Development approval (30% design) including plans, fees, signed application for permit, and a performance guarantee for the estimated value of the improvement must be submitted **prior to Building Permit approval**. The performance guarantee may be in the form of a surety bond, irrevocable letter of credit, set-aside account, or cash deposit. The applicant should contact Public Works at (503) 823-1987 for appropriate forms and additional information.

F. Building Permit Information

At the time of building permit review, you should be aware of the following:

1. Curb cuts and driveway construction must meet the requirements in Title 17. Title 17 driveway requirements will be enforced during the review of Building Permits.
2. Encroachments in the right-of-way must be approved through the Encroachment Permit process prior to PBOT approval of the Building Permit. For more information, go to: <http://www.portlandoregon.gov/transportation/encroachments>.
3. The applicant is advised that the City cannot guarantee the accuracy of location of utilities in the street, and that the information used by the City and furnished to the applicant or their representatives may be incorrect. Verification of private and public utility locations, as well

as the responsibility for any and all damage caused by work in the right-of-way, will be the responsibility of the permittee at the time of performing work and right-of-way improvements associated with their project.

4. System Development Charges (SDCs) may be assessed for this development. To receive an estimate of the SDC amount, the applicant is advised to leave a voicemail message to include the case file number, at (503) 823-7002, Option 2. Additional information about PBOT SDCs can be found at: <https://www.portlandoregon.gov/transportation/46210>.
5. When proposed development will prohibit use of an area of within the public right-of-way, a separate Temporary Street Closure permit will be required. Additionally, closures that do not allow safe passage and unobstructed flow of normal public use in a partially open area or lane, will also require a City approved Traffic Control Plan. For information on obtaining a separate Temporary Street Closure permit, please contact: <http://www.portlandoregon.gov/transportation/permitting> (503-823-7611).

G. Appeals (Public Works Alternative Review)

Per TRN 1.27, the applicant does have the opportunity to propose an alternative frontage improvement solution by entering the City's adopted Public Works Alternative (PWA) Review process. The Public Works Alternative Review Committee will consider the proposed alternatives provided by the applicant regarding the specific proposal/site. The Committee may seek additional information from the applicant, provide advice to the applicant, seek additional information from other City Bureaus, or complete additional reviews before a final decision is rendered. Any proposed alternative frontage improvements must be approved through the alternative review process prior to PBOT making a recommendation on an associated land use review or building permit. The burden of proof is upon the applicant to provide application materials which provide sufficient detail and technical data supporting your request to enable the Committee to make a qualified decision regarding the specific proposal/site. PWA decisions are valid for one year from the date of approval and are the first step in the Public Works Appeal Process. Additional information on this process can be found at the following link: <http://www.portlandoregon.gov/article/481371>.

Transportation Impact Study Early Assistance Attachment A

A Transportation Impact Study (TIS) is required to demonstrate the applicable land use review approval criteria are met. A TIS may also be needed to address operational or safety issues. Please note that many intersections in the City have limited capacity and may not be able to accommodate area growth plus the proposed land use without mitigation. Under some circumstances, lack of adequate capacity (level-of-service) at an intersection can result in denial of a land use proposal. Intersections of higher classified streets are most likely to have capacity constraints but other intersections may as well. The applicant's traffic engineer should investigate this issue well in advance of application for the land use review. Please see TRN 10.27- Traffic Capacity Analysis for Land Use Review Cases, available at <https://www.portlandoregon.gov/citycode/article/41049>.

The TIS must be prepared by an Oregon licensed traffic engineer. TIS's are complex and almost always require multiple engineering reviews to ensure that all issues are fully addressed in a technically acceptable manner. Please allow for adequate time in your project timeline. The more complex the situation, the longer the review is likely to take.

The scope of work for the required TIS must be approved by PBOT prior to preparation of the study. The applicant's traffic engineer must propose a draft scope of work via the scope approval forms available at <https://www.portland.gov/transportation/development/traffic-impact-studies>. The "Traffic Scope Approval Form" should always be completed as well the other appropriate scoping form or forms based on the project. The additional forms currently include separate scope forms for:

- Traffic Impact Study
- Parking Impact Study,
- Loading Demand Study
- Transportation and Demand Management Plan
- Accessory Short Term Rental Traffic and Parking Study

Completed Scope Approval forms and any supporting documentation are to be emailed to PBOT at PBOTDevRevTrafficScopes@portlandoregon.gov. Review of scoping documents generally takes 3 weeks, though this can vary. Please direct additional questions regarding the required TIS or the Scope Approval Forms to PBOTDevRevTrafficScopes@portlandoregon.gov.

Timeline for land use or building permit reviews:

PBOT recommends the TIS be submitted at the time of land use application. The completed TIS must be submitted prior to PBOT considering the land use application complete. The TIS must be reviewed and accepted by PBOT prior to PBOT supporting approval of the land use review. If there is no land use decision required, then PBOT recommends submittal of the completed TIS with the initial building permit submittal. TIS are complex technical documents that take time to review and often require ongoing coordination between PBOT and the applicant's

traffic engineer. Plan on a minimum of 4 weeks for the initial review. Additional time may be needed for revisions or additional data collection. The more complex the situation, the longer the review is likely to take.

Pre-Application Conference Response

Date: August 29, 2023

To: Matt Wickstrom, Conference Facilitator
503-865-6513, Matt.Wickstrom@portlandoregon.gov

From: Abigail Cermak, BES Systems Development
503-823-7577, Abigail.Cermak@portlandoregon.gov

Case File: EA 23-066144

Location: 1390 SE 122ND AVE

R#: R196775, R196779, R274143

Proposal: A Pre-Application Conference to discuss conversion of existing office space to a Daycare use. The daycare will occupy 1,392 square feet of ground floor building area and 1,392 square feet of basement building area. Drop off and pick up are proposed to occur in the existing parking lot. Outdoor play space will occur on the existing lot to the south, also addressed as 1390 SE 122nd Ave. No exterior changes or changes to the current stormwater management system are proposed.

The Bureau of Environmental Services (BES) has reviewed the submitted materials to identify potential issues and requirements and provide the following comments. Some references to Portland City Code (PCC) are included below; the applicant may refer to the Auditor's Office [Online Charter and Code](#).

A. KEY ISSUES AND REQUIREMENTS

Following is a brief summary of issues and requirements that may impact your proposed project or are submittal requirements that will require time to prepare prior to submittal of the application.

1. The applicant must submit a site plan showing the existing sanitary sewer connection location(s) and stormwater disposal system(s) for the structures to remain on this site as well as all proposed sanitary connections and stormwater systems.
2. Applicable Source Control Manual requirements (such as trash and recycling areas) may trigger stormwater management, changes to site design, or new sanitary connections. Therefore, BES encourages the applicant to account for these requirements through the Conditional Use application.

B. SANITARY SERVICE

1. *Sanitary Infrastructure:* According to available GIS data, the following sewer infrastructure is located in the vicinity of the project site:
 - a. Public 8-inch PVC sanitary-only sewer in SE 122nd Ave (BES as-built #4570).
 - b. According the City records, the existing structures are connected to the sewer in SE 122nd Ave with a lateral located approximately 186 feet south of the maintenance hole north of the property in SE 122nd Ave (asset ID ABS838).
2. *Source Controls:* The requirements of Section 6.1 of the [Source Control Manual \(SCM\)](#) for Waste Storage apply to this project. Solid waste and recycling areas (including dumpsters, compost bins, grease bins, recycle bins and garbage bins) require a structural cover with a paved surface beneath the receptacles. The area beneath the cover must drain to the sanitary sewer and must be hydraulically isolated through curbing, berming, or reverse grading to prevent stormwater run-on. The requirements of this section do not apply to

indoor waste storage areas that are hydraulically isolated and do not have potential to discharge pollutants to outdoor areas.

- a. As discussed during the meeting, if the applicant chooses to bring the existing trash/recycling area located on the adjacent lot to the south up to standards, a separate sanitary connection to the sewer in SE 122nd Ave would be required as shared sewers across property lines are considered nonconforming sewers and are not supported by BES. The applicant may need to consider locating a trash/recycling enclosure to the north on the same lot as the existing structures in order to connect the required floor drain to the existing sanitary sewer system.
 - b. *Source Control Special Circumstance Application:* Special circumstances, such as site constrains, zoning, or other conflicting regulations, may make it impracticable for an applicant to meet the source control requirements specified in the SCM. BES manages a Source Control Special Circumstances Review process to review requests to meet source control requirements in alternative ways. The applicant must demonstrate that the proposed alternative proposal meets or exceeds the required source control measures. The applicant can initiate the Special Circumstances Review by completing the [Source Control Special Circumstances Form](#) located in Appendix 3 and submitting the associated application fee, site plans, and additional materials. Please see Chapter 10 of the SCM for additional details. The applicant may request a Special Circumstances Review meeting to discuss the submittal.
3. *Upsizing Existing Sanitary Lateral:* BES does not have clear records regarding the diameter size of the existing lateral available to the subject site. The portion of the building's lateral that is located in public right-of-way cannot be smaller than the pipe on-property (administrative rule [ENB-4.17](#) Section 12), and therefore may require upsizing, depending on the existing lateral diameter and/or the expected sanitary flow rates from the proposed development. Upsizing an existing sanitary lateral in the public right-of-way requires a sewer connection permit; see <https://www.portland.gov/bes/ur-uc-permit-guide> for guidance about sewer lateral permitting in the ROW, and Section 5.6 of the [Sewer and Drainage Facilities Design Manual](#) for sewer lateral design criteria.
 4. *Connection Requirements:* Connections to the City sewer system must meet the standards of the City of Portland's [Sewer and Drainage Facilities Design Manual](#), [PCC 17.32.090](#), administrative rules [ENB-4.07](#) and [ENB-4.17](#), and all other relevant City codes and rules. Sanitary sewage from private property must be separately conveyed to the property line and connected through individual laterals for discharge to the City separate sanitary or combined sewer. Per [ENB-4.07](#), sewer connection permits are required to make new connections to City mains and laterals, relocate or upsize existing laterals, and repair sewers in City right-of-way. The permittee is responsible for verifying the location, depth and size of an existing sewer lateral and for ensuring the lateral is clear of obstructions prior to connection.

C. STORMWATER MANAGEMENT

1. *Stormwater Infrastructure:* According to available GIS data, the following stormwater infrastructure is located in the vicinity of the project site:
 - a. There are no public storm-only sewers available to this property and a public storm main extension is not required. Note that there is no offsite discharge location available for stormwater disposal from the development site.
 - b. Public underground injection control (UIC) systems ("sumps") in SE 122nd Ave & SE Madison St infiltrate stormwater runoff from the public right-of-way. Stormwater from private development cannot be discharged to public UICs.
2. *General Stormwater Management Requirements:* Development and redevelopment sites

that include any of the triggers listed in PCC 17.38.040 are subject to the policies and standards of PCC 17.38.035, Portland's [Stormwater Management Manual](#) (SWMM) and [Source Control Manual](#) (SCM). Projects must comply with the current adopted version of the SWMM as of the permit application date. A fundamental evaluation factor in the SWMM is the Stormwater Infiltration and Discharge Hierarchy (Section 1.3.3), which sets the framework that will be used to determine when a project's stormwater runoff must be infiltrated onsite and when offsite discharge will be permitted, and the parameters that must be met for either scenario. If tested infiltration rates on a property are greater than or equal to 2 inches per hour, onsite infiltration will be required unless the site qualifies for the ecoroof exception per Section 3.2.1 or infiltration is determined infeasible based on site conditions described in Chapter 2 of the SWMM. Note that maximum building coverage allowed by the zoning code, including below grade development, does not exempt the applicant from stormwater requirements. Pollution reduction and flow control requirements must be met using vegetated facilities to the maximum extent feasible, though roof runoff and some paved impervious surfaces are exempt when discharging directly to a UIC (refer to Sections 1.3.2, 1.3.4, 3.2.4 and 4.2.2 of the SWMM).

3. *Public Right-of-Way Stormwater Management:* Stormwater runoff from the public right-of-way must comply with all applicable standards of the SWMM and Sewer and Drainage Facilities Design Manual and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee. Additional guidance on meeting the 2020 SWMM for projects in the public right-of-way is available at <https://www.portland.gov/bes/stormwater/swmm-and-right-way-projects>.
 - a. Under the 2020 SWMM, sidewalk improvements behind an existing curb that create or replace 500 SF or more of impervious area are no longer exempt from stormwater management requirements unless they fall under a specific exemption described in Section 1.2.1.2 of the SWMM. Based on the scope of PBOT requirements, the length of project frontage and existing conditions, BES does not expect that the required sidewalk improvements will exceed 500 SF of triggered impervious area. However, if the scope of work changes or future analysis shows that the triggered area will exceed 500 SF, then the applicant should note that this area is eligible to pay an Offsite Stormwater Management Fee in lieu of building a stormwater facility through the Staff Review Special Circumstances (SRSC) process. Refer to Section 1.8.1 of the SWMM and contact BES Development Engineering staff to confirm SWMM requirements.
4. *Private Property Stormwater Management:* Stormwater runoff from this project must comply with all applicable standards of the SWMM and SCM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee.
 - a. *Existing Development:* Available historic plumbing records indicate stormwater from this development may discharge to an onsite drywell. Plans submitted for the conditional use review must show the stormwater disposal system for the existing paving and structures to remain including all downspouts, the type of private storm facility (if applicable), and the final stormwater disposal location. Any existing stormwater facilities must meet applicable setback requirements to proposed structures.
 - b. *SWMM Triggers:* Stormwater management requirements described in the SWMM are triggered for projects that develop or redevelop greater than 500 SF of impervious area. Pavement removal and replacement within an existing paved area will trigger stormwater management requirements only if soil (subgrade) is exposed or the pavement is replaced with a different material. Vertical additions to a structure within the existing building footprint will trigger the SWMM if the addition exceeds 10,000 SF. Stormwater management requirements are not triggered for re-roofing or repairs of an existing roof. Adding or modifying decking or paving material over an existing impervious surface does not trigger SWMM requirements. The applicant may refer to

Section 1.2.1 of the SWMM and coordinate with BES staff for information on what qualifies as development and redevelopment for this project.

- c. *Proposed Development:* It doesn't appear that the requirements of the SWMM will be triggered as part of this project. If the plans change and the project develops or redevelops greater than 500 SF of impervious area, a stormwater report will be required.
5. *Clean River Rewards Program:* Clean River Rewards, Portland's stormwater discount program, offers discounts up to 100% of the City's onsite stormwater management charge to ratepayers who manage stormwater runoff on their property or retain large trees. Please note that this discount is not automatically applied; ratepayers must register their property and describe how stormwater is being managed to qualify. Be aware that some properties discharging to the Multnomah County Drainage Districts (within the Columbia Slough watershed) are not charged an onsite stormwater management fee by the City and are therefore ineligible to register for this program. See the [Clean River Rewards website](#) or call 503-823-1371 for more information.

D. GENERAL PUBLIC WORKS PERMIT INFORMATION

For questions related to the public improvements described throughout these notes, please contact Andre Duval at (503) 823-7214 or andre.duval@portlandoregon.gov or the BES Development Engineering hotline at (503) 823-7761, option 3.

1. *General Public Works Permit Information:* Information on the City's public works permit (PWP) process, including submittal requirements and review timelines, is available at www.portlandoregon.gov/publicworks. All submitted public works plans must meet the City's Sewer and Drainage Facilities Design Manual (SDFDM), SWMM, and public works permitting plan submittal requirements and drafting standards. Contact Public Works Permitting at (503) 823-1987 or pwd@portlandoregon.gov with questions related to the general public works permit process.
2. *Hazardous Substances Code:* The City's Hazardous Substances Code (PCC 17.24.067) requires the excavation and removal of disturbed contaminated soils from right-of-way access areas and utility corridors. The soils must be replaced with clean fill at a minimum depth of 5 feet. A demarcation/contaminant barrier is also required when it has been determined the soils are contaminated at depth. Erosion control measures for contaminated soils (Section 8.2.1 of the SCM) must be met. Soil stockpiles must be covered and contained with a barrier on all four sides, with an impervious layer underneath the stockpile to inhibit contaminants from leaching back into the soil.

E. SUBMITTAL REQUIREMENTS FOR LAND USE

1. Full land use plan set, including preliminary utility plan showing all existing and proposed sanitary and storm facilities and connections.
2. A Simplified approach stormwater report, including the results of infiltration testing, as described in this memo (if the requirements of the SWMM are triggered).

F. PERMIT INFORMATION

At the time of permit review the applicant should be aware of the following:

1. *Connection Fees:* Sewage system connection fees and system development charges are assessed at the time of building plan review and change every fiscal year on July 1st. For additional information on these fees, navigate [here](#) or call the BES Development Review Team at 503-823-7761.
2. *Connection Requirements:* Connection to public sewers must meet the standards of the City of Portland's [Sewer and Drainage Facilities Design Manual](#).

3. *UIC Registration*: The Oregon Department of Environmental Quality (DEQ) regulates underground injection control (UIC) facilities to protect groundwater. Drywells and soakage trenches are examples of UICs. It is the applicant's responsibility to register all onsite UICs with DEQ, as appropriate. To learn more visit [DEQ's website](#) or contact the DEQ UIC Program at 503-229-5623. The SWMM also includes general UIC information.
4. *Source Control Requirements*: Source control requirements from the [Source Control Manual \(SCM\)](#), [Portland City Code \(PCC\) Title 17](#), and [BES Administrative Rules](#) that may be applicable to this project are listed below with the corresponding chapter, section, code, or rule. For specific questions on the following, please contact BES Source Control at 503-823-7122.
 - a. *Site Use and Activity-Based Source Control Requirements (SCM Chapter 6)*: BES recommends the applicant review the following SCM sections to understand the structural, treatment, and operational BMP requirements that may impact the project design.
 - 1) *Waste and Recycling Storage (SCM Section 6.1)*: Solid waste and recycling areas (including dumpsters, compost bins, grease bins, recycle bins and garbage bins) require a structural cover with a paved surface beneath the receptacles. The area beneath the cover must drain to the sanitary sewer and must be hydraulically isolated through curbing, berming, or reverse grading to prevent stormwater run-on. Secondary containment for liquid storage within the area is also required. The requirements of this section do not apply to indoor waste storage areas that are hydraulically isolated and do not have potential to discharge pollutants to outdoor areas.

Site Development

Early Assistance Conference Response

Date: August 30, 2023
To: Matt Wickstrom, Conference Facilitator
503-865-6513, Matt.Wickstrom@portlandoregon.gov
From: Kevin Wells, 503-823-5618
Kevin.Wells@portlandoregon.gov
Case File: EA 23-066144
Location: 1390 SE 122ND AVE
R#: R196775, R196779, R274143
Proposal: A Pre-Application Conference to discuss conversion of existing office space to a Daycare use. The daycare will occupy 1,392 square feet of ground floor building area and 1,392 square feet of basement building area. Drop off and pick up are proposed to occur in the existing parking lot. Outdoor play space will occur on the existing lot to the south, also addressed as 1390 SE 122nd Ave. No exterior changes or changes to the current stormwater management system are proposed.

The Site Development Section of the Bureau of Development Services (BDS) has reviewed the conference materials provided by the applicant. The following comments identify conditions that may impact the project, or submittal requirements for land use or building permit review.

A. Site Conditions

Topography: The site is relatively flat.

Liquefaction Hazards: The site is not in a liquefaction hazard zone.

Flood Hazards: The site is not a flood hazard area.

B. Seismic Upgrade Requirements of PCC 24.85.

A seismic rehabilitation of the existing structure could be required in accordance with [Portland City Code \(PCC\) Title 24.85](#). The provisions of PCC 24.85 prescribe the seismic design requirements for existing buildings undergoing changes of occupancy, additions, alterations, catastrophic damage, fire, or earthquake repair, or mandatory or voluntary seismic strengthening. The requirements of PCC Title 24.85 only apply to buildings for which a building permit has been applied for to change the occupancy classification, add square footage to the building, alter or repair the building. In addition, the provisions of PCC 24.85 prescribing the seismic rehabilitation standards for existing buildings can be

used in lieu of meeting the requirements of the current edition of the State of Oregon Structural Specialty Code.

C. Building Permit

The applicant must obtain a building permit to facilitate the proposed improvements. As required by PCC Title 24.10.070, any owner or authorized agent who intends to construct, enlarge, alter, repair, move, change the character or use of the occupancy, or change the occupancy of a building or structure that is regulated by the State Building Code, must first make application to BDS and obtain a building permit.

D. Erosion Control

If ground disturbing activities are proposed, an erosion control plan must be submitted with the building permit application. Erosion prevention and sediment control requirements found in **Title 10** apply to both site preparation work and development. Compliance with the erosion control requirements of Title 10, as well as maintenance of the erosion control elements, such as silt fences on private property, storm drain inlet protection and bio bags in the public right-of-way, is the responsibility of the property owner, the developer, and the builders. Please refer to the City of Portland **Erosion and Sediment Control Manual** for additional information regarding erosion and sediment control requirements.

Water Bureau

Early Assistance Appointment Response

Date: August 22, 2023

To: Matt Wickstrom, Conference Facilitator
503-865-6513, Matt.Wickstrom@portlandoregon.gov

From: Erin Mick, 503-823-6787, Erin.Mick@portlandoregon.gov

Case File: EA 23-066144

Location: 1390 SE 122ND AVE

Property ID: R196775, R196779, R274143

Proposal: A Pre-Application Conference to discuss conversion of existing office space to a Daycare use. The daycare will occupy 1,392 square feet of ground floor building area and 1,392 square feet of basement building area. Drop off and pick up are proposed to occur in the existing parking lot. Outdoor play space will occur on the existing lot to the south, also addressed as 1390 SE 122nd Ave. No exterior changes or changes to the current stormwater management system are proposed.

The Portland Water Bureau (PWB) has reviewed the early assistance materials to identify potential issues and requirements.

A. KEY ISSUES

1. There is an XX-inch cast iron main a few feet from the curb on XX Street. PWB recommends avoiding any large vault installations in the furnishing zone of XX Street. For protection of the water main, PWB will require a 5-foot clearance from the edge of your excavation to the edge of the water main.
2. To install a new sanitary lateral to the property you will need to cross an existing water main. PWB will require a Utility Protection Plan prior to construction. Refer to the [Portland Guidelines for Utility Protection](#) for more information.
3. There are significant water mains in XXXXXX. Crossing of these mains will necessitate utility protection plans prior to construction. Depending on the crossing, engineering may be required for the protection plan. Refer to the [Portland Guidelines for Utility Protection](#) for more information.

B. WATER AVAILABILITY

1. Water is available to this site from the 12" CI water main in SE 122nd Ave. The static water pressure is estimated as 39.4 – 49.2 psi at 313 feet in elevation.
2. A. The site is currently served through a 3/4" meter on a 3/4" service line. Service line and meter sizes are determined by the total fixture units being served by that line and meter.

The current meter allows for 22.5 – 37 fixture units. Submission of the fixture count is required at permit application. Please refer to the [W3](#) and [W4](#) forms on our website for more information.

- B. If a dedicated fire line or increased meter size is required to meet fire suppression needs for the proposed new use as day care, crossing nearly all of 122nd will be necessary. Due to the high amount of traffic this road carries, the cost of installation will likely be larger than the average give in our annual rate ordinance table of fees, which can be found our website. Therefore, a Site Specific Estimate for the increase in fees should be expected. The cost is unknown until a fixture count and size of meter and fire suppression needs are determined by the fire bureau.
- i. A tax lot consolidation would be required if any services are requested to be taken from the existing 4" CI main in SE Madison. As discussed, this option does not appear to meet the long-term goals of the owners and will add complications for future development.
- C. To obtain fire flow information fill out a "Fire Flow Request Form" found at our website, <http://www.portlandonline.com/water/index.cfm?c=55128&> or by calling 503-823-1408.
- D. If the services are found to be inadequate, they will be resized at the expense of the applicant. If an existing service is not used for the new development, it must be removed. All fees to remove services are the responsibility of the applicant.

E. OTHER CATEGORY

- Backflow prevention assemblies are required for all mixed-use/multi-tenant developments, certain occupancies, and services larger than 1.5". Our water quality backflow section have provided separate comments and have indicated an above ground backflow device will be required. Backflow prevention assemblies can significantly impact property frontage development. Water Bureau required backflow assembly installations are required on private property, typically adjacent to the public right of way line, centered on the city's water service. Some installations are required to be installed above finished grade in an approved insulated outdoor enclosure.

Please reference possible backflow assembly requirements for your project at <https://www.portland.gov/code/21/12/320> or call 503-823-7480 for more information.

- If there is contamination in or near the ROW at the location of proposed water mains or services, PWB requires:
Verification of clean soils at the location of the installations; or
Identification of the extent and degree of contamination such that appropriate remediation plans can be generated prior to any PWB construction. The remediation, disposal fees, and charges are the responsibility of the applicant.

F. PERMIT INFORMATION

At the time of permit review (following the land use review) you should be aware of the following:

- a. All new domestic service taps and upsized meters will be assessed a [System Development Charge](#) (SDC). Fee is based on meter size. Meters will be sized during the building permit process. Sizing is based on total count of all fixtures supplied by the identified service. Applicant will provide an SDC Form, W-3, or W-4 for each service as part of the building permit submittal. There will be no reduction in meter size based on grey water usage or the installation of low-flow fixtures. SDC credit will be given for meters that are permanently removed. SDC credit is applied towards services within the same lot and is not transferrable.
- b. Fire lines are excluded from Systems Development Charges.
- c. The applicant can consider the use of a combination domestic and fire service for domestic services of 2" or less. In this circumstance PWB will require that the fire flow demand be provided prior to building permit approval.

Water Quality Backflow

Early Assistance Response

Dave Barrigan, 503-823-7479 – Jim Baker, 503-823-7480

Folder # 23-066144-EA

Conditions/Issues/Concerns:

Due to the building being multi-tenant use, a Reduced Pressure Backflow Assembly (RPBA) will be required to be installed on the existing domestic water service (Account #2993011400). The RPBA is to be installed on private property at the property line on the centerline of the city water service. The RPBA is to be installed 12” above finished grade in a prefabricated insulated outdoor enclosure, atop of a 4-inch-thick concrete pad. All exposed piping inside the enclosure is to be insulated with closed-cell foam pipe insulation or a heat source must be provided.

The highlighted information above must be placed on a Site Utility Plan in its entirety, under the heading of “WATER KEYNOTES”. Doing so will expedite your commercial plan review with our department.

General information:

Backflow prevention assemblies are required for all dedicated irrigation services, dedicated fire lines, mixed-use/multi-tenant developments, certain occupancies, and meters larger than 1.5”. A backflow assembly may be required on smaller services based on the use of the property. Dedicated fire sprinkler water services are to be equipped with a state-approved detector style backflow prevention assembly.

Backflow prevention assemblies can significantly impact property frontage development. Water Bureau required backflow assembly installations are required on private property, at the public right of way line, centered on the city’s water service. Some installations are required to be installed above finished grade in an approved insulated outdoor enclosure. Assemblies installed inside of buildings must be approved prior to installation. Water services to high rise buildings (measured 75-feet from lowest finished floor to top of structure) are required to be equipped with Reduced Pressure type backflow assemblies.

Please reference possible backflow assembly requirements for your project at <https://www.portland.gov/water/backflow-prevention/backflow-assembly-installation-requirements> or contact Water Quality Inspection at 503-823-7480 for more information.

Topic	Code and Comments	Code Citation & Link
OAR 333	OAR 333-061-0070 – Table 42, Title 21, 21.12.320(B)(1)	Title 21 Water



**PORTLAND
FIRE & RESCUE**



Rene Gonzalez, Commissioner
Sara Boone, Fire Chief
Kari Schimel, Fire Marshal
Prevention Division
1300 SE Gideon St.
Portland, OR, 97202
Phone: (503)823-3770

Fire Bureau

Pre-Application Conference Response

Date: August 18, 2023

To: Matt Wickstrom, Conference Facilitator

503-865-6513, Matt.Wickstrom@portlandoregon.gov

From: Joe Thornton, 503-209-5977

Joe.Thornton@portlandoregon.gov

Case File: EA 23-066144

Location: 1390 SE 122ND AVE

Property ID: R196775, R196779, R274143

Proposal: A Pre-Application Conference to discuss conversion of existing office space to a Daycare use. The daycare will occupy 1,392 square feet of ground floor building area and 1,392 square feet of basement building area. Drop off and pick up are proposed to occur in the existing parking lot. Outdoor play space will occur on the existing lot to the south, also addressed as 1390 SE 122nd Ave. No exterior changes or changes to the current stormwater management system are proposed.

The Fire Bureau has reviewed the pre-application conference materials to identify potential issues and requirements.

The following conditions of approval and informational comments are based on submitted early assistance (EA) meeting information. No questions were identified. All current Fire Code requirements apply and are required to be met. Fire Bureau requirements are generated from the 2022 Oregon Fire Code.

A separate building permit is required for this proposal. All applicable Fire Code requirements shall apply at the time of permit review and development.

Please contact me if I may be of any further assistance.

Urban Forestry

Early Assistance Response

Date: August 15, 2023
From: Andrew Gallahan
503-823-4511, Andrew.Gallahan@portlandoregon.gov
Case File: EA 23-066144
Location: 1390 SE 122ND AVE
Proposal: A Pre-Application Conference to discuss conversion of existing office space to a Daycare use. The daycare will occupy 1,392 square feet of ground floor building area and 1,392 square feet of basement building area. Drop off and pick up are proposed to occur in the existing parking lot. Outdoor play space will occur on the existing lot to the south, also addressed as 1390 SE 122nd Ave. No exterior changes or changes to the current stormwater management system are proposed.

Portland Parks, Urban Forestry staff has reviewed the Early Assistance materials to identify potential issues and requirements in accordance with Title 11, Trees. This response identifies potential issues and/or impacts on existing street and heritage trees, and trees on city-owned or managed sites, if applicable. Trees on private property are subject to development standards from the Bureau of Development Services. See planner requirements for private property trees.

Please note that there may be other applicable tree requirements in Title 33 Planning & Zoning.

A. Response Summary

The development will be subject to Urban Forestry standards and requirements during the permit review process as detailed below.

B. Tree Plan (11.50.060)

A tree plan must be submitted with each phase of review including land use reviews, building permit applications, and public works permits. The plan must include the following information for street trees:

- a. The size and location of street trees adjacent to the subject property.
- b. Trees proposed to be preserved including tree protection specifications in accordance with 11.60.030.
- c. Tree(s) proposed for removal.
- d. Tree planting plan (tree species and location(s)).

C. Street Trees

1. Existing Street Conditions

- a. SE 122nd Ave: The site has approximately 221 feet of street frontage. The right-of-way is improved with pavement, curbs, and sidewalks. There are overhead high voltage power lines. There are 0 street trees.

- b. SE Madison St: The site has approximately 121 feet of street frontage. The right-of-way is improved with pavement, curbs, planting strip, and sidewalks. There are no overhead high voltage power lines. There are 5 street trees.
 - i. 1" Catalpa in good condition
 - ii. 1" Catalpa in good condition
 - iii. 2" Tupelo in fair condition
 - iv. 2" Tupelo is dead
 - v. 2.5" Tupelo in fair condition

2. *Street Tree Preservation* (11.50.040)

Based on the proposed development it appears existing street trees may be impacted. Development proposals must be configured to avoid street trees.

All 5 existing street trees can be approved for removal with no mitigation required due to size. Dead tree will be required to be removed.

3. *Street Tree Protection Specifications* (11.60.030)

Tree protection is required in accordance with Title 11 Trees, Protection Methods (11.60.030). Tree protection shall follow either the Prescriptive or Performance path. Protection methods must be shown on the tree plan. If using the Performance path, the alternate tree protection plan must be prepared by an arborist who has visited the site

4. *Street Tree Planting* (11.50.060.C)

One street tree must be planted or retained for each full increment of 25 linear feet (11.50.060.C.1). Street trees must be planted at a minimum 2.5 caliper inches. Trees will be required to be planted through (Building permit or public works permit).

Street tree planting may be exempt under 11.50.060.B when existing above or below grade utilities prevent planting street trees or when the existing planting strip is less than 3-feet wide.

Due to the existing condition of the right-of-way, street trees may not be required unless PBOT requires frontage improvements.

URBAN FORESTRY TREE REQUIREMENTS

Early Assistance and Land Use Review

Portland Parks & Recreation Urban Forestry staff review Early Assistance and Land Use Review materials to identify potential issues and requirements in accordance with Title 11, Trees and Title 33, Zoning Code. The purpose of these reviews is to identify potential issues and/or impacts on existing street trees, heritage trees, and trees on City-owned or managed sites (if applicable), as well as to provide adequate areas for future street tree planting on existing and proposed public streets. Trees on private property are subject to development standards from the Bureau of Development Services. See planning requirements for private property trees or call the Zoning Hotline at 503-823-7526.

Tree Plan Submittal Requirements (11.50.070)

A tree plan must be submitted with each phase of review including land use reviews, building permit applications, and public works permits. The tree plan information may be combined with other relevant plan sheets. The tree plan submittal shall include the following information:

- existing improvements;
- proposed alterations;
- existing street trees ≥ 3 " DBH including size and location;
- existing on-site trees ≥ 6 " DBH within 15' of the limits of disturbance;
- trees proposed for removal;
- tree planting proposal, including tree size, species and location; and
- trees to be retained and proposed tree protection measures meeting the specification in Chapter 11.60.

Any changes to an approved Tree Plan, including amending tree species must be approved by the City Forester. Please note that the City Forester may not approve revised tree planting plans based on the lack of species availability. To facilitate species availability, it is recommended that tree procurement occur approximately 6 months prior to installation.

Tree Mitigation (11.50.040.C.2)

Healthy street trees ≥ 6 " DBH that are approved for removal shall be replanted with two trees in addition to trees required to be planted to meet Street Tree Planting Standards, below. When street improvements are to partially or fully unimproved streets, healthy street trees ≥ 12 " DBH approved for removal shall be replanted with two trees, with trees planted to meet Street Tree Planting Standards credited towards meeting this requirement. Tree replacement for trees removed shall occur in the street planter strip, on site, or in the same watershed either by planting or by paying a fee in lieu of planting in accordance with table 60-1, below.

On City-owned or managed sites, healthy, non-nuisance trees ≥ 6 " DBH that are approved for removal shall be replanted per the Administrative Rule for tree replacement standards, below:

Tree Replacement for Development on City Owned or Managed Sites

Size of tree to be removed (inches in diameter)	Number of trees to be planted
6 and up to 12	Up to 2
More than 12 and up to 20	Up to 3
More than 20 and up to 25	Up to 5
More than 25	Up to 6

Street Tree Planting Standards (11.50.050)

One street tree shall be planted or retained for each full increment of 25 linear feet per side of street frontage. Planting is exempt when existing above or below grade utilities prevent planting of street trees, or if the existing design of the street will not accommodate street tree planting because the planting strip is less than 3 feet wide, there is not a planting strip, or there is insufficient space to add tree wells. Trees planted to meet street tree planting standards are credited toward mitigation requirements when street improvements are to partially or fully unimproved streets. When the required number of trees cannot be planted, a fee in lieu of planting will be required, in accordance with Table 60-1, below.

Table 60-1 Broadleaf Tree Size Requirements

Development Type	Tree Size	
	On Site	Street
One and Two Family Residential	1.5”	1.5”
Multi Dwelling Residential	1.5”	2”
All others	1.5”	2.5”

Tree Planting Specifications

If there are fewer than 8 required trees, they may all be the same species. If there are between 8 and 24 required trees, no more than 40 percent can be of one species. If there are more than 24 required trees, no more than 24 percent can be of one species. Street tree species shall conform to the appropriate “City of Portland Approved Street Tree Planting List.” The City Forester may approve or require an alternate or unlisted species.

All required street trees shall be planted in-ground following Standard Drawing Number P-581 “Typical Street Tree installation,” except when in raised planters that are used to meet Bureau of Environmental Services storm water management requirements. Please include the Standard Drawing Number P-581 as part of the Public Works permit application. Plant materials shall be installed to current nursery industry standards and proper arboricultural practices [American National

Standards Institute, *ANSI A300 Part 6: Tree, Shrub, and Other Woody Plant Maintenance-Standard Practices (Planting and Transplanting)* 2012, Tree Care Industry Association, Inc. Londonderry, NH]. Plant materials shall be properly supported to ensure survival.

All trees required or approved to be planted by Title 11 shall be planted or payment in lieu of planting made prior to the expiration of the permit or City's final acceptance of the project, as applicable. However, it is encouraged that planting occur during the wet months or as per City Forester recommendations. Street tree planting may be deferred between May 1 and September 30 upon filing a performance guarantee as provided in Section 11.10.060 or other assurance deemed acceptable by the City Forester or BDS Director as applicable.

Tree Protection Specifications (11.60.030)

Trees to be retained shall be protected in accordance with Title 11 Trees, Protection Specifications (11.60.030.C). Tree protection shall be shown on the tree plan and include the distance from the trunk of the tree to the fence. A standard root protection zone is established as follows; a minimum of 1 foot radius (measured horizontally away from the face of the tree trunk) for each inch of tree diameter. Protection fencing shall be a minimum 6-foot high metal chain link construction fence, secured with 8-foot metal posts established at the edge of the root protection zone and permissible encroachment area.

23-066144 PC
1390 SE 122nd Ave.
Sign-in Sheet
August 17, 2023

Matt Wickstrom, BDS, matt.wickstrom@portlandoregon.gov, 503-865-6513

Emily Meharg, BDS Title 33 Team, emily.meharg@portlandoregon.gov

Amanda Rhoads, BDS Title 33 Team, amanda.rhoads@portlandoregon.gov

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Erin Mick, Water Bureau, erin.mick@portlandoregon.gov

Bryan Vittori, Water Bureau, bryan.vittori@portlandoregon.gov

Dan Gleason for Andrew Gallahan, Urban Forestry, andrew.gallahan@portlandoregon.gov

Kevin Wells, BDS Site Development, kevin.wells@portlandoregon.gov, 503-823-5618

Brian Kimura, BK Architecture, architect for client, bkimura@bk-arch.com

Khanh Le, Unite Oregon, le.khanh@uniteoregon.org, 503-832-7025

Memorandum

August 26, 2024

Project# 30255

To: Matthew Machado, PE & Tammy Boren-King, City of Portland
Brian Kimura, BKI Architecture, LLC

From: Diego Arguea, PE & Julia Kuhn, PE

RE: 1390 SE 122nd Avenue Daycare Conditional Use (EA 23-066144)

Unite Oregon is working together with BK Architecture ("BKA") on tenant improvements to convert part of an existing condominium office building from a medical/dental office to a daycare located at 1390 SE 122nd Avenue. This Traffic Impact Study (TIS) has been prepared in collaboration with Portland Bureau of Transportation (PBOT) and the approved Traffic Scope Approval Form (approved August 15, 2024 and included as an attachment to this report).

PROPOSED DEVELOPMENT

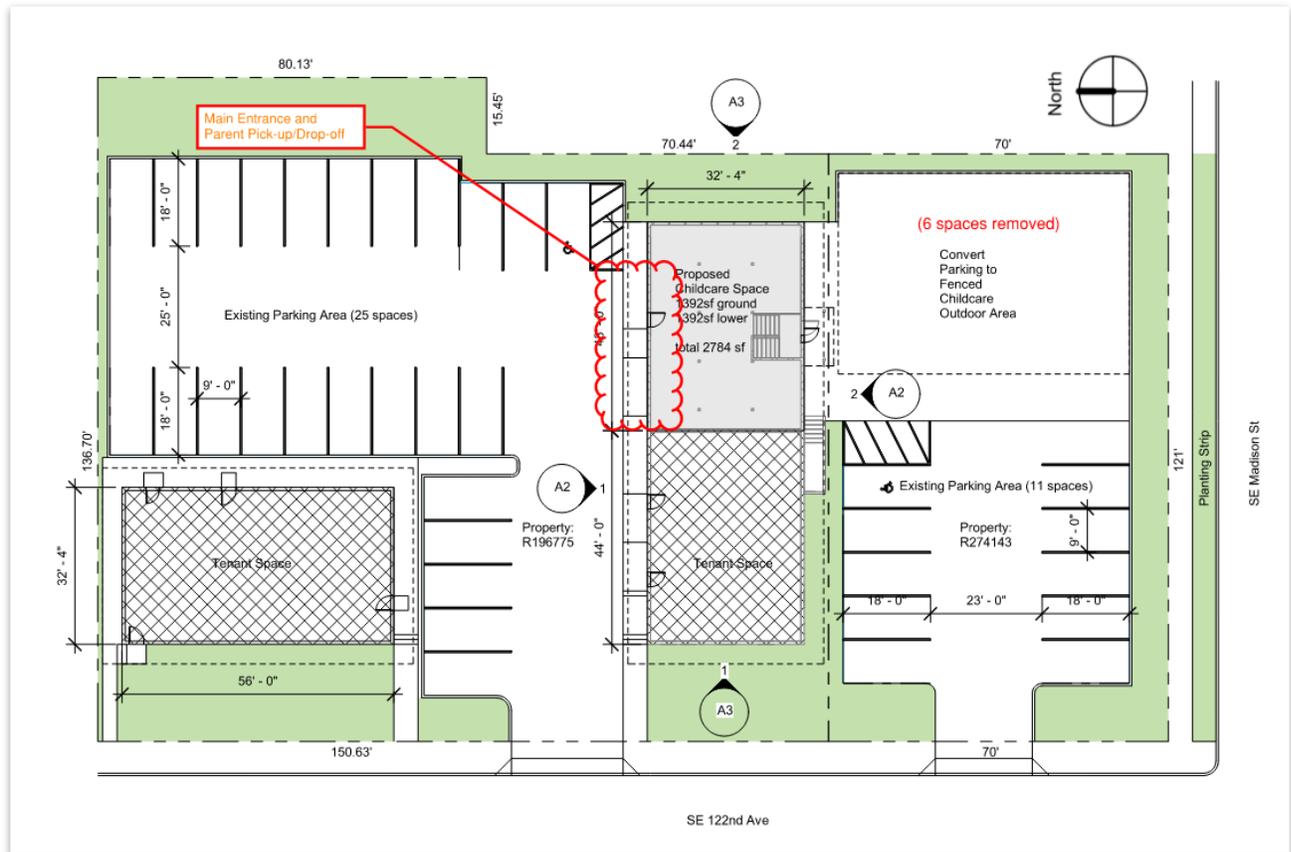
The existing office area includes two buildings and surface parking lots, and the proposed daycare will occupy approximately half of the office space. A site vicinity map is shown below in Exhibit 1.

Exhibit 1 Site Vicinity



Per the City's Zoning Code, a daycare is classified as a conditional use in the residential zone (property is zoned RM1). The Unite Oregon space is currently used as an office and occupies the eastern half of the existing office building. No new building is being added. As proposed, the upper floor of the daycare is 1,392 square feet and the lower floor is 1,392 square feet, located below grade in a half-sunken basement, for a total of 2,784 square feet. Outdoor play space will utilize the open property to the south, reducing the parking space count from seventeen to eleven spaces (note no daycare related vehicles will use the remaining eleven parking spaces in the south driveway). The daycare facility will operate from 8:00 AM to 5:00 PM, Monday through Friday. There will be a maximum of 24 children and 6 employees. A preliminary site plan is shown on the following page in Exhibit 2.

Exhibit 2 Preliminary Site Plan



Per City of Portland Zoning Code Chapter 33.815.105, the below-grade element (sunken basement) of the proposed daycare on residentially zoned land triggers a Conditional Use review. This memorandum addresses the transportation-related criteria outlined in Chapter 33.815.105.

CONDITIONAL USE CRITERIA

Per Section 33.815.105.D of the City's Zoning Code, the following transportation-related criteria must be addressed related to the provision of a daycare within a sunken basement in the RM1 zone:

D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;

2. Transportation system:

a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;

b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;

c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

The remainder of our memorandum outlines the consistency of the daycare's location in the sunken basement with the above criteria.

Consistency with the Transportation System Plan Street (TSP) Street Designations

Table 1 summarizes the TSP designations and Table 2 summarizes the existing characteristics of the primary streets anticipated to serve the daycare.

Table 1. TSP Street Designations

Street	Traffic	Transit	Bicycle	Pedestrian	Freight
SE 122 nd Avenue	Major City Traffic Street	Major Transit Priority Street	Major City Bikeway	Major City Walkway	Major Truck Street
SE Madison Street	Local Service Traffic Street	Local Service Transit Street	Local Service Bikeway	Local Service Walkway	Local Service Truck Street

Table 2. Existing Street Characteristics

Street	Vehicular Travel Lanes	Posted Speed	Bicycle Facilities	Sidewalks	On-Street Parking
SE 122 nd Avenue	5	30 mph	Yes	Yes	No
SE Madison Street	2	25 mph	No	Yes	North Side Only

There is also a signalized, mid-block pedestrian crossing of SE 122nd Avenue along the site frontage that serves people walking today; this crossing will also benefit the future daycare's employees and families. This mid-block crossing also provides access to the bus stop located on the west side of SE 122nd Avenue serving TriMet Route 73. The City is planning to rebuild this crossing with new poles, mast arms and ramps.

The addition of a daycare at this site is intended to serve a vital, culturally responsive need for the community and is consistent with the context of the neighborhood as well as the street designations. As such, this criterion is met.

Transportation Safety

A review of the Oregon Department of Transportation's (ODOT) TransGIS website only identified one crash along the site frontage in the period from January 1, 2018 – December 31, 2022, which was attributed to an injury crash in which a passenger fell from a vehicle. No crashes during this period were reported at the SE 122nd Avenue/SE Madison Street intersection by ODOT.

The City's Vision Zero¹ data for the nearby streets and intersections identified the following crashes:

- December 2023 – a pedestrian fatality occurred on SE 122nd Avenue, located approximately 50 feet south of SE Madison Street. Details about the crash are not fully published yet but it was noted as a hit and run.
- Between 2014 – 2021:
 - Two separate vehicular crashes on SE 122nd Avenue approximately 125 feet south of Madison Street (Portland Fire and Rescue Driveway); both involved injuries.
 - A vehicular crash occurred on SE 122nd Avenue approximately 400 feet north of Madison Street (60 feet south of SE Main Street); no additional details were provided.

The site is not located near any of the identified High Crash Networks identified in the Vision Zero Dashboard, nor are there any High Crash Network Safety Improvements Identified. Based on the above information, we conclude that there are no trends related to the reported crashes. As such, we conclude that this criterion is met.

Street Capacity and Level of Service (LOS)

The City of Portland Administrative Rule TRN 10.27 - *Administrative Rules for Traffic Capacity Analysis in Land Use Review Cases* provides standards for transportation impact studies. This is summarized below.

For traffic impact studies required in the course of land use review or development, the following standards apply:

1. *For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.*
2. *For stop-controlled intersections, adequate level of service is LOS E. Level of service for two-way stop-controlled intersections is based on individual vehicle movement, and all-way stop controlled intersections is based on a weighted average of vehicle delay for the intersection.*
3. *An amendment or other land use application that requires analysis of traffic capacity and allows development that either (1) may cause a transportation facility to perform below the standards established in sections 1 and 2, or (2) adds vehicle trips to a facility that is already performing below the standards established in sections 1 and 2 may be approved if:*
 - a. *Development resulting from the amendment or other land use application will mitigate the impacts of the amendment or other land use application in a manner that avoids further degradation to the performance of the facility by the time of development through one or more of the following:*
 - (i) *the development is limited to result in no net increase in vehicle trips over what is allowed by the existing zoning; OR*

¹ Portland Traffic Deaths and Injuries since 2011 (arccgis.com).

(ii) one or more combination of transportation improvements or measures are imposed to mitigate the transportation impacts of the amendment or other land use application in a manner that avoids further degradation to the performance of the facility by the time of any development.

Per information contained in the *Trip Generation Manual* (11th Edition, Institute of Transportation Engineers (ITE)), Table 3 summarizes the potential vehicular trips associated with the proposed daycare based on a future need to accommodate up to 24 students and 6 employees. Table 3 also compares the trips generated by a daycare with those generated by the existing medical-dental office uses.

Table 3. Incremental Change in Trip Generation

Land Use	ITE Code	Size	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
Existing Use									
Medical Dental Office	720	2,784 square feet	100	9	7	2	11	3	8
Conditional Use									
Daycare	565	24 children	98	19	10	9	19	9	10
Difference between Existing and Conditional Use									
Incremental Trip Increase			(2)	10	3	7	8	6	2

The proposed conditional use will not change the size of the existing building and is estimated to result in a reduction in weekday daily trips. Further, we note that the TSP does not identify any capacity-related needs or projects near the site. For these reasons, this criterion is met.

Connectivity

The site is bordered by other commercial businesses and government building. The existing uses create a buffer to the residential neighborhoods both to the east and west. The proposed location of a daycare in a sunken basement does not change the existing building façade or size and therefore will not have a visual impact on the neighborhood.

The City's TSP identifies that a maximum block length of 530 feet for vehicular connections and a maximum length of 330 feet for pedestrian and bicycle connections is preferable. Pedestrian and bicycle facilities exist along the frontage of the site, and connectivity requirements are met along SE 122nd Avenue. Today, there are no east-west connections between SE 122nd Avenue and the neighborhood to the east, precluded by pre-existing homes and private property. No TSP projects are identified to provide additional connectivity, and thus we conclude that this criterion is met.

Transit Availability and Impacts

Bus service is provided adjacent to the site along SE 122nd Avenue via Route 73, which provides frequent bus service (15 minutes or less) every day. A southbound bus stop is located approximately 115 feet north of the site and a northbound stop approximately 170 feet south of the site at the Madison Street intersection. As noted above, there is a signalized pedestrian crossing of SE 122nd Avenue which connects people with the southbound bus stop from the site and the west side of the street.

The front door to the daycare has a curbed walkway serving SE 122nd Avenue to encourage pedestrian access while promoting a safe walking area, and on-site bike racks are provided near the entrance for bicycle commuters.

Families and employees at the daycare will benefit from the existing bus service and given that neither TriMet nor Portland have identified the long-term need for additional transit service adjacent to the site, we conclude that there are no transit impacts.

Bicycle and Pedestrian Availability and Impacts

SE 122nd Avenue (Major City Bikeway, Major City Walkway) includes sidewalks and bike lanes in both north/south directions. SE Madison Street has one travel lane in each direction in which people driving and riding bikes "share the road." No frontage improvements are required as part of the location of the daycare in the sunken basement. Families and employees at the daycare can use the existing sidewalks as well as the signalized pedestrian crossing of SE 122nd Avenue. As such, we conclude that there are no impacts and this criterion is met.

On-Street Parking

The City's Zoning Code Chapter 33.266 (Table 266-2, Standard B for residential zone) specifies a maximum of 1 space per 330 square feet for daycares, which would allow up to 8 parking spaces (2,764 SF / 330 SF/parking = 8.4 parking spaces). For the existing medical-dental use, the zoning code allows up to 1 space per 200 square feet, or up to 13 spaces (2,764 SF / 200 SF/parking = 13.9) parking spaces. Parking is expected to be accommodated on-site, and on-site demand for the proposed daycare is not expected to exceed the existing medical-dental demand. We further note that the City does not require minimum parking. As such, no material changes to the adjacent on-street parking are anticipated, and thus this criterion is met.

Access Restrictions

No access restrictions are proposed as part of the daycare; therefore, this criterion does not apply.

Neighborhood Impacts

The Applicant team will address any non-transportation impacts as part of the submittal as appropriate.

CONCLUSIONS

Based on the information contained herein, we conclude that the proposed location of the daycare in the sunken basement is consistent with the applicable transportation-related criteria. A summary of the criteria and associated findings is presented below.

CONSISTENCY WITH THE TRANSPORTATION SYSTEM PLAN STREET DESIGNATIONS

The location of a daycare at this site is intended to serve a vital, culturally responsive need for the community and is consistent with the context of the neighborhood as well as the street designations. As such, this criterion is met.

TRANSPORTATION SAFETY

Per the recorded crash data at the study intersections, one crash was recorded along the site frontage that was attributed to an injury crash in which a passenger fell from a vehicle. No crashes during this period were reported at the SE 122nd Avenue/SE Madison Street intersection by ODOT. Per the City's Vision Zero data, a pedestrian fatality occurred on SE 122nd Avenue, located approximately 50 feet south of SE Madison Street. Details about the crash are not fully published yet but it was noted as a hit and run. The building is not located near any of the identified High Crash Networks identified in the Vision Zero Dashboard, nor are there any High Crash Network Safety Improvements Identified. Therefore, we conclude that there are no trends related to the reported crashes. As such, we conclude that this criterion is met.

STREET CAPACITY AND LOS

The proposed conditional use will not change the size of the existing building and is estimated to result in a reduction in weekday daily trips. Further, we note that the TSP does not identify any capacity-related needs or projects near the site. For these reasons, this criterion is met.

CONNECTIVITY

Today, there are no east-west connections between SE 122nd Avenue and the neighborhood to the east, precluded by pre-existing homes and private property. No TSP projects are identified to provide additional connectivity, and thus we conclude that this criterion is met.

TRANSIT AVAILABILITY AND IMPACTS

Families and employees at the daycare will benefit from the existing bus service along SE 122nd Avenue and given that neither TriMet nor Portland have identified the long-term need for additional transit service adjacent to the site, we conclude that there are no transit impacts.

BICYCLE AND PEDESTRIAN AVAILABILITY AND IMPACTS

No changes to the site frontage are proposed or required by the location of the daycare in the sunken basement. SE 122nd Avenue (Major City Bikeway, Major City Walkway) includes sidewalks and bike lanes in both north/south directions. SE Madison Street has one travel lane in each direction in which people driving and riding bikes "share the road." Families and employees at the daycare can use the existing sidewalks as well as the signalized pedestrian crossing of SE 122nd Avenue. As such, we conclude that there are no impacts and this criterion is met.

ON-STREET PARKING

Parking is expected to be accommodated on-site, and on-site demand for the proposed daycare is not expected to exceed the existing medical-dental demand. We further note that the City does not require minimum parking. As such, no material changes to the adjacent on-street parking are anticipated, and thus this criterion is met.

ACCESS RESTRICTIONS

No new access restrictions are proposed and we conclude that this criterion is met.

Please let us know if you need further information as part of your review

ATTACHMENT

PBOT SCOPE APPROVAL FORM, APPROVED AUGUST 2024

Attachment A
PBOT Scope Approval Form



PORTLAND BUREAU OF TRANSPORTATION

1900 SW Fourth Ave, Suite 5000, Portland OR 97201

Main: 503-823-5185 TTY: 503-823-6868 Fax: 503-823-7576

Portland.gov/Transportation

Attachment A TRAFFIC SCOPE APPROVAL FORM

Prior to starting a traffic study, a Traffic Scope Approval Form must be completely filled out, submitted for review, and approved by PBOT's Development Review Traffic Engineer. The approved form shall be included in every traffic study submittal as Attachment A. PBOT may require additional analysis/information during the course of the review of the project. This Traffic Scope Approval Form is for City requirements only. Consultants must contact ODOT to determine requirements related to access permits and work in ODOT right-of-way.

SITE / PROJECT INFORMATION

PROJECT NAME: _____ ASSOCIATED APPLICATION (EA#/LU#) _____

SITE LOCATION: _____
(ADDRESS/ID #)

BRIEF PROJECT DESCRIPTION (NUMBER OF STORIES, TOTAL AREA, NUMBER OF PARKING SPACES, ETC.):

APPLICANT: _____

TRAFFIC ENGINEER / FIRM: _____ DATE: _____

SITE PLAN – ATTACH SITE PLAN

REQUIRED LAND USE REVIEW(S)

- LAND DIVISION (33.641) CONDITIONAL USE (33.815) ADJUSTMENT (33.805)
- CENTRAL CITY PARKING REVIEW (33.808) COMPREHENSIVE PLAN AMENDMENT (33.810)
- ZONING MAP AMENDMENT (33.855) TRANSPORTATION IMPACT REVIEW (33.852)
- OTHER: _____

APPROVAL CRITERIA (LIST ALL EVALUATION FACTORS)

[Empty box for listing approval criteria]

REQUIRED TRAFFIC STUDY REVIEW(S)

- TRAFFIC IMPACT STUDY (ATTACHMENT A.1)
- PARKING IMPACT STUDY (ATTACHMENT A.2)
- LOADING DEMAND STUDY (ATTACHMENT A.3)
- ASTR TRAFFIC STUDY (ATTACHMENT A.4)
- TDM PLAN (ATTACHMENT A.5)
- SIGHT DISTANCE STUDY
- QUEUING ANALYSIS
- ALT TRIP RATE STUDY
- OTHER: _____

ADDITIONAL COMMENTS:

[Empty box for additional comments]

APPROVALS

APPROVED BY: Matthew Machado, P.E.
 TRAFFIC ENGINEER
 PBOT DEVELOPMENT REVIEW

SIGNATURE: Matthew Machado
 DATE: _____

Digitally signed by Matthew Machado
 DN: C=US,
 E=matthew.machado@portlandoregon.gov,
 CN=Matthew Machado
 Date: 2024.08.15 17:09:30-07'00'

Email approval forms and supporting documents in pdf format to PBOTDevRevTrafficScopes@portlandoregon.gov.



PORTLAND BUREAU OF TRANSPORTATION

1900 SW Fourth Ave, Suite 5000, Portland OR 97201

Main: 503-823-5185 TTY: 503-823-6868 Fax: 503-823-7576

Portland.gov/Transportation

Attachment A.1 TRAFFIC IMPACT STUDY

This traffic study attachment must be completely filled out and submitted for review along with the Traffic Scope Approval Form – Attachment A.

STUDY PARAMETERS

LIST OF PROPOSED STUDY INTERSECTIONS	
1.	2.
3.	4.
5.	6.
7.	8.

TRAFFIC COUNTS TO BE COLLECTED

24-HR VOLUME (HOSE) COUNTS, LOCATION: _____

TURNING MOVEMENT COUNTS AT ALL STUDY INTERSECTIONS

AM PEAK HOUR PM PEAK HOUR OTHER: _____

TYPE OF TRAFFIC COUNT DATA

DATA WITHIN THE LAST 2 YEARS ARE AVAILABLE

NEW DATA WILL BE COLLECTED ON (DAY/TIME): _____

FUTURE COUNTS WILL BE ESTIMATED BASED ON A _____ GROWTH RATE

IN-PROCESS TRIPS – APPLICANT TO RESEARCH AND DOCUMENT APPROVED DEVELOPMENT IN THE AREA (PBOT WILL NOT PROVIDE THIS INFORMATION)

TRIP GENERATION RATES – ATTACH TRIP GENERATION TABLE

FROM ITE OTHER: _____

MODE SPLIT _____ PASSBY _____ INTERNAL CAPTURE _____

TRIP DISTRIBUTION – ATTACH TRIP DISTRIBUTION AND TRIP ASSIGNMENT FIGURE

KEY ANALYSIS ITEMS – CHECK ALL RELEVANT ANALYSES

OPERATIONAL LEVEL-OF-SERVICE (LOS) STUDY AT STUDY INTERSECTIONS IN THE PEAK HOUR(S)

FIELD MEASURED CONTROL DELAY STUDY AT STUDY INTERSECTIONS IN THE PEAK HOUR(S)

TRAFFIC SIGNAL WARRANTS AT _____

LEFT/RIGHT TURN LANE WARRANTS AT _____

QUEUING ANALYSIS AT _____

CRASH HISTORY ANALYSIS AT STUDY INTERSECTIONS

PARKING IMPACT STUDY (ATTACHMENT A.2)

SIGHT DISTANCE STUDY AT STUDY INTERSECTIONS AND PROPOSED DRIVEWAYS

FINDINGS MADE RELATED TO APPLICABLE APPROVAL CRITERIA

OTHER _____

SUBMIT WITH ATTACHMENT A.

EMAIL APPROVAL FORMS AND SUPPORTING DOCUMENTS IN PDF FORMAT TO:

PBOTDevRevTrafficScopes@portlandoregon.gov

DELIVERABLES – ALL FINAL STUDIES MUST BE SUBMITTED AT THE TIME OF LAND USE APPLICATION. ALL FINAL STUDIES AND SUBSEQUENT REVISIONS MUST BE PROVIDED TO THE ASSIGNED PBOT PLANNER IN THE FORM OF ONE (1) ELECTRONIC WORD DOC, AND ONE (1) ELECTRONIC ADOBE PDF.

Scoping Memorandum

June 13, 2024

Project# 30255

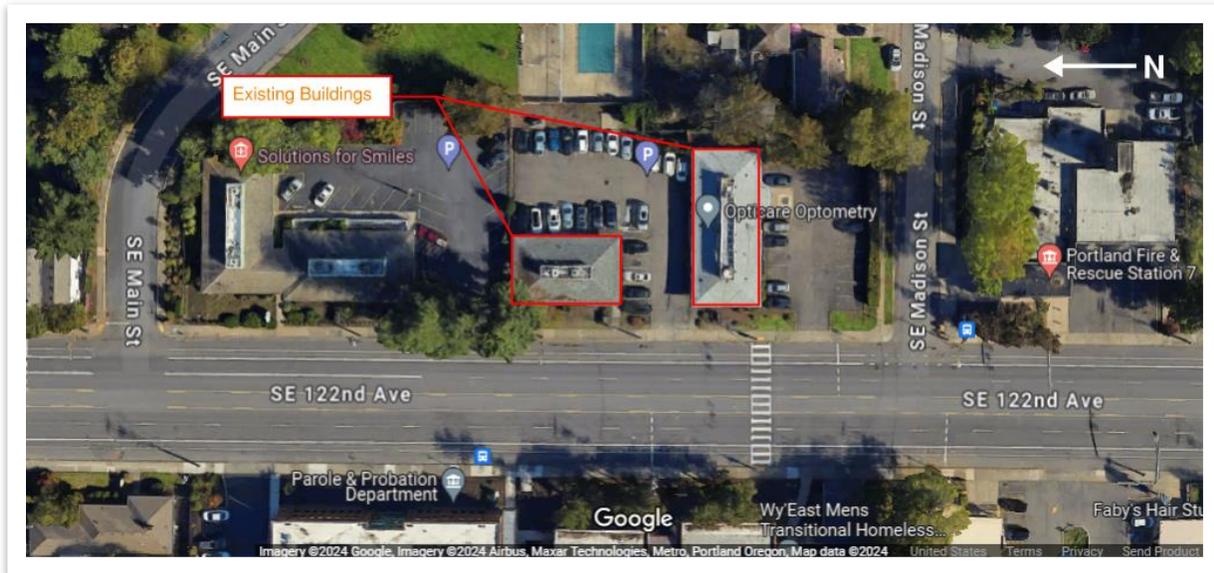
To: Tammy Boren-King, PBOT
Brian Kimura, BKI Architecture, LLC

From: Diego Arguea, PE

RE: 1390 SE 122nd Avenue Daycare Conditional Use Scoping Memo (EA 23-066144)

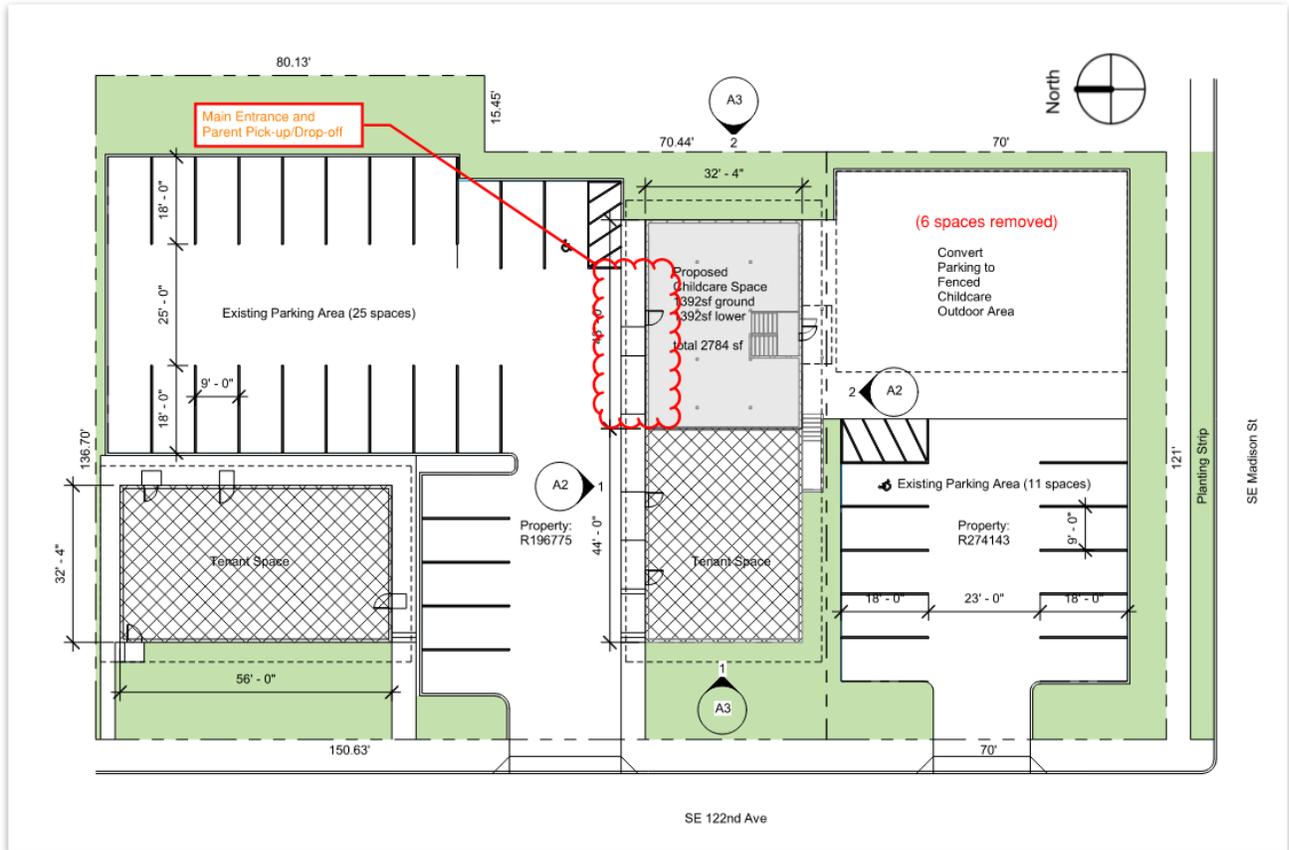
Unite Oregon is working together with BK Architecture ("BKA") on tenant improvements to convert part of an existing condominium office building from a medical/dental office to a daycare located at 1390 SE 122nd Avenue. The existing office area includes two buildings and surface parking lots, and the proposed daycare will occupy approximately half of the office space. A site vicinity map is shown below in Exhibit 1.

Exhibit 1 Site Vicinity



Per the City's Zoning Code, a daycare is classified as a conditional use in the residential zone (property is zoned RM1). The Unite Oregon space is currently used as an office and occupies the eastern half of the existing office building. No new building is being added. As proposed, the upper floor of the daycare is 1,392 square feet and the lower floor is 1,392 square feet, located below grade in a half-sunken basement, for a total of 2,784 square feet. Outdoor play space will utilize the open property to the south, reducing the parking space count from seventeen to eleven spaces (note no daycare related vehicles will use the remaining eleven parking spaces in the south driveway). The daycare facility will operate from 8:00 AM to 5:00 PM, Monday through Friday. There will be a maximum of 24 children and 6 employees. A preliminary site plan is shown on the following page in Exhibit 2.

Exhibit 2 Preliminary Site Plan



Per City of Portland Zoning Code Chapter 33.815.105, the below-grade element (sunken basement) of the proposed daycare on residentially zoned land triggers a Conditional Use review. This memorandum outlines a proposed scope to address the transportation-related criteria outlined in Chapter 33.815.105.

CONDITIONAL USE CRITERIA

Per Section 33.815.105.D of the City's Zoning Code, the following transportation-related criteria must be addressed related to the provision of a daycare with a sunken basement in the RM1 zone:

D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;

2. Transportation system:

a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;

b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;

c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

The remainder of our memorandum outlines a proposed scope to address the above criteria.

Consistency with the Transportation System Plan Street (TSP) Street Designations

Table 1 summarizes the TSP designations and Table 2 summarizes the existing characteristics of the primary streets anticipated to serve the daycare.

Table 1. TSP Street Designations

Street	Traffic	Transit	Bicycle	Pedestrian	Freight
SE 122 nd Avenue	Major City Traffic Street	Major Transit Priority Street	Major City Bikeway	Major City Walkway	Major Truck Street
SE Madison Street	Local Service Traffic Street	Local Service Transit Street	Local Service Bikeway	Local Service Walkway	Local Service Truck Street

Table 2. Existing Street Characteristics

Street	Vehicular Travel Lanes	Posted Speed	Bicycle Facilities	Sidewalks	On-Street Parking
SE 122 nd Avenue	5	30 mph	Yes	Yes	No
SE Madison Street	2	25 mph	No	Yes	North Side Only

There is also a signalized, mid-block pedestrian crossing of SE 122nd Avenue along the site frontage that serves people walking today as well as will benefit the future daycare's employees and families. This mid-block crossing also provides access to the bus stop located on the west side of SE 122nd Avenue serving TriMet Route 73. The City is planning to rebuild this crossing with modern poles, mast arms and ramp.

The addition of a daycare at this site is intended to serve a vital, culturally responsive need for the community and is consistent with the context of the neighborhood as well as the street designations. As such, this criterion is met and we will document this information in our study but do not intend any further analyses.

Transportation Safety

A review of the Oregon Department of Transportation's (ODOT) TransGIS website only identified one crash along the site frontage in the period from January 1, 2018 – December 31, 2022, which was attributed to an injury crash in which a passenger fell from a vehicles. No crashes during this period were reported at the SE 122nd Avenue/SE Madison Street intersection by ODOT.

The City's Vision Zero¹ data for the nearby streets and intersections identified the following crashes:

- December 2023 – a pedestrian fatality occurred on SE 122nd Avenue, located approximately 50 feet south of SE Madison Street. Details about the crash are not fully published yet but it was noted as a hit and run
- Between 2014 – 2021:
 - Two separate vehicular crashes on SE 122nd Avenue approximately 125 feet south of Madison Street (Portland Fire and Rescue Driveway); both involved injuries.
 - A vehicular crash occurred on SE 122nd Avenue approximately 400 feet north of Madison Street (60 feet south of SE Main Street); no additional details were provided.

The site is not located near any of the identified High Crash Networks identified in the Vision Zero Dashboard, nor are there any High Crash Network Safety Improvements Identified. Based on the above information, we conclude that there are no trends related to the reported crashes. As such, we conclude that this criterion is met and we will document this information in our study but do not intend any further analyses.

Street Capacity and Level of Service (LOS)

The City of Portland Administrative Rule TRN 10.27 - *Administrative Rules for Traffic Capacity Analysis in Land Use Review Cases* provides standards for transportation impact studies. This is summarized below.

For traffic impact studies required in the course of land use review or development, the following standards apply:

1. *For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.*
2. *For stop-controlled intersections, adequate level of service is LOS E. Level of service for two-way stop-controlled intersections is based on individual vehicle movement, and all-way stop controlled intersections is based on a weighted average of vehicle delay for the intersection.*
3. *An amendment or other land use application that requires analysis of traffic capacity and allows development that either (1) may cause a transportation facility to perform below the standards established in sections 1 and 2, or (2) adds vehicle trips to a facility that is already performing below the standards established in sections 1 and 2 may be approved if:*
 - a. *Development resulting from the amendment or other land use application will mitigate the impacts of the amendment or other land use application in a manner that avoids further degradation to the performance of the facility by the time of development through one or more of the following:*
 - (i) *the development is limited to result in no net increase in vehicle trips over what is allowed by the existing zoning; OR*

¹ Portland Traffic Deaths and Injuries since 2011 (arccgis.com).

(ii) one or more combination of transportation improvements or measures are imposed to mitigate the transportation impacts of the amendment or other land use application in a manner that avoids further degradation to the performance of the facility by the time of any development.

Per information contained in the *Trip Generation Manual* (11th Edition, Institute of Transportation Engineers (ITE)), Table 3 summarizes the potential vehicular trips associated with the proposed daycare based on a future need to accommodate up to 24 students and 6 employees. Table 3 also compares the trips generated by a daycare with those generated by the existing medical-dental office uses.

Table 3. Incremental Change in Trip Generation

Land Use	ITE Code	Size	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
Existing Use									
Medical Dental Office	720	2,784 square feet	100	9	7	2	11	3	8
Conditional Use									
Daycare	565	24 children	98	19	10	9	19	9	10
Difference between Existing and Conditional Use									
Incremental Trip Increase			(2)	10	3	7	8	6	2

The proposed conditional use will not change the size of the existing building and is estimated to result in a reduction in weekday daily trips. Further, we note that the TSP does not identify any capacity-related needs or projects near the site. For these reasons, this criterion is met. We will document this information in our study but do not intend any further analyses or evaluation of any intersection operations.

Connectivity

The site is bordered by other commercial businesses and government building. The existing uses create a buffer to the residential neighborhoods both to the east and west. The proposed change of use to a daycare does not change the existing building façade or size and therefore will not have a visual impact on the neighborhood.

The City's TSP identifies that a maximum block length of 530 feet for vehicular connections and a maximum length of 330 feet for pedestrian and bicycle connections is preferable. Pedestrian and bicycle facilities exist along the frontage of the site, and connectivity requirements are met along SE 122nd Avenue. Today, there are no east-west connections between SE 122nd Avenue and the neighborhood to the east, precluded by pre-existing homes and private property. No TSP projects are identified to provide additional connectivity, and thus we conclude that this criterion is met.

Transit Availability and Impacts

Bus service is provided adjacent to the site along SE 122nd Avenue via Route 73, which provides frequent bus service (15 minutes or less) every day. A southbound bus stop is located approximately 115 feet north of the site and a northbound stop approximately 170 feet south of the site at the Madison Street intersection. As noted above, there is a signalized pedestrian crossing of SE 122nd Avenue which connects people with the southbound bus stop from the site and the west side of the street.

The front door to the daycare has a curbed walkway serving SE 122nd Avenue to encourage pedestrian access while promoting a safe walking area, and on-site bike racks are provided near the entrance for bicycle commuters.

Families and employees at the daycare will benefit from the existing bus service and given that neither TriMet nor Portland have identified the long-term need for additional transit service adjacent to the site, we conclude that there are no transit impacts and will document this in the study.

Bicycle and Pedestrian Availability and Impacts

SE 122nd Avenue (Major City Bikeway, Major City Walkway) includes sidewalks and bike lanes in both north/south directions. SE Madison Street has one travel lane in each direction in which people driving and riding bikes "share the road."

The Applicant team is currently working with PBOT on a public works permit submittal process that will provide additional information related to adjacent street frontage changes, as applicable. We will document any relevant information in our study.

On-Street Parking

The City's Zoning Code Chapter 33.266 (Table 266-2, Standard B for residential zone) specifies a maximum of 1 space per 330 square feet for daycares, which would allow up to 8 parking spaces (2,764 SF / 330 SF/parking = 8.4 parking spaces). For the existing medical-dental use, the zoning code allows up to 1 space per 200 square feet, or up to 13 spaces (2,764 SF / 200 SF/parking = 13.9) parking spaces. Parking is expected to be accommodated on-site, and on-site demand for the proposed daycare is not expected to exceed the existing medical-dental demand. As such, minimal impact to adjacent on-street parking is anticipated, and thus this criterion is expected to be met.

Access Restrictions

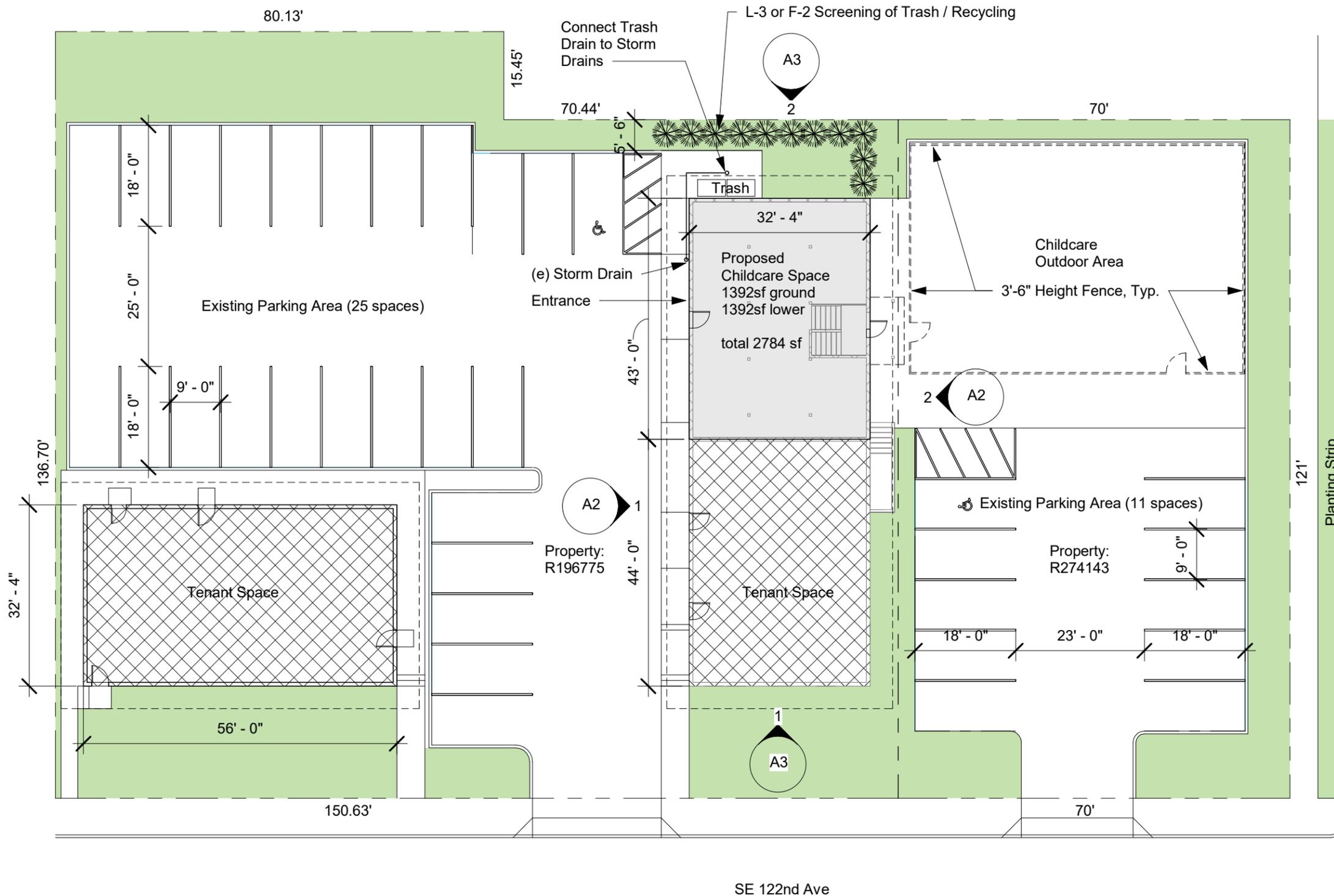
No access restrictions are proposed as part of the daycare.

Neighborhood Impacts

The Applicant team will address any non-transportation impacts as part of the submittal as appropriate.

Next Steps

We look forward to continued collaboration with you on this study. Please let us know if you would like to schedule a virtual meeting to finalize the scope for the study.



Property Data:

Address: 1390 SE 122nd Ave, Portland, OR 97233
 Owner: Unite Oregon (501c3)
 Property ID: R196775, R196779, & R274143

Site Area: R196775 = 19,477 sf
 R274143 = 8,470 sf

Building Area: 2,784 sf (bldg proposed for conditional use)
 Zoning: RM-1
 Base FAR: 1:1
 Building Height: 35'
 Setbacks: Front 10', Sides & Rear 5'
 Max Building Coverage: 50% of Site Area
 Min Landscape Area: 30% of Site Area

Project Narrative

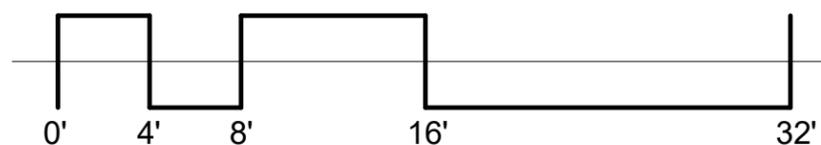
Request for Conditional Use: We are seeking approval to convert the existing condo office space to Childcare. The proposed space occupies roughly half of the commercial condo building. The office space is split between 2 floors. The upper floor is at grade with the parking lot to the north and the lower level is a half sunken basement. The upper floor is 1,392 sf and the lower floor is 1,392sf. Outdoor playspace will utilize the open property to the south (also listed as 1390 SE 122nd Ave).

The project is an interior tenant improvement and will not add any additional building footprint to the property. There is no plans for modifying the existing stormwater disposal system. We will continue to use the existing system. This application is subject to a Type III Conditional Use Review.

1 Site Plan
 1" = 20'-0"

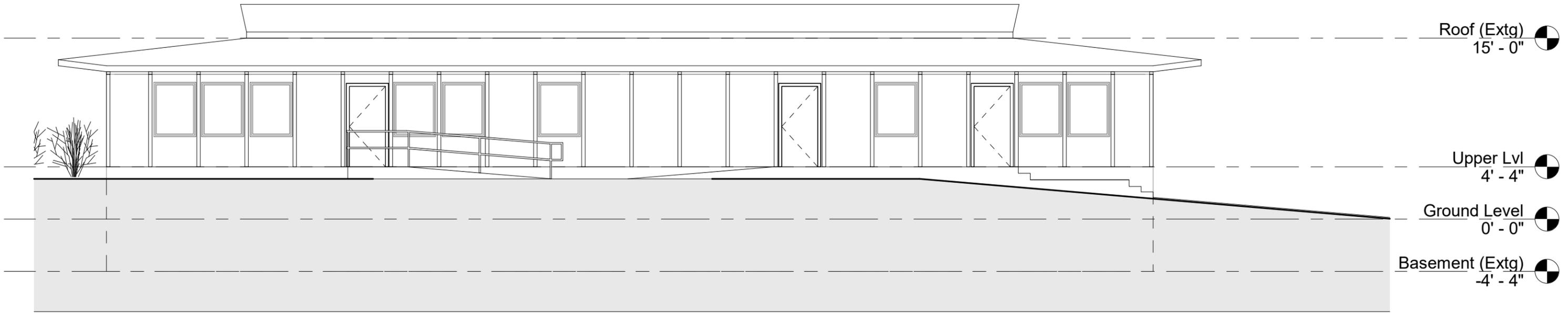


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 Portland, OR 97212
 www.bk-arch.com
 503 408 4971 (best)
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 bkimura@bk-arch.com

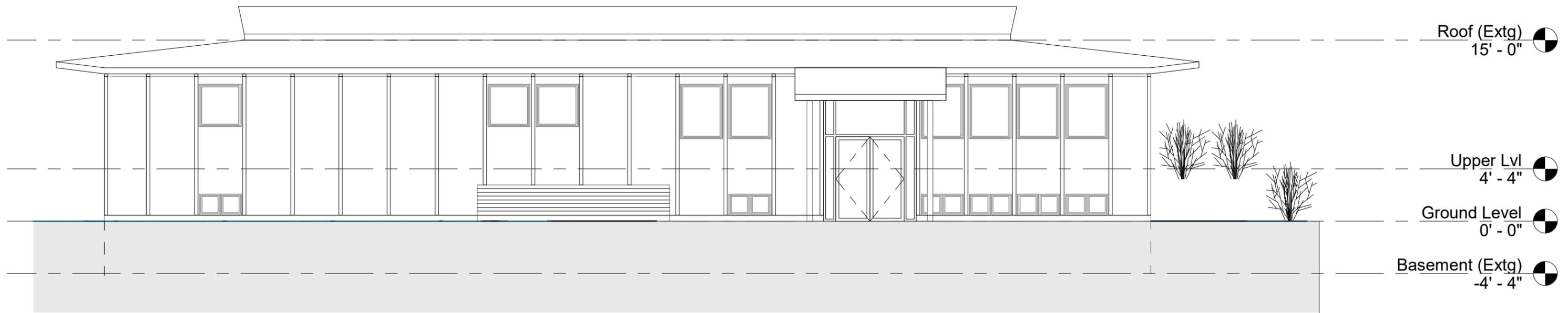


SITE PLAN

Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 08.29.2024



① North
1/8" = 1'-0"



② South
1/8" = 1'-0"

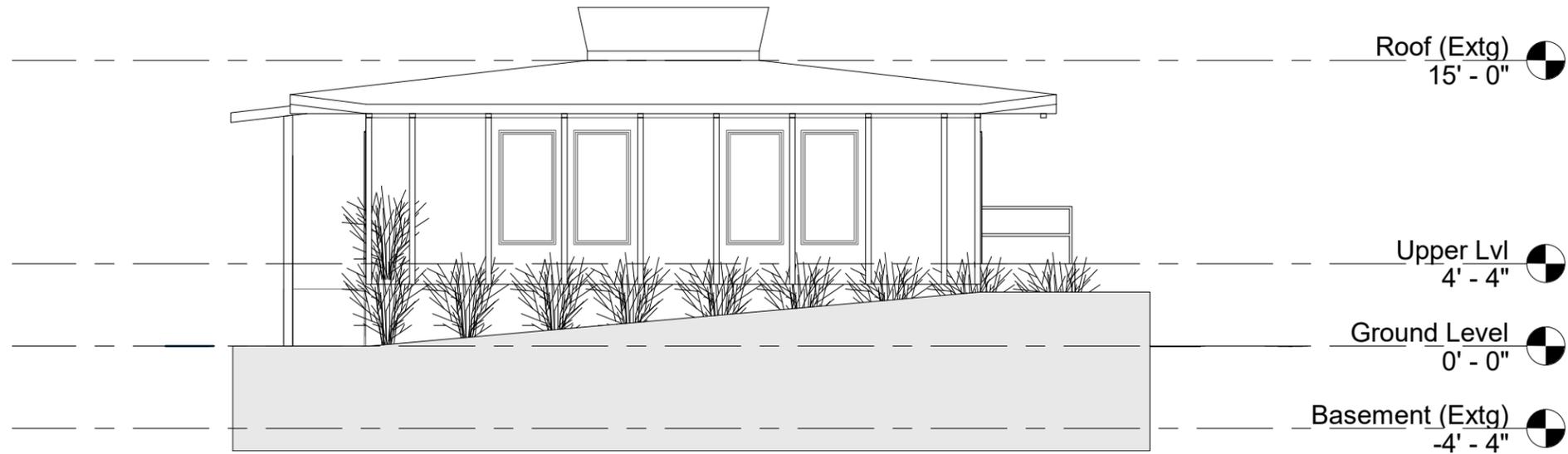


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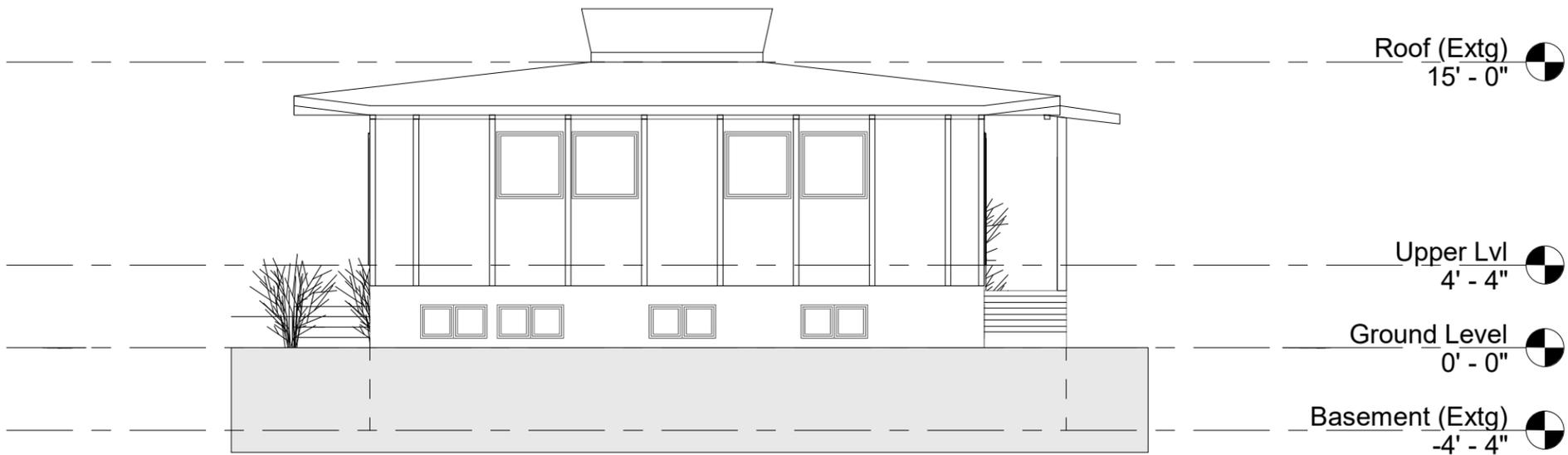
Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 08.29.2024

Elevations

LU 24-078744 CU Exhibit A4 Sept 11, 2024



② East
1/8" = 1'-0"



① West
1/8" = 1'-0"

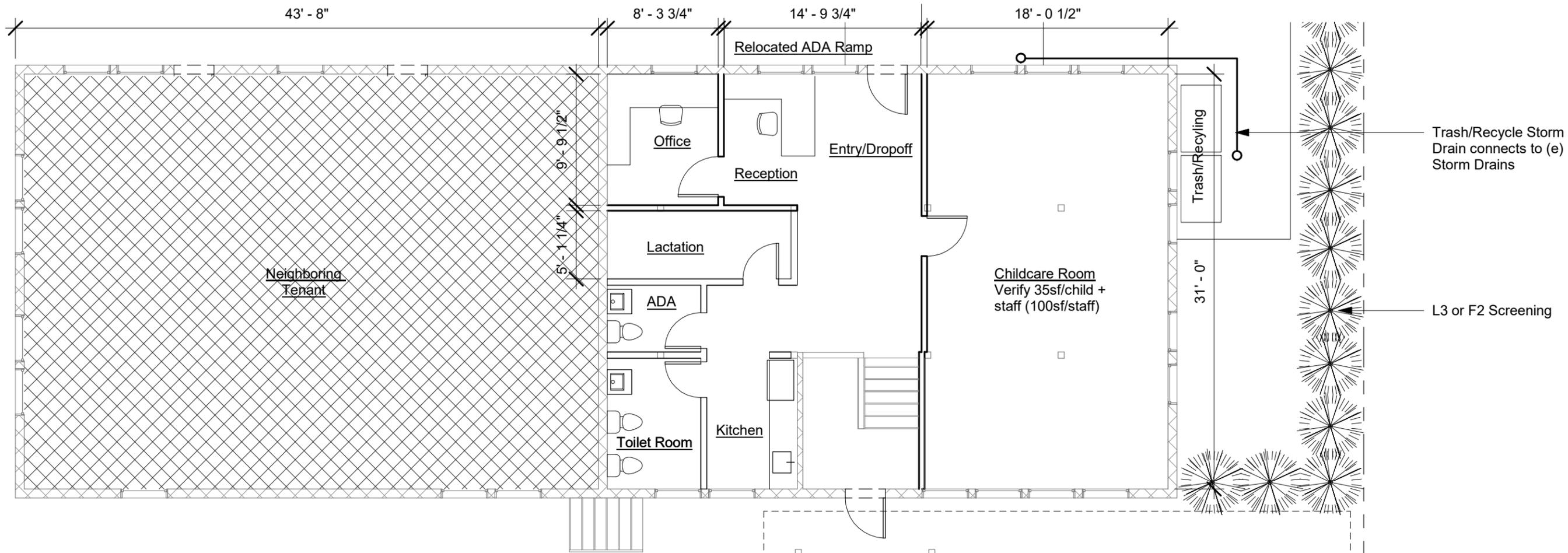


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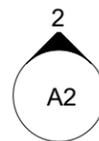
Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 08.29.2024

Elevations

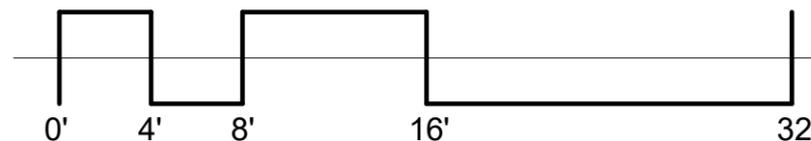
LU 24-078744 CU Exhibit A4 Sept 11, 2024



1 Upper Level Floor Plan
1/8" = 1'-0"



Outdoor Childcare
Playarea
40' x 35'

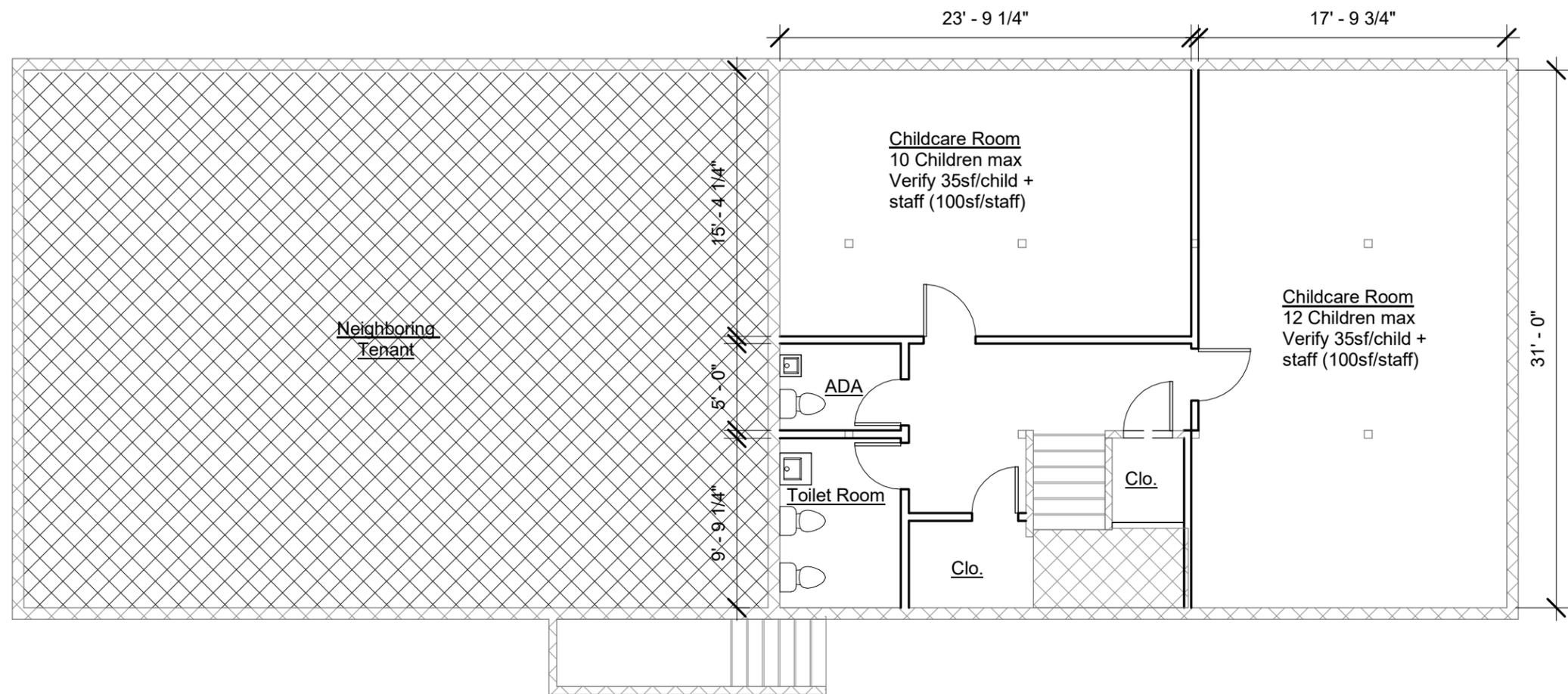


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Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 08.29.2024

Upper Level Floor Plan

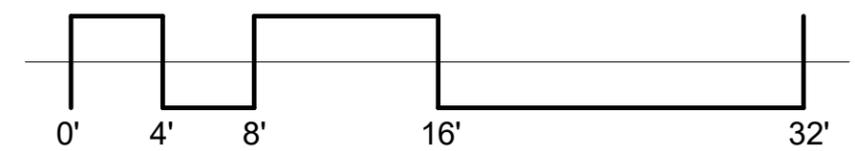
LU 24-078744 CU Exhibit A4 Sept 11, 2024



① Lower Level Floor Plan
1/8" = 1'-0"



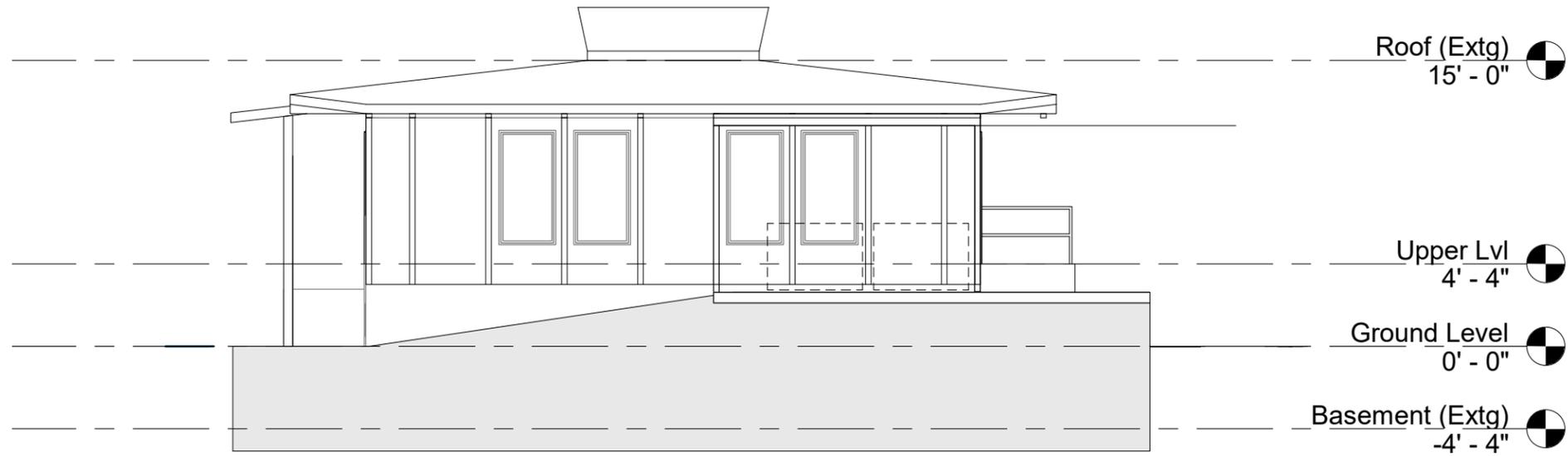
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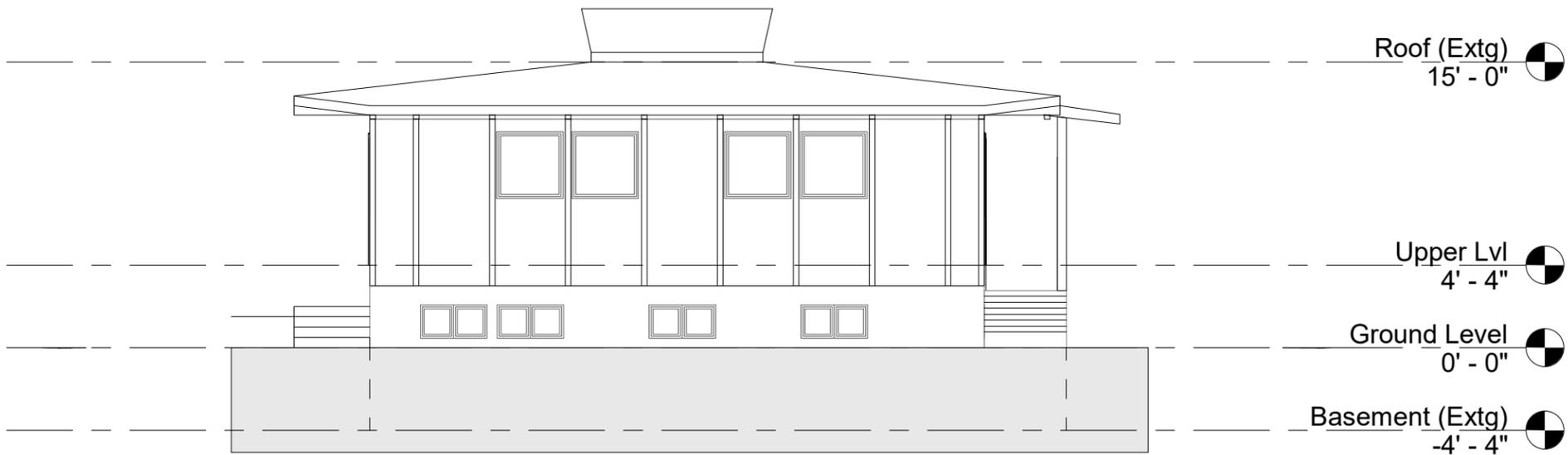
Lower Level Floor Plan

LU 24-078744 CU Exhibit A4 Sept 11, 2024

Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 08.29.2024



② East
1/8" = 1'-0"



① West
1/8" = 1'-0"

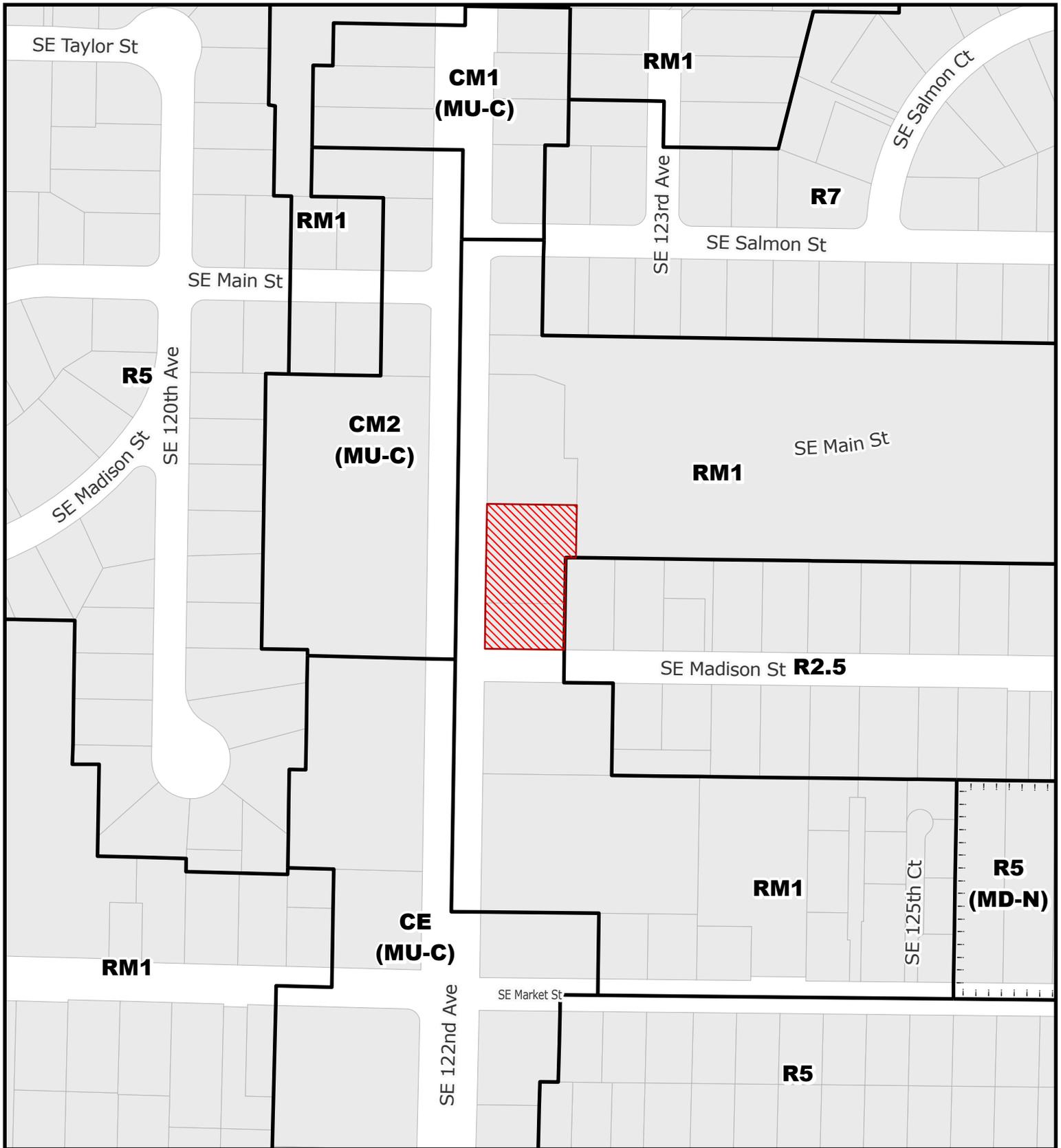


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Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 10.4.2024

Elevations

LU 24-078744 CU Exhibit A5

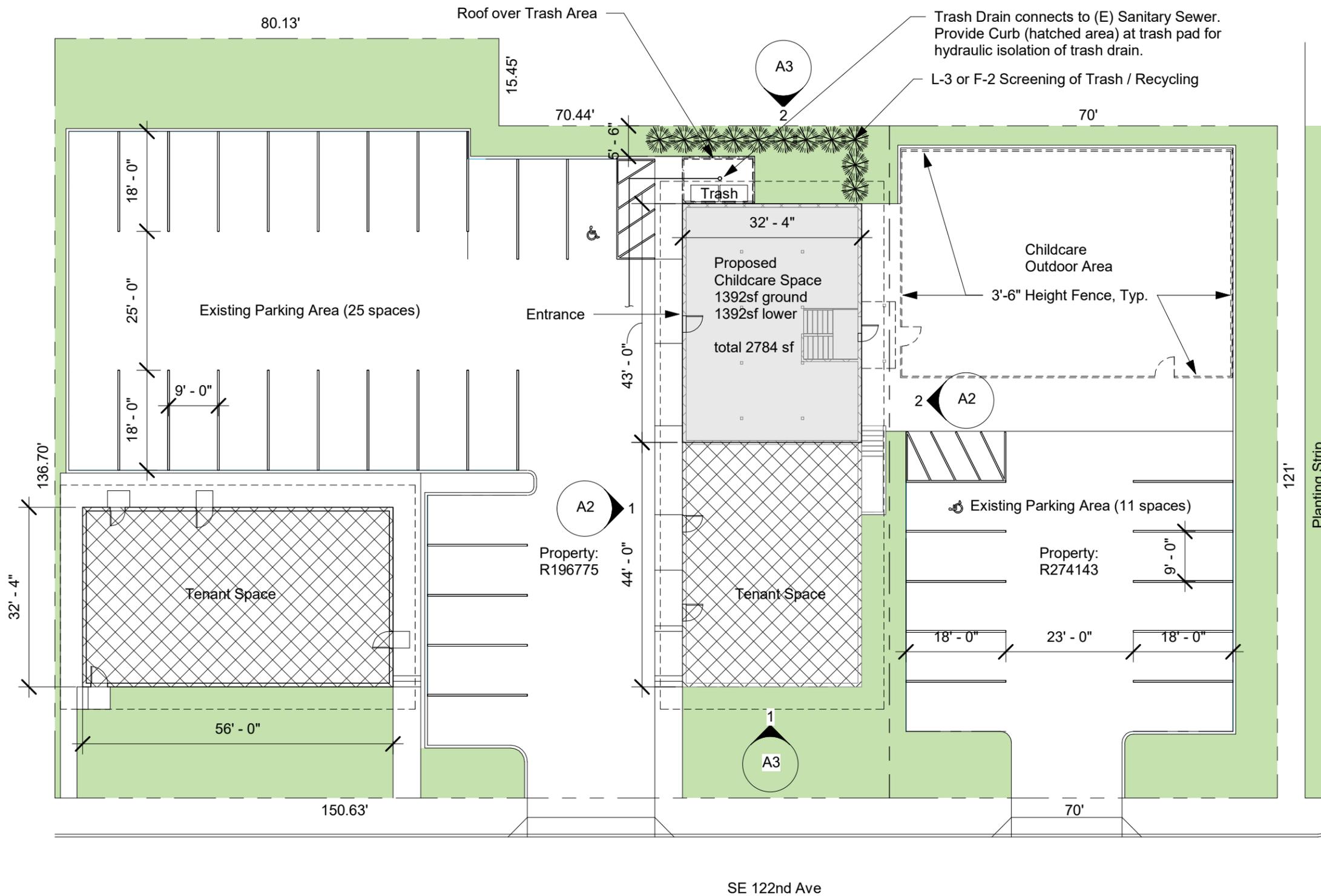


For Zoning Code in Effect Post October 1, 2022

ZONING 

 Site

File No. LU 24 - 078744 CU
 1/4 Section 3143
 Scale 1 inch = 200 feet
 State ID 1S2E02BC 70022
 Exhibit B Sep 11, 2024



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Building Area: 2,784 sf (bldg proposed for conditional use)
 Zoning: RM-1
 Base FAR: 1:1
 Building Height: 35'
 Setbacks: Front 10', Sides & Rear 5'
 Max Building Coverage: 50% of Site Area
 Min Landscape Area: 30% of Site Area

Project Narrative

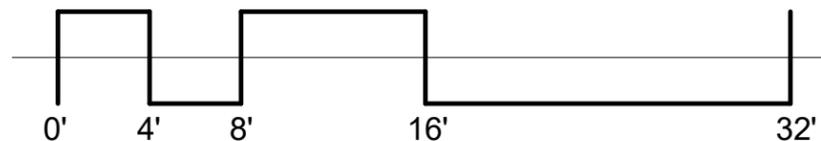
Request for Conditional Use: We are seeking approval to convert the existing condo office space to Childcare. The proposed space occupies roughly half of the commercial condo building. The office space is split between 2 floors. The upper floor is at grade with the parking lot to the north and the lower level is a half sunken basement. The upper floor is 1,392 sf and the lower floor is 1,392sf. Outdoor playspace will utilize the open property to the south (also listed as 1390 SE 122nd Ave).

The project is an interior tenant improvement and will not add any additional building footprint to the property. There is no plans for modifying the existing stormwater disposal system. We will continue to use the existing system. This application is subject to a Type III Conditional Use Review.

1 Site Plan
 1" = 20'-0"



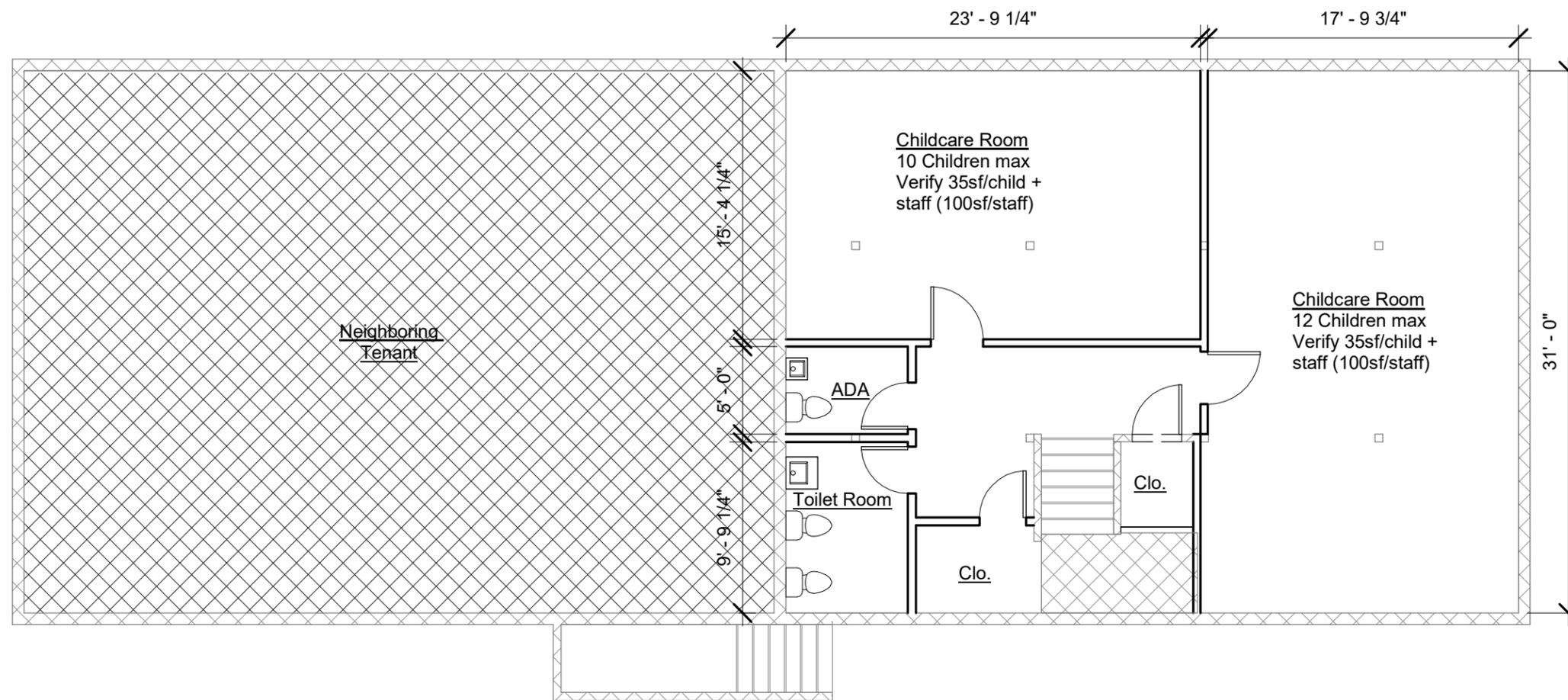
BK Architecture, LLC
 3934 NE Martin Luther King Jr Blvd, Suite 205A
 Portland, OR 97212
 www.bk-arch.com
 503 408 4971 (best)
 503 719 6810
 bkimura@bk-arch.com



SITE PLAN

Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 10.4.2024

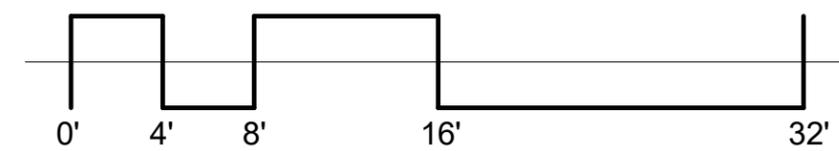
LU 24-078744 CU Exhibit C1



① Lower Level Floor Plan
1/8" = 1'-0"



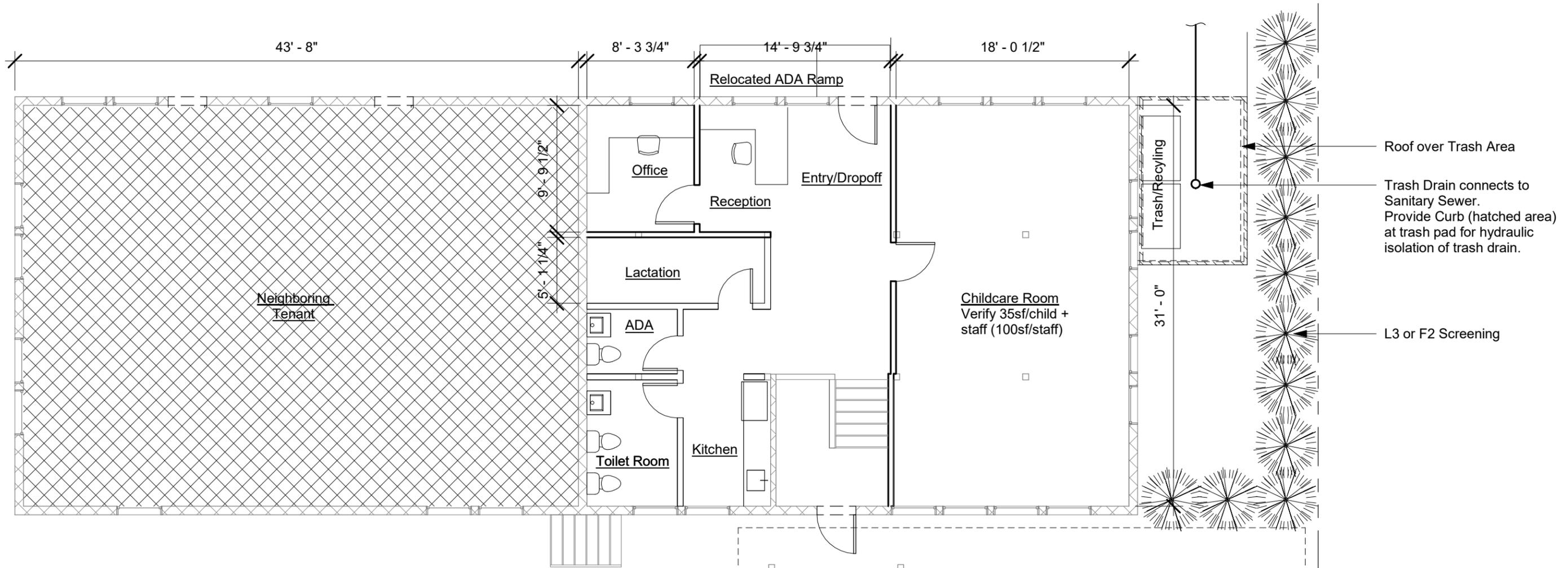
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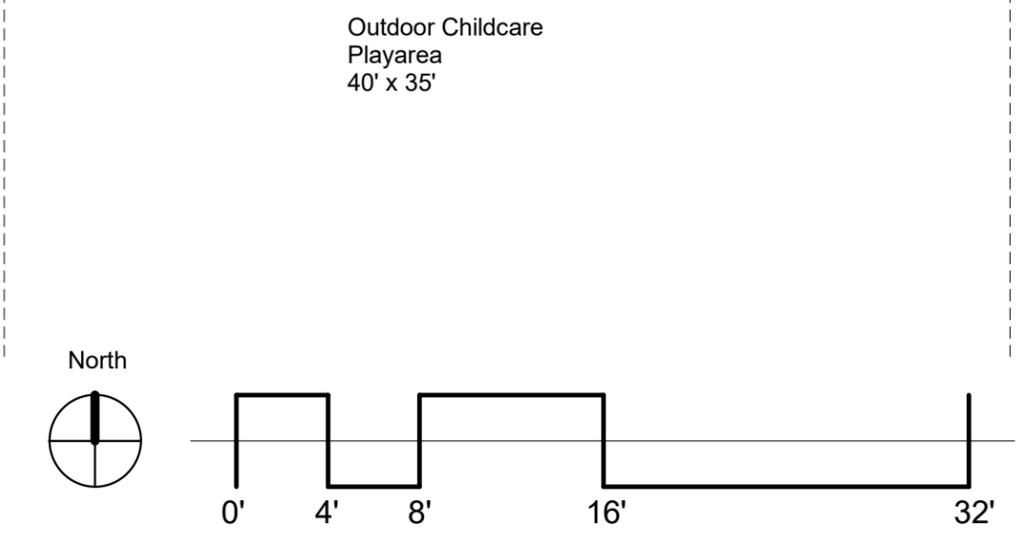
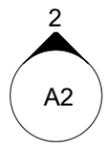
Lower Level Floor Plan

LU 24-078744 CU Exhibit C2

Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 10.4.2024



1 Upper Level Floor Plan
1/8" = 1'-0"

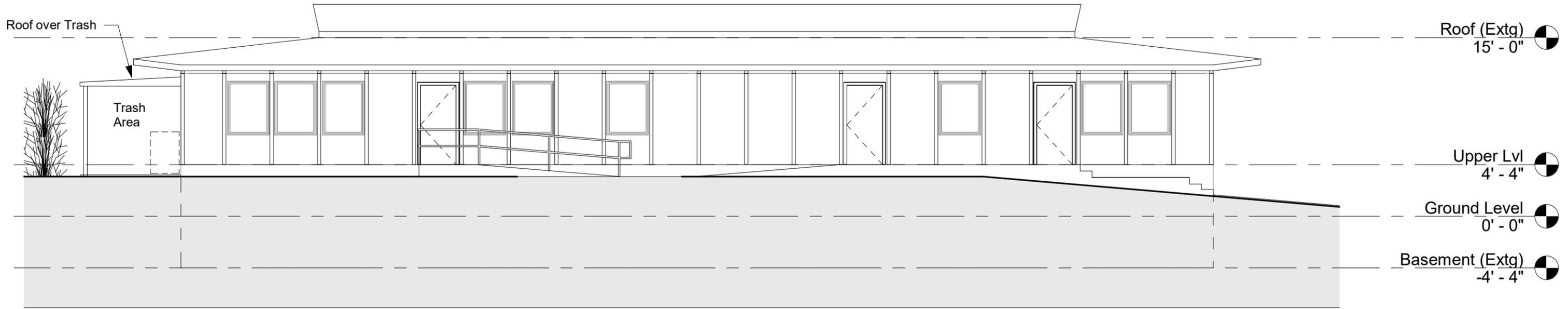


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 Portland, OR 97212
 www.bk-arch.com
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 503 719 6810
 bkimuro@bk-arch.com

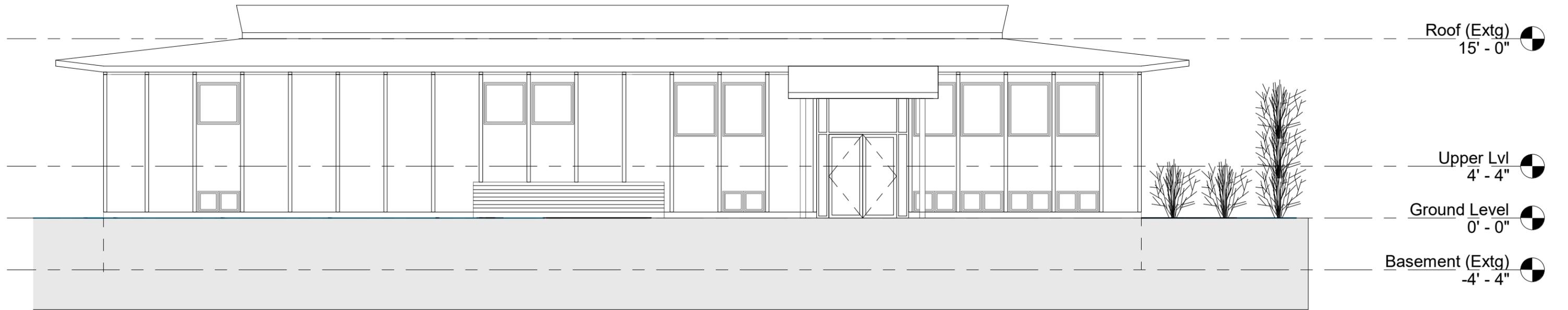
Upper Level Floor Plan

LU 24-078744 CU Exhibit C3

Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 10.4.2024



① North
1/8" = 1'-0"



② South
1/8" = 1'-0"



BK Architecture, LLC
 ● 3834 NE Martin Luther King Jr Blvd, Suite 205A
 Portland, OR 97212
 ● www.bk-arch.com
 ☎ 503 408 4971 (best)
 ☎ 503 719 6810
 ● bkimura@bk-arch.com

Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 10.4.2024

Elevations

LU 24-078744 CU Exhibit C4

Date: October 8, 2024

From: Christine Caruso, Land Use Services
503-865-6420 / Christine.Caruso@portlandoregon.gov

REQUEST FOR RESPONSE

Case File: LU 24-078744 CU
Pre App: PC # 23-066144

This notice is being sent to all service and technical review agencies for their input on the proposal described below. Neighborhood Associations also receive this advance notice via e-mail. Your timely response, as indicated below, will help the assigned planner determine if applicable approval criteria can be met, or what conditions might be required.

- The approval criteria are listed below. Although we are interested in any comments you may have, please consider your response in terms of these criteria.
- All agencies are encouraged to use this as an opportunity to inform the applicant of any additional requirements that may be imposed by your agency during building permit phase – especially those that would significantly affect the proposal.
- Please note in your response which requirements are specifically associated with the applicable land use review approval criteria, and which requirements you have the independent authority to impose at time of building permits.
- Neighborhood Associations are encouraged to submit comments by the deadline noted below. To comment, you may write to Christine Caruso at 1900 SW Fourth Ave., Suite 4500, Portland, OR 97201. You can also e-mail your comments to me at my e-mail address identified above. After the staff report is published, please submit your comments to the Hearings Officer at 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 and fax them to 503-823-4347.

Portland Permitting & Development recommendation will be published ten days before the scheduled hearing date. You will also receive a Notice of Public Hearing for this proposal, with hearing date and time confirmed, mailed twenty days prior to the hearing.

- **Please send your response to PP&D no later than: November 7, 2024 – 30 days after the date of this RFR** (If I receive comments after this date, I may not have enough time to include them in the staff report).
- **We must publish our report by: November 8, 2024**
- **A public hearing before the Hearings Officer is tentatively scheduled for November 18, 2024 at 9:00 AM**

Applicant: Brian Kimura | BK Architecture LLC
3934 NE Martin Luther King Jr Blvd #205A | Portland, OR 97212
bkimura@bk-arch.com

Representative: Leslie Lum | Unite Oregon
1390 SE 122nd Ave | Portland, OR 97233 | leslie@uniteoregon.org

Owner: Center for Intercultural Organizing
1390 SE 122nd Ave | Portland, OR 97233

Site Address: 1390 SE 122ND AVE

Legal Description: GENERAL COMMON ELEMENTS, KENTRON SOUTH CONDOMINIUM;
BLDG B LOT 2 PARKING SP B2/P1-P7; SPECHT AC, LOT 2 EXC PT IN
ST

Tax Account No.: R784000040, R446520400, R446520010

State ID No.: 1S2E02BC 70022, 1S2E02BC 01900, 1S2E02BC 70000

Quarter Section: 3143

Neighborhood: Mill Park, contact Trevor Hopper at mill.park.pdx.chair@gmail.com

Business District: Gateway Area Business Association, contact Nidal Kahl at
gabapdxboard@gmail.com

District Coalition: District 1, contact at alisons@cnncoalition.org

Plan District: None

Zoning: RM1 – Multi-Family Residential 1

Case Type: CU – Conditional Use Review

Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal:

The applicant requests a Conditional Use Review to convert existing office condo space to a children's daycare. The proposed daycare space will occupy about one-half of the existing commercial condo building and will occupy a portion of the ground floor and a portion of the half sunken basement. The ground floor daycare floor area will be 1,392 square feet and the lower daycare floor area will be 1,392 square feet for a total of 2,784 square feet of daycare use on the site. A new outdoor play space will utilize a portion of the parking lot to the south. The project is an interior TI and will not add any additional building footprint to the property.

Adding a new Daycare use that has floor are not all on the ground floor requires approval of a Type III Conditional Use Review (33.120.100.B.6.c, 33.815.040.A.1).

Approval Criteria:

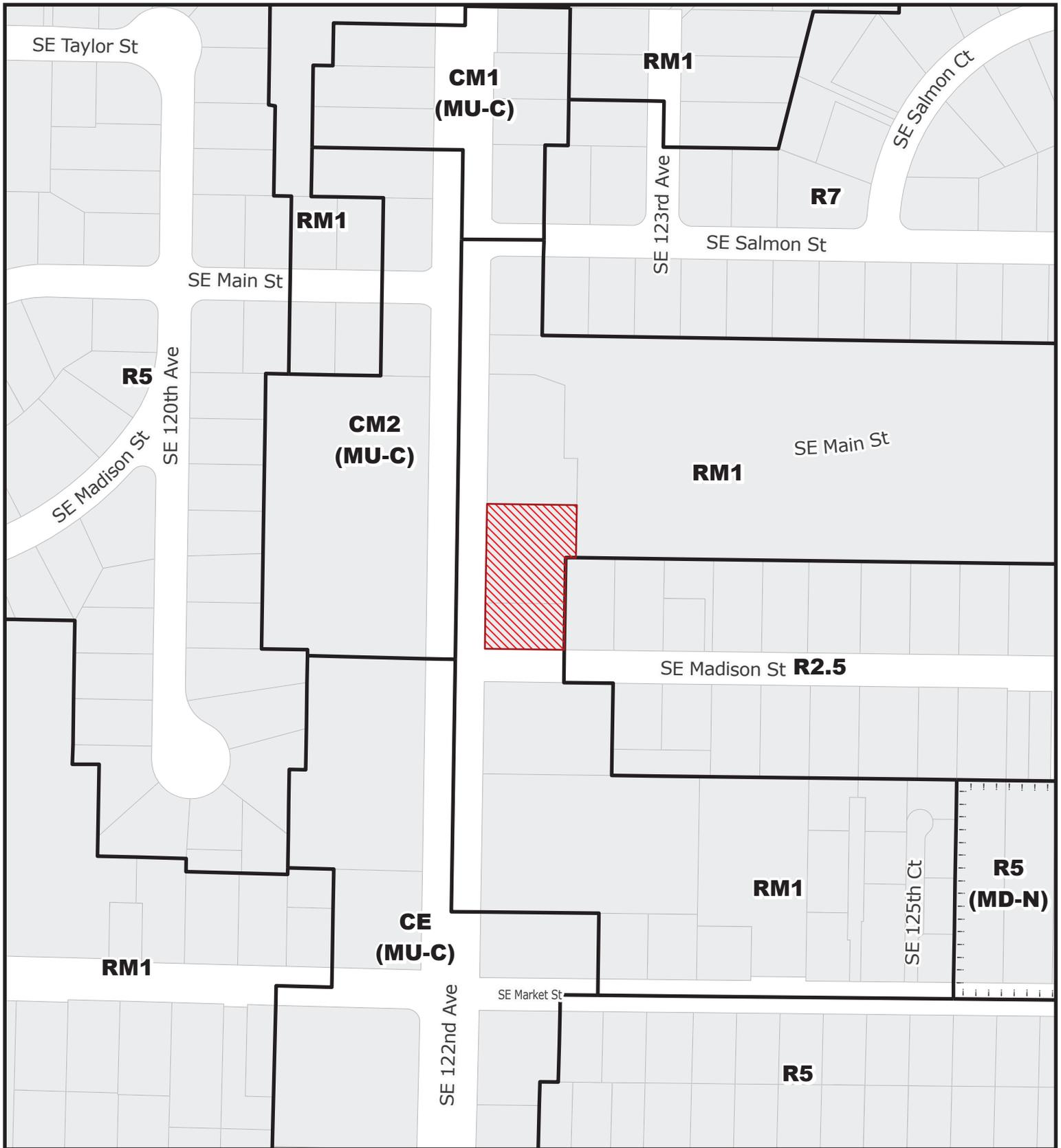
In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.815.105.A thru E Institutional and Other Uses uses in Residential and Campus Institutional Zones

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was filed, provided that the application is complete at the time of filing, or complete within 180 days. This application was filed on September 11, 2024 and determined to be complete on October 7, 2024.

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

Enclosures: Zoning Map, Site Plan, Floor Plans, Elevations

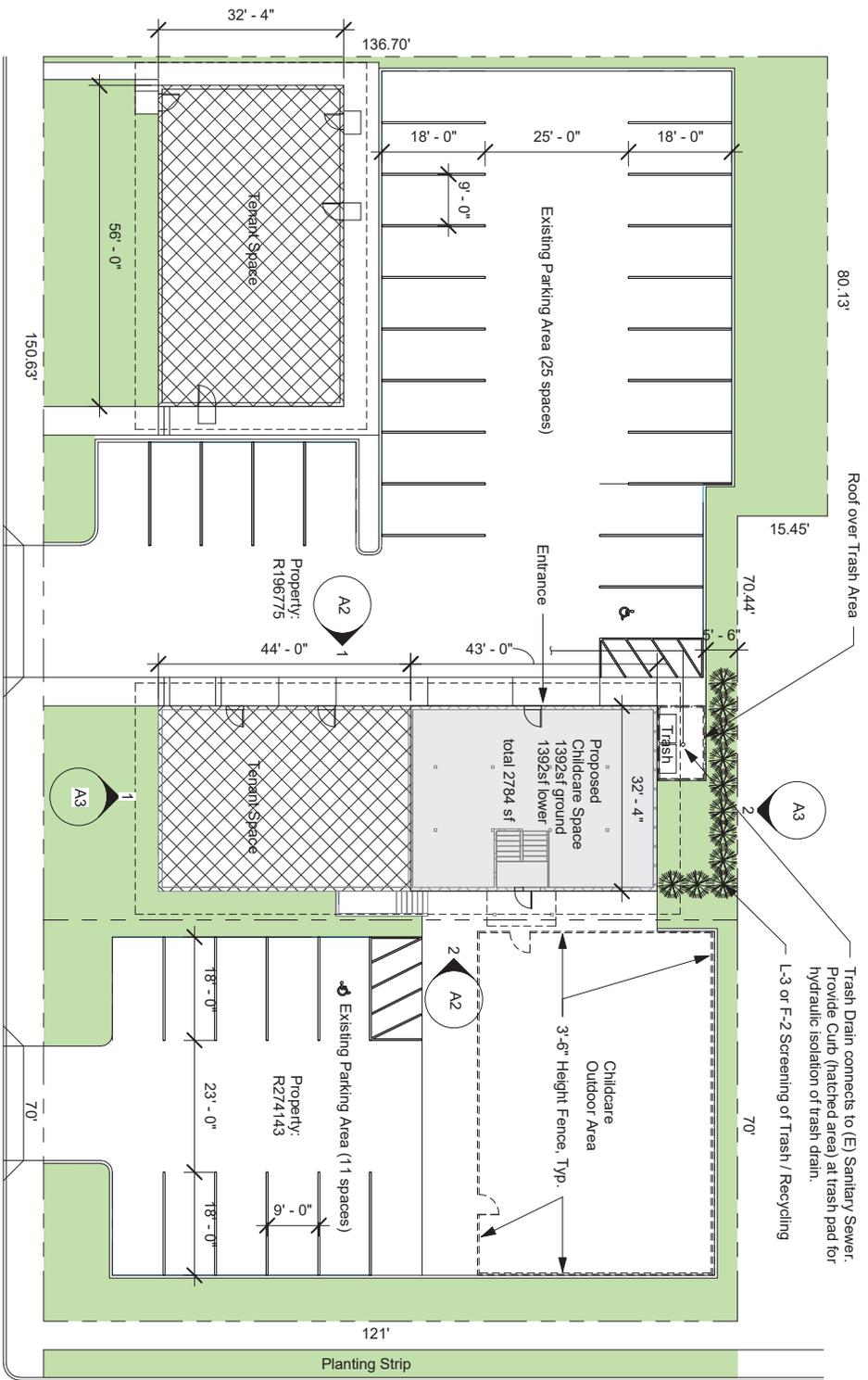


For Zoning Code in Effect Post October 1, 2022

ZONING 

 Site

File No. LU 24 - 078744 CU
 1/4 Section 3143
 Scale 1 inch = 200 feet
 State ID 1S2E02BC 70022
 Exhibit B Sep 11, 2024

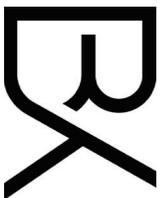


Roof over Trash Area

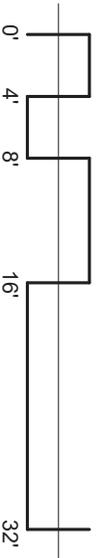
Trash Drain connects to (E) Sanitary Sewer. Provide Curb (hatched area) at trash pad for hydraulic isolation of trash drain.

L-3 or F-2 Screening of Trash / Recycling

1 Site Plan
1" = 20'-0"



BK ARCHITECTURE, LLC
2024 NE Oregon Street, Suite 204
Portland, OR 97233
www.bkarch.com
503.255.8888
www.bkarch.com
www.bkarch.com



SE Madison St

Property Data:

Address: 1390 SE 122nd Ave, Portland, OR 97233
Owner: Unile Oregon (501 c3)
Property ID: R196775, R196779, & R274143
Site Area: R196775 = 19,477 sf
R274143 = 8,470 sf

Building Area: 2,784 sf (bldg proposed for conditional use)
Zoning: RM-1
Base FAR: 1:1
Building Height: 35'
Setbacks: Front: 10', Sides & Rear: 5'
Max Building Coverage: 50% of Site Area
Min Landscape Area: 30% of Site Area

Project Narrative

Request for Conditional Use: We are seeking approval to convert the existing condo office space to Childcare. The proposed space occupies roughly half of the commercial condo building. The office space is split between 2 floors. The upper floor is at grade with the parking lot to the north and the lower level is a half sunken basement. The upper floor is 1,392 sf and the lower floor is 1,392sf. Outdoor play space will utilize the open property to the south (also listed as 1390 SE 122nd Ave).

The project is an interior tenant improvement and will not add any additional building footprint to the property. There is no plan for modifying the existing stormwater disposal system. We will continue to use the existing system. This application is subject to a Type III Conditional Use Review.

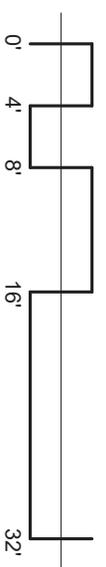
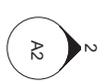
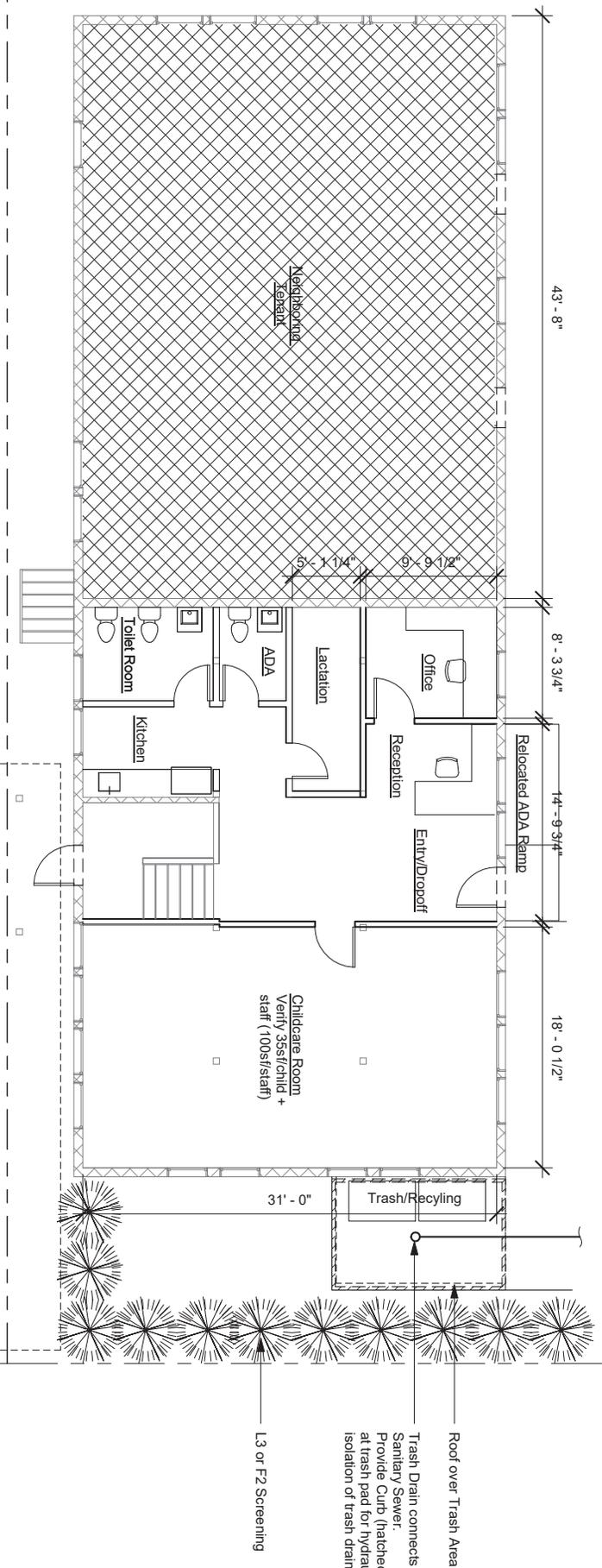
SITE PLAN

Unile Oregon
Site: 1390 SE 122nd Ave
Portland, OR 97233
Date: 10.4.2024



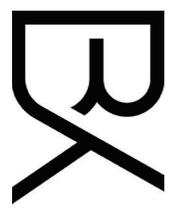
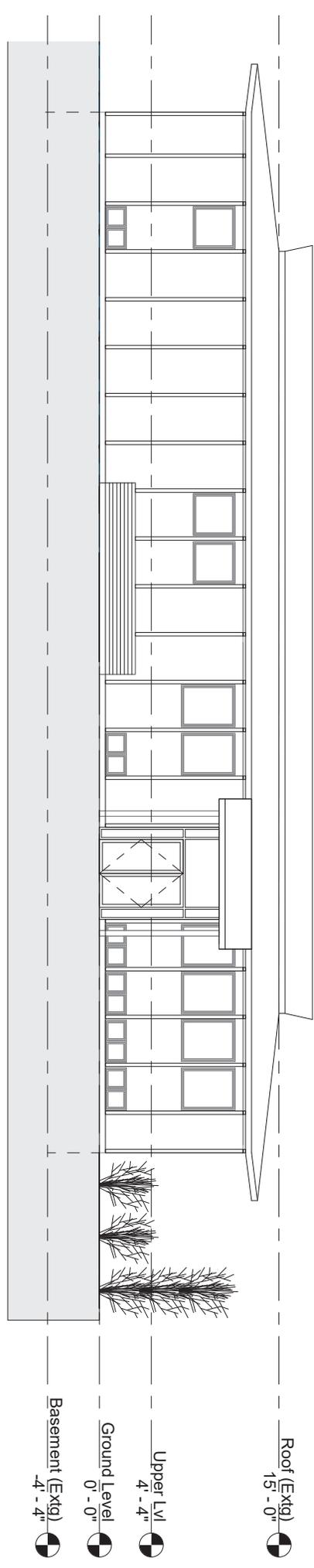
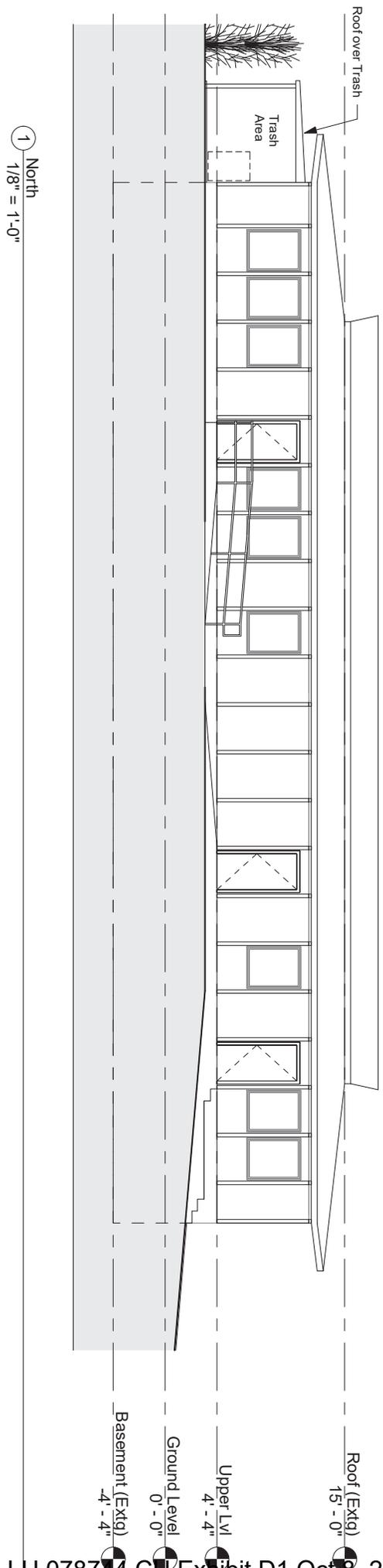
BK ARCHITECTURE, LLC
 2024 ME ARCHITECTURE, INC. 2024
 11111 Upper Fwy J Blvd, Suite 204
 Portland, OR 97233
 Phone: 503.281.1111
 www.bkarch.com
 503.281.1111
 11111 Upper Fwy J Blvd, Suite 204
 Portland, OR 97233
 Phone: 503.281.1111
 www.bkarch.com

1 Upper Level Floor Plan
 1/8" = 1'-0"



Upper Level Floor Plan

Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 10.4.2024



BK ARCHITECTURE, LLC
 2024 ME Architecture, Inc. & BK Architecture, LLC
 11111 University Ave, Suite 200, 97146
 503.465.1111
 www.bkarch.com
 11111 University Ave, Suite 200, 97146
 503.465.1111
 11111 University Ave, Suite 200, 97146
 503.465.1111

Elevations

Unité Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 10.4.2024

Date: October 10, 2024

To: Brian Kimura
BK ARCHITECTURE LLC
3934 NE Martin Luther King Jr Blvd #205a
Portland, OR 97212
(646) 408-4971 | bkimura@bk-arch.com

From: Christine Caruso
503-865-6420
Christine.Caruso@portlandoregon.gov

RE: LU 24-078744 CU

Dear Applicant:

I have received your application for a Conditional Use review at 1390 SE 122ND AVE. Your application was deemed complete on **October 7, 2024** and the hearing is scheduled for **November 18, 2024** at **2:00 PM**.

The Zoning Code requires you to post notice on the site of your proposal at least 30 days before the hearing. The information below will help you do this. **It is recommended that you work with a sign manufacturer to prepare the posting board.** I am enclosing a digital copy of the posting board, a copy of the notice that must be placed on the posting boards, and instructions for printing and installation.

- A. Because the hearing for your case is scheduled for **November 18, 2024** at **2:00 PM**, you must post the notice by October 19, 2024, 30 days before the hearing.
- B. **A certification statement is enclosed, which you must sign and return.** The statement affirms that you posted the site. It also confirms your understanding that if you do not post the notice by the date above, your hearing will be automatically postponed. In addition, time limits on our processing of your case will be waived. You must return this statement to me by November 4, 2024, 14 days before the hearing.
- C. Your site has 121 feet of frontage on SE Madison St. You must post 1 sign along this street. There must be at least one sign every 600 feet.

Your site has 221 feet of frontage on SE 122nd Ave. You must post 1 sign along this street. There must be at least one sign every 600 feet.
- D. These signs must be placed within 10 feet of the street frontage line and must be visible to pedestrians and motorists. You may not post in the public right-of-way.
- E. You should not remove the notice before the hearing, but it must be taken down within two weeks after the final decision is made on your request.

Encl: Posting Notice
Statement Certifying Posting

cc: Application Case File

POSTING NOTICE

CASE FILE: LU 24-078744 CU
PC # 23-066144
REVIEW BY: Hearings Officer
WHEN: November 18, 2024 at 2:00 PM

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

This land use hearing will take place online using the Zoom platform. More information on how to participate remotely (online or by phone) is available at www.portland.gov/omf/hearings/land-use and will be provided with the Notice of Public Hearing mailed 20 days before the hearing and posted at <https://www.portland.gov/ppd/zoning-land-use/events>. You may also contact the planner at the phone number or email address at the bottom of this page.

Location: 1390 SE 122ND AVE

Legal Description: GENERAL COMMON ELEMENTS, KENTRON SOUTH CONDOMINIUM; BLDG B LOT 2 PARKING SP B2/P1-P7, KENTRON SOUTH CONDOMINIUM; LOT 2 EXC PT IN ST, SPECHT AC

Zoning/Designation: RM1 – Multi-Dwelling Residential 1

Proposal: The applicant requests approval of a Conditional Use Review to add 2,784 square feet of Daycare use into the ground floor and basement level of one half of an existing building. A new outdoor play area will occupy a portion of an existing parking lot. Adding a new Daycare use that has floor area not all on the ground floor requires a Type III Conditional Use Review per Zoning Code sections 33.120.100.B.6.c and 33.815.040.A.1.

Further information is available from Portland Permitting & Development. Please contact Christine Caruso at (503) 823-6420 or at Christine.Caruso@portlandoregon.gov

Portland Permitting & Development is committed to providing equal access to information and hearings. To request an accommodation or alternative format of communication, please contact us at least five business days prior to the hearing at 503-823-7300 (TTY 503-823-6868).

Brian Kimura
BK ARCHITECTURE LLC
3934 NE Martin Luther King Jr Blvd #205a
Portland, OR 97212
(646) 408-4971

DATE: 10/17/2024

TO: Christine Caruso
Christine.Caruso@portlandoregon.gov
Portland Permitting & Development
1900 SW Fourth Ave., Suite 5000
Portland, OR 97201

APPLICANT'S STATEMENT CERTIFYING POSTING

Case File LU 24-078744

This certifies that I have posted notice on my site as required by the Zoning Code. I understand that the hearing is scheduled for November 18, 2024 at 2:00 PM, and that I was required to post the property at least 30 days before the hearing.

The required number of poster boards, with the notices attached, were set up on 10/17/2024 (date). These were placed within 10 feet of the street frontage line so that they were visible to pedestrians and motorists.

I understand that this form must be returned to Portland Permitting & Development no later than 11/4/24, 14 days before the scheduled hearing. I also understand that if I do not post the notices by 30 days before the hearing or do not return this form by 14 days before the hearing, my hearing will automatically be postponed. I also understand this will result in a waiver of the time limits for processing my case.

In addition, I understand that I may not remove the notices before the hearing but am required to remove them within two weeks of the final decision on my request.



Signature

Brian Kimura

Print Name

3934 NE MLK Jr. Blvd, Suite 205A

Address

Portland, OR 97212

City/State/Zip Code

	A	B	C	D	E	F
1	ENDORSEMENT	INFO1	INFO2	NAME	ADDRESS/IO ADDRESS	CITYSTATEZIP/ADDRESSEE
2	RETURN SERVICE REQUESTED		1S2E02BC 1200	BRUMMETT MICHAEL & BRUMMETT MELINDA	12348 SE SALMON ST	PORTLAND OR 97233
3	RETURN SERVICE REQUESTED		1S2E02BC 1300	UHLMEYER DAVID & UHLMEYER MAUREEN	12334 SE SALMON ST	PORTLAND OR 97233-1133
4	RETURN SERVICE REQUESTED		1S2E02BC 1400	AURON BRIAN M & AURON LYNDA	12320 SE SALMON ST	PORTLAND OR 97233
5	RETURN SERVICE REQUESTED		1S2E02BC 1500	GALLOWAY GERALD L & GALLOWAY MARY K	12308 SE SALMON ST	PORTLAND OR 97233
6	RETURN SERVICE REQUESTED		1S2E02BC 1600	COLEMAN SARAH	12242 SE SALMON ST	PORTLAND OR 97233
7	RETURN SERVICE REQUESTED		1S2E02BC 1700	KETTERMAN JULIETTA & JONATHAN	12226 SE SALMON ST	PORTLAND OR 97233
8	RETURN SERVICE REQUESTED		1S2E02BC 1800	HUYNH QUANG C & HUYNH WINNIFER	500 FIRESTONE LN	PLACENTIA CA 92870-5255
9	RETURN SERVICE REQUESTED		1S2E02BC 2000	WATSON RANDY D	4400 SW SCHOLLS FERRY RD	PORTLAND OR 97225
10	RETURN SERVICE REQUESTED		1S2E02BC 2100	JOHNSTON RICKEY O	12303 SE MADISON ST	PORTLAND OR 97233-1220
11	RETURN SERVICE REQUESTED		1S2E02BC 2201	MORDAUNT MADISON & LEE HARRY	12317 SE MADISON ST	PORTLAND OR 97233
12	RETURN SERVICE REQUESTED		1S2E02BC 2202	DANIEL G LORENZ & ANDREA R LORENZ	12866 SE WELLINGTON CT	HAPPY VALLEY OR 97086
13	RETURN SERVICE REQUESTED		1S2E02BC 2300	LEWIS ALICE L TR	12333 SE MADISON ST	PORTLAND OR 97233-1220
14	RETURN SERVICE REQUESTED		1S2E02BC 2400	ROBERTS WILLIAM JR & JERRIANN	12347 SE MADISON ST	PORTLAND OR 97233-1220
15	RETURN SERVICE REQUESTED		1S2E02BC 2600	ABU ABERA G & KUMBI ELSA T	2611 SE 130TH AVE	VANCOUVER WA 98683
16	RETURN SERVICE REQUESTED		1S2E02BC 4400	BRIGHT MATTHEW	12410 SE MADISON ST	PORTLAND OR 97233
17	RETURN SERVICE REQUESTED		1S2E02BC 4500	JUDITH ANN LILLEBO TR	7605 VALLEY WOOD DR	SACRAMENTO CA 95828
18	RETURN SERVICE REQUESTED		1S2E02BC 4600	HOAG LILLIAN R	3705 SE 67TH AVE	PORTLAND OR 97206-3509
19	RETURN SERVICE REQUESTED		1S2E02BC 4700	KRIEGER GRETCHEN E	12316 SE MADISON ST	PORTLAND OR 97233
20	RETURN SERVICE REQUESTED		1S2E02BC 4800	BETICH NATHAN & NANCY & PETER	12314 SE MADISON ST	PORTLAND OR 97233
21	RETURN SERVICE REQUESTED		1S2E02BC 5000	MISTY FIRS APARTMENTS LLC	900 SW 5TH AVE #1700	PORTLAND OR 97204-1225
22	RETURN SERVICE REQUESTED		1S2E02BC 5100	PORTLAND CITY OF	1221 SW 4TH AVE #130	PORTLAND OR 97204-1900
23	RETURN SERVICE REQUESTED		1S2E02BC 5100	CITY OF PORTLAND FIRE BUREAU #41	1220 SW 5TH AVE	PORTLAND OR 97204
24	RETURN SERVICE REQUESTED		1S2E02BC 5701	EJK PROPERTIES LLC	95165 NE WYNDHAM WAY	HAPPY VALLEY OR 97086
25	RETURN SERVICE REQUESTED	1S2E02BC 70000	KENTRON SOUTH CONDOMINIUM	UNIT OWNERS ASSOC	1130 SE 122ND AVE	PORTLAND OR 97233-1112
26	RETURN SERVICE REQUESTED		1S2E02BC 70011	KOURY ROBERT G & KOURY SHIRLEY R	7327 SW BARNES RD PMB 600	PORTLAND OR 97225
27	RETURN SERVICE REQUESTED		1S2E02BC 70021	OPTICARE OPTOMETRY LLC	1370 SE 122ND AVE	PORTLAND OR 97233
28	RETURN SERVICE REQUESTED		1S2E02BC 80000	KENTRON EAST NO 1 CONDO	1130 SE 122ND AVE	PORTLAND OR 97233
29	RETURN SERVICE REQUESTED		1S2E02BC 80011	HILMAN HOWARD E	1240 SE 122ND AVE #A-1	PORTLAND OR 97233
30	RETURN SERVICE REQUESTED	1S2E02BC 80012	HADI A NOUREDINE DMD	& ALIREZA F BOLOURI DMD	11530 S RIVERWOOD RD	PORTLAND OR 97219-8451
31	RETURN SERVICE REQUESTED		1S2E02BC 80021	SINHA RAVI	1238 SE 122ND AVE	PORTLAND OR 97233-1202
32	RETURN SERVICE REQUESTED		1S2E02BC 80022	SINHA RAVI & SINHA MINDY N	13397 SE SCOTT CREEK LN	HAPPY VALLEY OR 97086-6197
33	RETURN SERVICE REQUESTED		1S2E02BC 90000	CLUB ESTATES EAST CONDOMINIUM	12260 SE MAIN ST	PORTLAND OR 97233
34	RETURN SERVICE REQUESTED		1S2E02BC 90001	YOST ELEANOR G & YOST ELIZABETH E	12265 SE MAIN ST	PORTLAND OR 97233
35	RETURN SERVICE REQUESTED		1S2E02BC 90002	SHARP-ZOOK VICKI & SHARP-ZOOK KIM	12275 SE MAIN ST	PORTLAND OR 97233
36	RETURN SERVICE REQUESTED		1S2E02BC 90003	RUFFNER PATSY J	PO BOX 33756	PORTLAND OR 97292-3756
37	RETURN SERVICE REQUESTED		1S2E02BC 90004	KELLEY CONNIE L	12295 SE MAIN ST	PORTLAND OR 97233
38	RETURN SERVICE REQUESTED	1S2E02BC 90005	THOMAS TURNER MEYER	& ALEXANDRA ANN ZUBLIN-MEYER	2747 NE 28TH AVE	PORTLAND OR 97212
39	RETURN SERVICE REQUESTED		1S2E02BC 90006	WELLS FAMILY TR	12315 SE MAIN ST	PORTLAND OR 97233
40	RETURN SERVICE REQUESTED		1S2E02BC 90007	SEMPERT LINDA	12325 SE MAIN ST	PORTLAND OR 97233
41	RETURN SERVICE REQUESTED		1S2E02BC 90008	METZ DONALD & DEVEREAUX GEORGE	12335 SE MAIN ST	PORTLAND OR 97233
42	RETURN SERVICE REQUESTED		1S2E02BC 90009	CRABB ENNICE	12345 SE MAIN ST	PORTLAND OR 97233-1123
43	RETURN SERVICE REQUESTED		1S2E02BC 90010	KEIDEL PAULINE D	12355 SE MAIN ST	PORTLAND OR 97233-1123
44	RETURN SERVICE REQUESTED		1S2E02BC 90011	MASTERTSON CHARLIN & DEBORAH	12365 SE MAIN ST	PORTLAND OR 97233
45	RETURN SERVICE REQUESTED		1S2E02BC 90012	PARKER MARY M	12375 SE MAIN ST	PORTLAND OR 97233
46	RETURN SERVICE REQUESTED		1S2E02BC 90013	HANCOCK GUY H & HANCOCK JANET L	PO BOX 66824	PORTLAND OR 97290
47	RETURN SERVICE REQUESTED		1S2E02BC 90014	WARNER & BONNIE ALLEN & ALLEN MARY	12395 SE MAIN ST	PORTLAND OR 97233
48	RETURN SERVICE REQUESTED		1S2E02BC 90015	CRYSTAL JOY CLARK TR	12405 SE MAIN ST	PORTLAND OR 97233
49	RETURN SERVICE REQUESTED		1S2E02BC 90016	COLE ANN E & COLE BRIAN J	12415 SE MAIN ST	PORTLAND OR 97233
50	RETURN SERVICE REQUESTED		1S2E02BC 90017	EMMA JOY SHARP REV LIV TR	12425 SE MAIN ST	PORTLAND OR 97233
51	RETURN SERVICE REQUESTED		1S2E02BC 90018	KNEZEVICH SHELLEY	12435 SE MAIN ST	PORTLAND OR 97233-1125
52	RETURN SERVICE REQUESTED		1S2E02BC 90019	DEFRANCESCO SUSAN E	12445 SE MAIN ST	PORTLAND OR 97233-1125
53	RETURN SERVICE REQUESTED		1S2E02BC 90020	GILLES MARY J	1573 NW ANGELINE AVE	GRESHAM OR 97030-4821
54	RETURN SERVICE REQUESTED		1S2E02BC 90021	DUNAHOO KATHERINE J ET AL	12465 SE MAIN ST	PORTLAND OR 97233
55	RETURN SERVICE REQUESTED		1S2E02BC 90022	O'SULLIVAN KATHLEEN E	12515 SE MAIN ST	PORTLAND OR 97233
56	RETURN SERVICE REQUESTED		1S2E02BC 90023	GAIL LOVELL NEWBERRY LIV TR	12525 SE MAIN ST	PORTLAND OR 97233
57	RETURN SERVICE REQUESTED		1S2E02BC 90024	BEAT TIMOTHY G	12535 SE MAIN ST	PORTLAND OR 97233
58	RETURN SERVICE REQUESTED		1S2E02BC 90025	KERR JIMMIE & KERR SHERRY	12545 SE MAIN ST	PORTLAND OR 97233
59	RETURN SERVICE REQUESTED		1S2E02BC 90026	DOHERTY ROSEMARIE	12555 SE MAIN ST	PORTLAND OR 97233
60	RETURN SERVICE REQUESTED		1S2E02BC 90027	ROBRECHT TERENCE & ROBRECHT NANCY	12565 SE MAIN ST	PORTLAND OR 97233
61	RETURN SERVICE REQUESTED		1S2E02BC 90028	CHILDERS PAUL & CHILDERS ELENITA	12575 SE MAIN ST	PORTLAND OR 97233
62	RETURN SERVICE REQUESTED		1S2E02BC 90029	ASMUS BRUCE R & ASMUS MARY E	12585 SE MAIN ST	PORTLAND OR 97233
63	RETURN SERVICE REQUESTED		1S2E02BC 90030	MAY DANIEL J TR	12595 SE MAIN ST	PORTLAND OR 97233
64	RETURN SERVICE REQUESTED		1S2E02BC 90031	DEBORAH CLINE FAMILY TR	12605 SE MAIN ST	PORTLAND OR 97233
65	RETURN SERVICE REQUESTED		1S2E02BC 90032	OWEN CASSANDRA	12615 SE MAIN ST	PORTLAND OR 97233-1156
66	RETURN SERVICE REQUESTED		1S2E02BC 90033	HILLYER B GAIL	PO BOX 16674	PORTLAND OR 97292-0674

	A	B	C	D	E	F
67	RETURN SERVICE REQUESTED		1S2E02BC 90034	ROSA E MALDONADO REV LIV TR	12635 SE MAIN ST	PORTLAND OR 97233
68	RETURN SERVICE REQUESTED		1S2E02BC 90035	JACOBSEN FRED A & JACOBSEN DIANE J	12645 SE MAIN ST	PORTLAND OR 97233
69	RETURN SERVICE REQUESTED		1S2E02BC 90036	WHIPPS CAROL	12655 SE MAIN ST	PORTLAND OR 97233
70	RETURN SERVICE REQUESTED		1S2E02BC 90037	WOOTEN BILL & WOOTEN SHARON	12665 SE MAIN ST	PORTLAND OR 97233-1156
71	RETURN SERVICE REQUESTED		1S2E02BC 90038	ROUSE ERIN A & STOVEL MARY L	12675 SE MAIN ST #C-38	PORTLAND OR 97233
72	RETURN SERVICE REQUESTED		1S2E02BC 90039	KHALIFA VICKEY W	12685 SE MAIN ST	PORTLAND OR 97233
73	RETURN SERVICE REQUESTED		1S2E02BC 90040	PASTORE THERESA A	12680 SE MAIN ST	PORTLAND OR 97233
74	RETURN SERVICE REQUESTED		1S2E02BC 90041	WOOD CAROL A	12670 SE MAIN ST	PORTLAND OR 97233
75	RETURN SERVICE REQUESTED		1S2E02BC 90042	JANET L PFAFF TR	12660 SE MAIN ST	PORTLAND OR 97233
76	RETURN SERVICE REQUESTED		1S2E02BC 90043	VOGEL KENT	12650 SE MAIN ST	PORTLAND OR 97233
77	RETURN SERVICE REQUESTED		1S2E02BC 90044	HEIDE WENDELL P EST OF	888 ARMSTRONG AVE	EUGENE OR 97404-2161
78	RETURN SERVICE REQUESTED		1S2E02BC 90045	PEARSON RENE A & PEARSON SANDRA	12630 SE MAIN ST	PORTLAND OR 97233-1129
79	RETURN SERVICE REQUESTED		1S2E02BC 90046	MILLER JACQUELINE A	12620 SE MAIN ST	PORTLAND OR 97233
80	RETURN SERVICE REQUESTED		1S2E02BC 90047	VOGEL PATRICIA	12610 SE MAIN ST	PORTLAND OR 97233
81	RETURN SERVICE REQUESTED		1S2E02BC 90048	PAULA M DOMINE TR	12600 SE MAIN ST	PORTLAND OR 97233
82	RETURN SERVICE REQUESTED		1S2E02BC 90049	TRICKEY KIM & MCMILLAN GARY H	12590 SE MAIN ST	PORTLAND OR 97233
83	RETURN SERVICE REQUESTED		1S2E02BC 90050	BLAKE PATRICIA J	12580 SE MAIN ST	PORTLAND OR 97233
84	RETURN SERVICE REQUESTED		1S2E02BC 90051	PATTERSON JOAN N	12570 SE MAIN ST	PORTLAND OR 97233
85	RETURN SERVICE REQUESTED		1S2E02BC 90052	MORA PAMELA L	12560 SE MAIN ST	PORTLAND OR 97233
86	RETURN SERVICE REQUESTED		1S2E02BC 90053	ENGUEHARD ELIANE C	12550 SE MAIN ST	PORTLAND OR 97233
87	RETURN SERVICE REQUESTED		1S2E02BC 90054	GIFFORD DANIEL G	12540 SE MAIN ST	PORTLAND OR 97233
88	RETURN SERVICE REQUESTED		1S2E02BC 90056	MOEN JOHN K & MOEN SARA K	5215 NE 31ST AVE	PORTLAND OR 97211
89	RETURN SERVICE REQUESTED		1S2E02BC 90057	MORGAN GLORIA M	12510 SE MAIN ST	PORTLAND OR 97233
90	RETURN SERVICE REQUESTED		1S2E02BC 90058	GEARY BRANDON	440 SW 185TH PL	NORMANDY PARK WA 98166
91	RETURN SERVICE REQUESTED		1S2E02BC 90059	BLAKE MARY C TR	12490 SE MAIN ST	PORTLAND OR 97233-1126
92	RETURN SERVICE REQUESTED		1S2E02BC 90060	CRABTREE CHAD	12480 SE MAIN ST	PORTLAND OR 97233
93	RETURN SERVICE REQUESTED		1S2E02BC 90061	EVANS VICKIE L	12470 SE MAIN ST #B-61	PORTLAND OR 97233-1126
94	RETURN SERVICE REQUESTED		1S2E02BC 90062	ZIMMERMAN FAY I TR	12460 SE MAIN ST	PORTLAND OR 97233-1126
95	RETURN SERVICE REQUESTED		1S2E02BC 90063	JENSEN JAN L	12450 SE MAIN ST	PORTLAND OR 97233
96	RETURN SERVICE REQUESTED		1S2E02BC 90064	JACKSON JEANNENE	12440 SE MAIN ST	PORTLAND OR 97233-1126
97	RETURN SERVICE REQUESTED		1S2E02BC 90065	AIMEE FORD CONNER LIV TR	12430 SE MAIN ST	PORTLAND OR 97233
98	RETURN SERVICE REQUESTED		1S2E02BC 90066	BROWN DIANE & SINGLETARY FAE	12420 SE MAIN ST	PORTLAND OR 97233
99	RETURN SERVICE REQUESTED		1S2E02BC 90067	SEWARD JAMES W & PLACHTA ROSE M	12410 SE MAIN ST	PORTLAND OR 97233
100	RETURN SERVICE REQUESTED		1S2E02BC 90068	TURNER WILLIAM D & TURNER KAY R	12400 SE MAIN ST	PORTLAND OR 97233-1126
101	RETURN SERVICE REQUESTED		1S2E02BC 90069	BAUMAN WILLIAM & BOUNDS MICHELLE	12390 SE MAIN ST	PORTLAND OR 97233
102	RETURN SERVICE REQUESTED		1S2E02BC 90070	GRAY SCOTT B	12380 SE MAIN ST	PORTLAND OR 97233
103	RETURN SERVICE REQUESTED		1S2E02BC 90071	WHIPPS GORDON C & WHIPPS NANCY J	12370 SE MAIN ST	PORTLAND OR 97233
104	RETURN SERVICE REQUESTED		1S2E02BC 90072	LEACH LUCILLE A	12360 SE MAIN ST	PORTLAND OR 97233
105	RETURN SERVICE REQUESTED		1S2E02BC 90073	WITTORFF ELISABETH J	12350 SE MAIN ST	PORTLAND OR 97233
106	RETURN SERVICE REQUESTED		1S2E02BC 90074	OSBORN BRETT & JENNIFER & CAMERON	12340 SE MAIN ST	PORTLAND OR 97233-1124
107	RETURN SERVICE REQUESTED		1S2E02BC 90075	KOH IM HWA	12330 SE MAIN ST	PORTLAND OR 97233-1124
108	RETURN SERVICE REQUESTED		1S2E02BC 90076	ZHANG YUEPING	12320 SE MAIN ST	PORTLAND OR 97233
109	RETURN SERVICE REQUESTED		1S2E02BC 90077	KAUSCHE DONNA L	12310 SE MAIN ST	PORTLAND OR 97233-1124
110	RETURN SERVICE REQUESTED		1S2E02BC 90078	CHO WON BOK	12300 SE MAIN ST	PORTLAND OR 97233
111	RETURN SERVICE REQUESTED		1S2E02BC 90079	REITER ELAINE	12290 SE MAIN ST	PORTLAND OR 97233
112	RETURN SERVICE REQUESTED		1S2E02BC 90080	GIBSON PAULA E	12280 SE MAIN ST	PORTLAND OR 97233
113	RETURN SERVICE REQUESTED		1S2E03AD 100	BIANCO MARC F & BIANCO STEPHANIE S	17715 S FIELDSTONE LN	OREGON CITY OR 97045-7836
114	RETURN SERVICE REQUESTED		1S2E03AD 100	DAMIAN GOBEL INSURANCE AGENCY INC	12707 NE HALSEY ST	PORTLAND OR 97230
115	RETURN SERVICE REQUESTED		1S2E03AD 7000	ARNOLD & EVELYN GRAY LOVING TR	1520 SE 120TH AVE	PORTLAND OR 97216
116	RETURN SERVICE REQUESTED		1S2E03AD 7100	GUTIERREZ MELISSA A	1508 SE 120TH AVE	PORTLAND OR 97216
117	RETURN SERVICE REQUESTED		1S2E03AD 7200	DEAN SPENCER RYAN & ALETA BODDY	1440 SE 120TH AVE	PORTLAND OR 97216
118	RETURN SERVICE REQUESTED		1S2E03AD 7300	WILSON LYNDA M & KORPELA MAMIE Z	1426 SE 120TH AVE	PORTLAND OR 97216
119	RETURN SERVICE REQUESTED		1S2E03AD 7400	DUMONT RACHEL	1412 SE 120TH AVE	PORTLAND OR 97216-3935
120	RETURN SERVICE REQUESTED		1S2E03AD 7500	LI YONG & NIU WEN YI	1097 CHANDLER RD	LAKE OSWEGO OR 97034
121	RETURN SERVICE REQUESTED		1S2E03AD 7600	FENDER DANIEL & FENDER JANINE	1328 SE 120TH AVE	PORTLAND OR 97216-3933
122	RETURN SERVICE REQUESTED		1S2E03AD 7700	MAKAROVSKIY VIKTOR & TATYANA	1314 SE 120TH AVE	PORTLAND OR 97216-3933
123	RETURN SERVICE REQUESTED		1S2E03AD 7800	NGUYEN VAN THANH ET AL	1308 SE 120TH AVE	PORTLAND OR 97216
124	RETURN SERVICE REQUESTED		1S2E03AD 8000	CANELA RAUL	12032 SE MAIN ST	PORTLAND OR 97216-3964
125	RETURN SERVICE REQUESTED		1S2E03AD 8100	DENNIS BERTHA	12046 SE MAIN ST	PORTLAND OR 97216
126	RETURN SERVICE REQUESTED		1S2E03AD 8200	PALM ALEX & PALM MORGAN	12060 SE MAIN ST	PORTLAND OR 97216
127	RETURN SERVICE REQUESTED		1S2E03AD 8300	MEYER RAYMOND L & MEYER M FRANCES	1233 SE 122ND AVE	PORTLAND OR 97233-1201
128	RETURN SERVICE REQUESTED		1S2E03AD 8500	MT HOOD COMMUNITY COLLEGE	26000 SE STARK ST	GRESHAM OR 97030-3300
129	RETURN SERVICE REQUESTED		1S2E03AD 8500	MULTNOMAH COUNTY	401 N DIXON ST	PORTLAND OR 97227-1865
130	RETURN SERVICE REQUESTED		1S2E03AD 8500	MULTNOMAH COUNTY	501 SE HAWTHORNE BLVD #500	PORTLAND OR 97214
131	RETURN SERVICE REQUESTED		1S2E03AD 8500	RICOH USA INC THE ALBANO GROUP LLC	PO BOX 3850	MANCHESTER NH 03105-3850
132	RETURN SERVICE REQUESTED		1S2E03AD 8500	OREGON STATE DEPT OF HUMAN SERVICES	30 N WEBSTER ST	PORTLAND OR 97217

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133	RETURN SERVICE REQUESTED		1S2E03AD 8600	CASCADE FUNERAL DIRECTORS INC	369 N NEW YORK AVESTE 300	WINTER PARK FL 32789
134	RETURN SERVICE REQUESTED		1S2E03AD 8600	PLAZA 122 COMMUNITY INVESTMENT LLC	43 SW NAITO PKWY	PORTLAND OR 97204
135	RETURN SERVICE REQUESTED		1S2E03AD 8600	TRINITY ACCOUNTING & TAX SVCS LLC	1441 SE 122ND AVE RM E	PORTLAND OR 97233
136	RETURN SERVICE REQUESTED		1S2E03AD 8600	FABY'S HAIR STUDIO LLC	1515 SE 122ND AVE 1	PORTLAND OR 97233
137	RETURN SERVICE REQUESTED		1S2E03AD 8800	K & M AUTO SERVICE INC	2820 SE 50TH AVE	PORTLAND OR 97206
138	RETURN SERVICE REQUESTED		1S2E03AD 8800	OUTFRONT MEDIA LLC	715 NE EVERETT ST	PORTLAND OR 97232-2724
139	RETURN SERVICE REQUESTED		1S2E03AD 8800	SHAW DELORIS E	503 TURNBERRY AVE	WOODBURN OR 97071
140				CURRENT RESIDENT	12455 SE MAIN ST	PORTLAND OR 97233
141				CURRENT RESIDENT	12500 SE MAIN ST	PORTLAND OR 97233
142				CURRENT RESIDENT	12625 SE MAIN ST	PORTLAND OR 97233
143				CURRENT RESIDENT	12640 SE MAIN ST	PORTLAND OR 97233
144				CURRENT RESIDENT	1320 SE 122ND AVE	PORTLAND OR 97233
145				CURRENT RESIDENT	1342 SE 120TH AVE	PORTLAND OR 97216
146				CURRENT RESIDENT	1435 SE 122ND AVE	PORTLAND OR 97233
147				CURRENT RESIDENT	1441 SE 122ND AVE #A	PORTLAND OR 97233
148				CURRENT RESIDENT	1441 SE 122ND AVE #C	PORTLAND OR 97233
149				CURRENT RESIDENT	1441 SE 122ND AVE #D	PORTLAND OR 97233
150				CURRENT RESIDENT	1441 SE 122ND AVE #E	PORTLAND OR 97233
151				CURRENT RESIDENT	1441 SE 122ND AVE #K	PORTLAND OR 97233
152				CURRENT RESIDENT	1507 SE 122ND AVE	PORTLAND OR 97233
153				CURRENT RESIDENT	1513 SE 122ND AVE #D	PORTLAND OR 97233
154				CURRENT RESIDENT	1515 SE 122ND AVE	PORTLAND OR 97233
155				CURRENT RESIDENT	1538 SE 122ND AVE #1	PORTLAND OR 97233
156				CURRENT RESIDENT	1538 SE 122ND AVE #14	PORTLAND OR 97233
157				CURRENT RESIDENT	1538 SE 122ND AVE #19	PORTLAND OR 97233
158				CURRENT RESIDENT	1538 SE 122ND AVE #24	PORTLAND OR 97233
159				CURRENT RESIDENT	1538 SE 122ND AVE #26	PORTLAND OR 97233
160				CURRENT RESIDENT	1538 SE 122ND AVE #27	PORTLAND OR 97233
161				CURRENT RESIDENT	1538 SE 122ND AVE #3	PORTLAND OR 97233
162				CURRENT RESIDENT	1538 SE 122ND AVE #34	PORTLAND OR 97233
163				CURRENT RESIDENT	1538 SE 122ND AVE #36	PORTLAND OR 97233
164				CURRENT RESIDENT	1538 SE 122ND AVE #37	PORTLAND OR 97233
165				CURRENT RESIDENT	1538 SE 122ND AVE #44	PORTLAND OR 97233
166				CURRENT RESIDENT	1538 SE 122ND AVE #46	PORTLAND OR 97233
167				CURRENT RESIDENT	1538 SE 122ND AVE #47	PORTLAND OR 97233
168				CURRENT RESIDENT	1203 SE 122ND AVE	PORTLAND OR 97233
169				CURRENT RESIDENT	12285 SE MAIN ST	PORTLAND OR 97233
170				CURRENT RESIDENT	12321 SE MADISON ST	PORTLAND OR 97233
171				CURRENT RESIDENT	12346 SE MADISON ST	PORTLAND OR 97233
172				CURRENT RESIDENT	1245 SE 122ND AVE	PORTLAND OR 97233
173				CURRENT RESIDENT	12520 SE MAIN ST	PORTLAND OR 97233
174				CURRENT RESIDENT	12675 SE MAIN ST	PORTLAND OR 97233
175				CURRENT RESIDENT	1415 SE 122ND AVE	PORTLAND OR 97233
176				CURRENT RESIDENT	1431 SE 122ND AVE	PORTLAND OR 97233
177				CURRENT RESIDENT	1441 SE 122ND AVE #J	PORTLAND OR 97233
178				CURRENT RESIDENT	1505 SE 122ND AVE	PORTLAND OR 97233
179				CURRENT RESIDENT	1505 SE 122ND AVE #B	PORTLAND OR 97233
180				CURRENT RESIDENT	1513 SE 122ND AVE #B	PORTLAND OR 97233
181				CURRENT RESIDENT	1538 SE 122ND AVE #11	PORTLAND OR 97233
182				CURRENT RESIDENT	1538 SE 122ND AVE #16	PORTLAND OR 97233
183				CURRENT RESIDENT	1538 SE 122ND AVE #17	PORTLAND OR 97233
184				CURRENT RESIDENT	1538 SE 122ND AVE #2	PORTLAND OR 97233
185				CURRENT RESIDENT	1538 SE 122ND AVE #29	PORTLAND OR 97233
186				CURRENT RESIDENT	1538 SE 122ND AVE #30	PORTLAND OR 97233
187				CURRENT RESIDENT	1538 SE 122ND AVE #39	PORTLAND OR 97233
188				CURRENT RESIDENT	1538 SE 122ND AVE #4	PORTLAND OR 97233
189				CURRENT RESIDENT	1538 SE 122ND AVE #41	PORTLAND OR 97233
190				CURRENT RESIDENT	1538 SE 122ND AVE #45	PORTLAND OR 97233
191				CURRENT RESIDENT	1538 SE 122ND AVE #51	PORTLAND OR 97233
192				CURRENT RESIDENT	1538 SE 122ND AVE #6	PORTLAND OR 97233
193				CURRENT RESIDENT	1538 SE 122ND AVE #8	PORTLAND OR 97233
194				CURRENT RESIDENT	1561 SE 122ND AVE	PORTLAND OR 97233
195				CURRENT RESIDENT	12216 SE SALMON ST #A	PORTLAND OR 97233
196				CURRENT RESIDENT	12216 SE SALMON ST #B	PORTLAND OR 97233
197				CURRENT RESIDENT	12233 SE MADISON ST	PORTLAND OR 97233
198				CURRENT RESIDENT	12305 SE MAIN ST	PORTLAND OR 97233

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199				CURRENT RESIDENT	12325 SE MADISON ST	PORTLAND OR 97233
200				CURRENT RESIDENT	12345 SE MARKET ST	PORTLAND OR 97233
201				CURRENT RESIDENT	12470 SE MAIN ST	PORTLAND OR 97233
202				CURRENT RESIDENT	12530 SE MAIN ST	PORTLAND OR 97233
203				CURRENT RESIDENT	1390 SE 122ND AVE	PORTLAND OR 97233
204				CURRENT RESIDENT	1427 SE 122ND AVE	PORTLAND OR 97233
205				CURRENT RESIDENT	1429 SE 122ND AVE	PORTLAND OR 97233
206				CURRENT RESIDENT	1433 SE 122ND AVE	PORTLAND OR 97233
207				CURRENT RESIDENT	1441 SE 122ND AVE #B	PORTLAND OR 97233
208				CURRENT RESIDENT	1441 SE 122ND AVE #G	PORTLAND OR 97233
209				CURRENT RESIDENT	1441 SE 122ND AVE #H	PORTLAND OR 97233
210				CURRENT RESIDENT	1441 SE 122ND AVE #M	PORTLAND OR 97233
211				CURRENT RESIDENT	1443 SE 122ND AVE	PORTLAND OR 97233
212				CURRENT RESIDENT	1445 SE 122ND AVE	PORTLAND OR 97233
213				CURRENT RESIDENT	1500 SE 122ND AVE	PORTLAND OR 97233
214				CURRENT RESIDENT	1505 SE 122ND AVE #A	PORTLAND OR 97233
215				CURRENT RESIDENT	1509 SE 122ND AVE	PORTLAND OR 97233
216				CURRENT RESIDENT	1511 SE 122ND AVE	PORTLAND OR 97233
217				CURRENT RESIDENT	1513 SE 122ND AVE #C	PORTLAND OR 97233
218				CURRENT RESIDENT	1538 SE 122ND AVE #15	PORTLAND OR 97233
219				CURRENT RESIDENT	1538 SE 122ND AVE #18	PORTLAND OR 97233
220				CURRENT RESIDENT	1538 SE 122ND AVE #20	PORTLAND OR 97233
221				CURRENT RESIDENT	1538 SE 122ND AVE #22	PORTLAND OR 97233
222				CURRENT RESIDENT	1538 SE 122ND AVE #23	PORTLAND OR 97233
223				CURRENT RESIDENT	1538 SE 122ND AVE #32	PORTLAND OR 97233
224				CURRENT RESIDENT	1538 SE 122ND AVE #38	PORTLAND OR 97233
225				CURRENT RESIDENT	1538 SE 122ND AVE #40	PORTLAND OR 97233
226				CURRENT RESIDENT	1538 SE 122ND AVE #42	PORTLAND OR 97233
227				CURRENT RESIDENT	1538 SE 122ND AVE #43	PORTLAND OR 97233
228				CURRENT RESIDENT	1538 SE 122ND AVE #48	PORTLAND OR 97233
229				CURRENT RESIDENT	1538 SE 122ND AVE #54	PORTLAND OR 97233
230				CURRENT RESIDENT	12059 SE MAIN ST	PORTLAND OR 97216
231				CURRENT RESIDENT	12212 SE SALMON ST	PORTLAND OR 97233
232				CURRENT RESIDENT	12332 SE MADISON ST	PORTLAND OR 97233
233				CURRENT RESIDENT	12385 SE MAIN ST	PORTLAND OR 97233
234				CURRENT RESIDENT	12411 SE MADISON ST	PORTLAND OR 97233
235				CURRENT RESIDENT	12413 SE MADISON ST	PORTLAND OR 97233
236				CURRENT RESIDENT	1417 SE 122ND AVE	PORTLAND OR 97233
237				CURRENT RESIDENT	1437 SE 122ND AVE	PORTLAND OR 97233
238				CURRENT RESIDENT	1439 SE 122ND AVE	PORTLAND OR 97233
239				CURRENT RESIDENT	1441 SE 122ND AVE #F	PORTLAND OR 97233
240				CURRENT RESIDENT	1441 SE 122ND AVE #L	PORTLAND OR 97233
241				CURRENT RESIDENT	1513 SE 122ND AVE #A	PORTLAND OR 97233
242				CURRENT RESIDENT	1538 SE 122ND AVE #10	PORTLAND OR 97233
243				CURRENT RESIDENT	1538 SE 122ND AVE #12	PORTLAND OR 97233
244				CURRENT RESIDENT	1538 SE 122ND AVE #13	PORTLAND OR 97233
245				CURRENT RESIDENT	1538 SE 122ND AVE #21	PORTLAND OR 97233
246				CURRENT RESIDENT	1538 SE 122ND AVE #25	PORTLAND OR 97233
247				CURRENT RESIDENT	1538 SE 122ND AVE #28	PORTLAND OR 97233
248				CURRENT RESIDENT	1538 SE 122ND AVE #31	PORTLAND OR 97233
249				CURRENT RESIDENT	1538 SE 122ND AVE #35	PORTLAND OR 97233
250				CURRENT RESIDENT	1538 SE 122ND AVE #49	PORTLAND OR 97233
251				CURRENT RESIDENT	1538 SE 122ND AVE #5	PORTLAND OR 97233
252				CURRENT RESIDENT	1538 SE 122ND AVE #50	PORTLAND OR 97233
253				CURRENT RESIDENT	1538 SE 122ND AVE #52	PORTLAND OR 97233
254				CURRENT RESIDENT	1538 SE 122ND AVE #53	PORTLAND OR 97233
255				CURRENT RESIDENT	1538 SE 122ND AVE #7	PORTLAND OR 97233
256				CURRENT RESIDENT	1538 SE 122ND AVE #9	PORTLAND OR 97233
257	RETURN SERVICE REQUESTED	OWNER	1S2E02BC 1900	CENTER FOR INTERCULTURAL ORGANIZING	1390 SE 122ND AVE	PORTLAND OR 97233
258	RETURN SERVICE REQUESTED	OWNERS AGENT	UNITE OREGON	LUM LESLIE	1390 SE 122ND AVE	PORTLAND OR 97233
259	RETURN SERVICE REQUESTED	APPLICANT	BK ARCHITECTURE LLC	KIMURA BRIAN	3934 NE MLK JR BLVD #205A	PORTLAND OR 97212
260	RETURN SERVICE REQUESTED		LAND USE CONTACT	DISTRICT 1 NEIGHBORHOOD COALITION	4415 NE 87TH AVE	PORTLAND OR 97220
261	RETURN SERVICE REQUESTED		GATEWAY AREA BUSINESS ASSOCIATION	KAHL NIDAL	11124 NE HALSEY ST PMB 478	PORTLAND OR 97220
262	RETURN SERVICE REQUESTED		MIDWAY BUSINESS ASSOCIATION	YOUNG LORELEI	11918 SE DIVISION ST #352	PORTLAND OR 97266
263	RETURN SERVICE REQUESTED		MILL PARK NEIGHBORHOOD ASSOCIATION	TREVOR HOPPER	1840 SE 117TH	PORTLAND OR 97216
264	RETURN SERVICE REQUESTED		LAND USE CONTACT	DAVID DOUGLAS SCHOOL DIST	11300 NE HALSEY ST	PORTLAND OR 97220

	A	B	C	D	E	F
265	RETURN SERVICE REQUESTED			JUDY PETERS	6916 NE 40TH ST	VANCOUVER WA 98661
266	RETURN SERVICE REQUESTED		PORTLAND METRO REGIONAL SOLUTIONS	C/O DLCD REGIONAL REP	1600 SW FOURTH AVE #109	PORTLAND OR 97201
267	RETURN SERVICE REQUESTED		LAND USE CONTACT	PORT OF PORTLAND PLANNING	PO BOX 3529	PORTLAND OR 97208
268	RETURN SERVICE REQUESTED		LAND USE CONTACT	TRANSIT DEVELOPMENT	1800 SW FIRST AVE SUITE 300	PORTLAND OR 97201
269	RETURN SERVICE REQUESTED			KARLA MOORE-LOVE (CITY HALL)	1221 SW 4TH AVE #130	PORTLAND OR 97204
270	RETURN SERVICE REQUESTED		LAND USE CONTACT	NW NATURAL GAS	220 NW 2ND AVE 2ND FL	PORTLAND OR 97209
271	RETURN SERVICE REQUESTED		LAND USE CONTACT	PACIFIC POWER & LIGHT	7544 NE 33RD DR	PORTLAND OR 97211
272					PORTLAND POLICE BUREAU	B119/R1552
273					COMMUNICATIONS MANAGER (911/COMM)	911/COMM
274					PROSPER PORTLAND	129/PROSPER
275					HEARINGS CLERK	299/3100

Date: October 16, 2024
To: Interested Person
From: Christine Caruso, Land Use Services
503-865-6420 / Christine.Caruso@portlandoregon.gov

NOTICE OF A PUBLIC HEARING ON A PROPOSAL IN YOUR NEIGHBORHOOD

CASE FILE: LU 24-078744 CU
PC # 23-066144

REVIEW BY: Hearings Officer
WHEN: November 18, 2024 at 2:00 PM

This land use hearing will be limited to remote participation via Zoom. Please refer to the instructions included with this notice to observe and participate remotely (online or by phone).

Additional Hearings Office information is available at www.portland.gov/omf/hearings/land-use.

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

The development proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map are attached. I am the staff person handling the case. Please contact me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Applicant: Brian Kimura | BK Architecture LLC
3934 NE Martin Luther King Jr Blvd #205a
Portland, OR 97212 | bkimura@bk-arch.com

Representative: Leslie Lum | Unite Oregon
1390 SE 122nd Ave
Portland, OR 97233 | leslie@uniteoregon.org

Owner: Center for Intercultural Organizing
1390 SE 122nd Ave
Portland, OR 97233

Site Address: 1390 SE 122ND AVE

Legal Description: GENERAL COMMON ELEMENTS, KENTRON SOUTH CONDOMINIUM;
BLDG B LOT 2 PARKING SP B2/P1-P7; SPECHT AC, LOT 2 EXC PT IN ST

Tax Account No.: R784000040, R446520400, R446520010

State ID No.: 1S2E02BC 70022, 1S2E02BC 01900, 1S2E02BC 70000

Quarter Section: 3143

Neighborhood: Mill Park, contact Trevor Hopper at mill.park.pdx.chair@gmail.com

Business District: Gateway Area Business Association, contact Nidal Kahl at gabapdxboard@gmail.com
District Coalition: District 1, contact at alisons@cnncoalition.org
Plan District: None
Zoning: RM1 – Multi-Family Residential 1
Case Type: CU – Conditional Use Review
Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal:

The applicant requests Conditional Use Review approval to convert existing office space into a daycare. The proposed daycare use will occupy about one-half of the existing commercial building and will occupy a portion of the ground floor and a portion of the lower level. The ground floor daycare floor area will be 1,392 square feet and the lower level daycare floor area will be 1,392 square feet for a total of 2,784 square feet of daycare use on the site. A new outdoor play space will utilize a portion of the parking lot to the south.

Adding a new Daycare use with floor area that is not all on the ground floor requires approval of a Type III Conditional Use Review (33.120.100.B.6.c, 33.815.040.A.1).

Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.815.105.A thru E Institutional and Other Uses uses in Residential and Campus Institutional Zones

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on September 11, 2024. The application was determined to be complete on 10/07/2024.

Decision Making Process: Portland Permitting & Development will make a recommendation on this proposal; our report and recommendation will be available 10 days before the hearing. The staff report will be posted on Portland Permitting & Development website at <https://www.portland.gov/ppd/zoning-land-use/public-notice>. Land use review notices are listed on the website by the District Coalition in which the site is located; the District Coalition for this site is identified at the beginning of this notice. If you are interested in viewing the file, please contact the planner listed on the front of this notice. The planner can provide information over the phone or via email. Only digital copies of the material in the file are available for viewing.

The proceeding before the Hearings Officer will be the only opportunity for the parties to submit oral and written evidence in this matter. Any appeal to the City Council will be limited to legal arguments concerning the Hearings Officer decision and the evidence in the record compiled by the Hearings Officer in support of that decision.

To comment, you may testify at the hearing, submit comments at www.portland.gov/omf/hearings/land-use; email your comments to HearingsOfficeClerks@portlandoregon.gov; write to the Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201; or FAX your comments to 503-823-4347. **Please see the enclosed insert for further information on how to testify.** In your comments, you should address the approval criteria. Please refer to the file number when seeking information or submitting testimony. Written comments must be received by the end of the hearing. Please note that all correspondence and testimony received will become part of the public record. The

applicant and Portland Permitting & Development staff will be available during the hearing to answer questions and respond to comments. The general order of appearance for oral testimony at the hearing is as follows: Portland Permitting & Development staff report, applicant testimony, testimony of interested parties who wish to ask questions or testify, staff response and closing comments, and applicant's closing comments. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record.

Written comments must be received by the close of the record and should include the case file number. Any new written testimony should be emailed to Christine Caruso at Christine.Caruso@portlandoregon.gov.

Please note regarding USPS mail: If you choose to mail written testimony via USPS, testimony must be received before the close of the record. Therefore, please mail testimony well in advance of the hearing date.

Thank you for any information you can provide regarding this case.

If you plan to testify at the hearing, please refer to instructions included with this notice.

ORS 227.178 states the City must issue a final decision on land use review applications within 120 days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant.

Appeal Process: You can appeal the Hearings Officer decision to City Council. However, the appeal to City Council will be conducted as an on-the-record review of the Hearings Officer decision. The City Council will consider legal arguments (for example arguments pointing out ways the Hearings Officer decision improperly interprets or applies relevant approval criteria). The City Council will also consider arguments that the Hearings Officer findings are not supported by the evidence submitted to the Hearings Officer. However, the City Council will not accept or consider new evidence that was not submitted to the Hearings Officer.

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

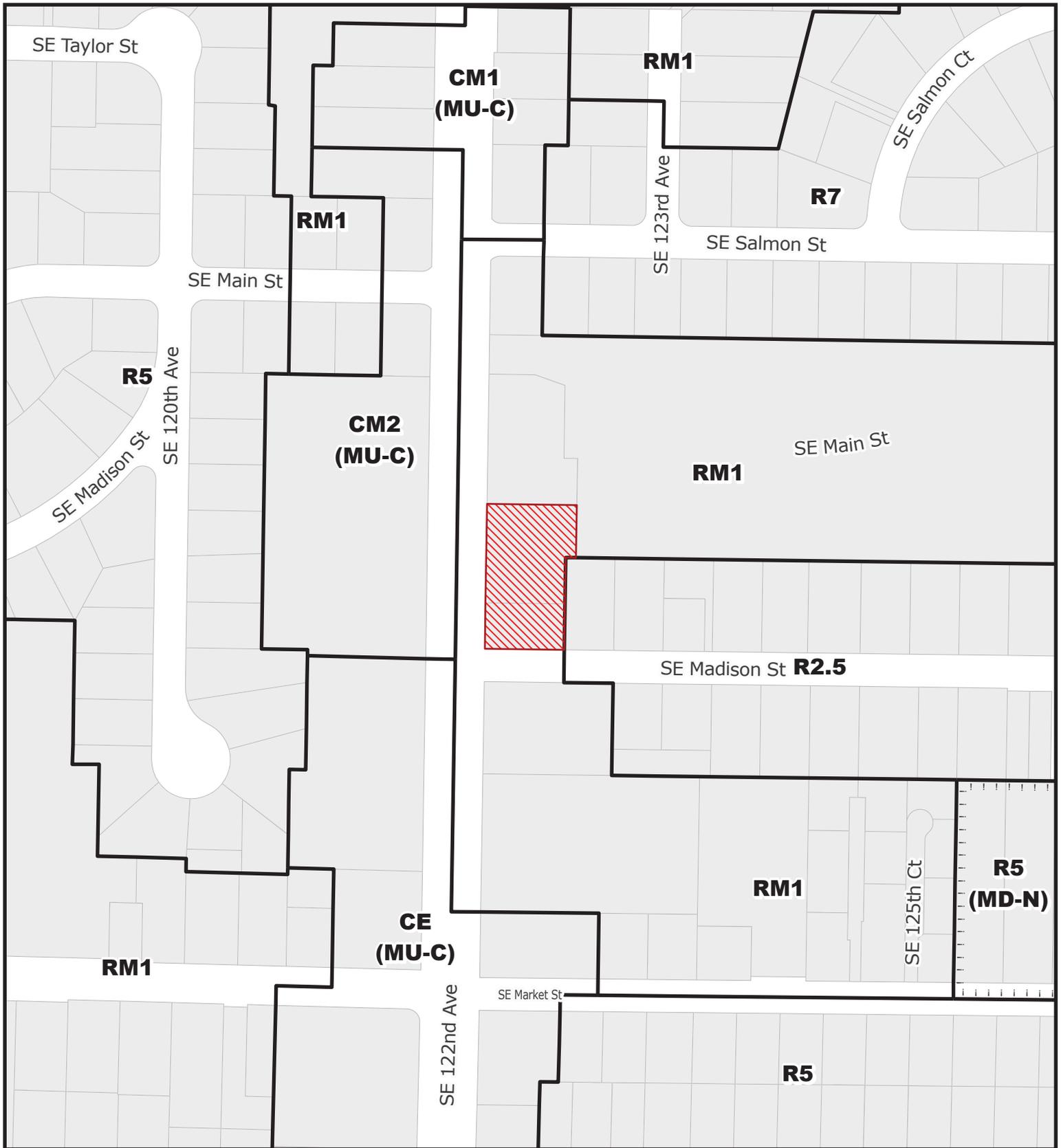
Failure to raise an issue, in person or in writing, by the close of the record by the Hearings Officer in this case may preclude an appeal to LUBA on that issue. If you do not provide enough detailed information to the Hearings Officer, they may not be able to respond to the issue you are trying to raise. In such a situation, an appeal to LUBA on that issue may not be allowed.

Hearing Cancellation: This public hearing may be canceled due to inclement weather or other emergency. Contact the Hearings Office at 503-823-7307 or HearingsOfficeClerks@portlandoregon.gov for immediate information regarding cancellations or rescheduling. If canceled, the hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent. Additional information about the Hearings Office is available at www.portland.gov/omf/hearings/land-use.

Portland Permitting & Development is committed to providing equal access to information and hearings. To request an accommodation or alternative format of communication, please contact us at least five business days prior to the hearing at 503-823-7300 (TTY 503-823-6868).

Enclosures:

Zoning Map
Site Plan
Upper Level Floor Plan
Lower Level Floor Plan
Elevations
Land Use Hearing Participation Information

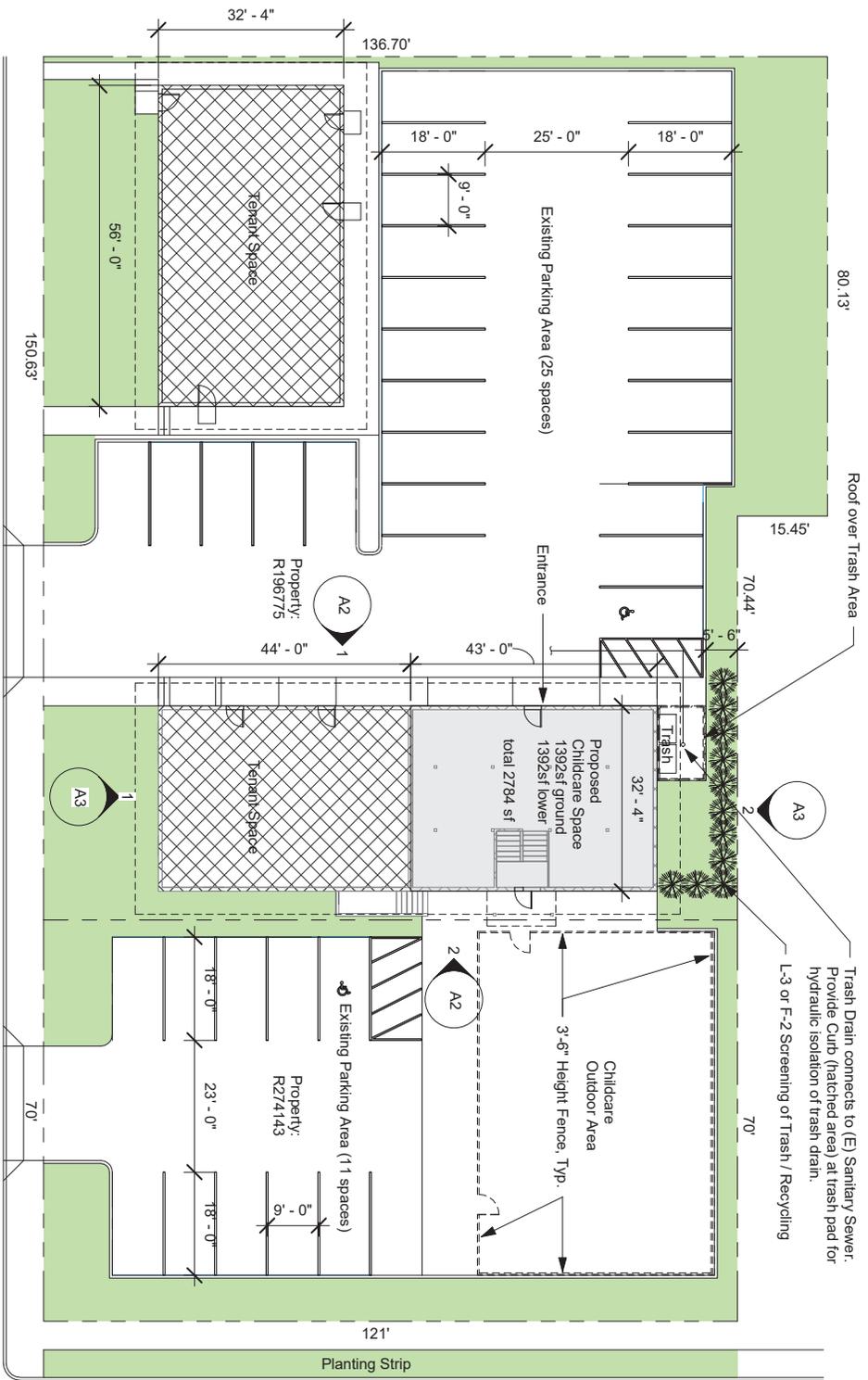


For Zoning Code in Effect Post October 1, 2022

ZONING 

 Site

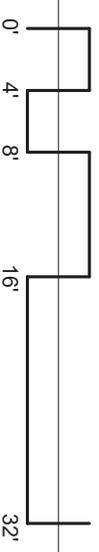
File No. LU 24 - 078744 CU
 1/4 Section 3143
 Scale 1 inch = 200 feet
 State ID 1S2E02BC 70022
 Exhibit B Sep 11, 2024



1 Site Plan
1" = 20'-0"



BK ARCHITECTURE, LLC
2024 NE Oregon Street, Suite 204
Portland, OR 97233
www.bkarch.com
503.255.1100
1100 NE Oregon Street, Suite 204
Portland, OR 97233
www.bkarch.com



SE Madison St

Property Data:

Address: 1390 SE 122nd Ave, Portland, OR 97233
Owner: Unile Oregon (501 c3)
Property ID: R196775, R196779, & R274143
Site Area: R196775 = 19,477 sf
R274143 = 8,470 sf

Building Area: 2,784 sf (bldg proposed for conditional use)
Zoning: RM-1
Base FAR: 1:1
Building Height: 35'
Setbacks: Front 10', Sides & Rear 5'
Max Building Coverage: 50% of Site Area
Min Landscape Area: 30% of Site Area

Project Narrative

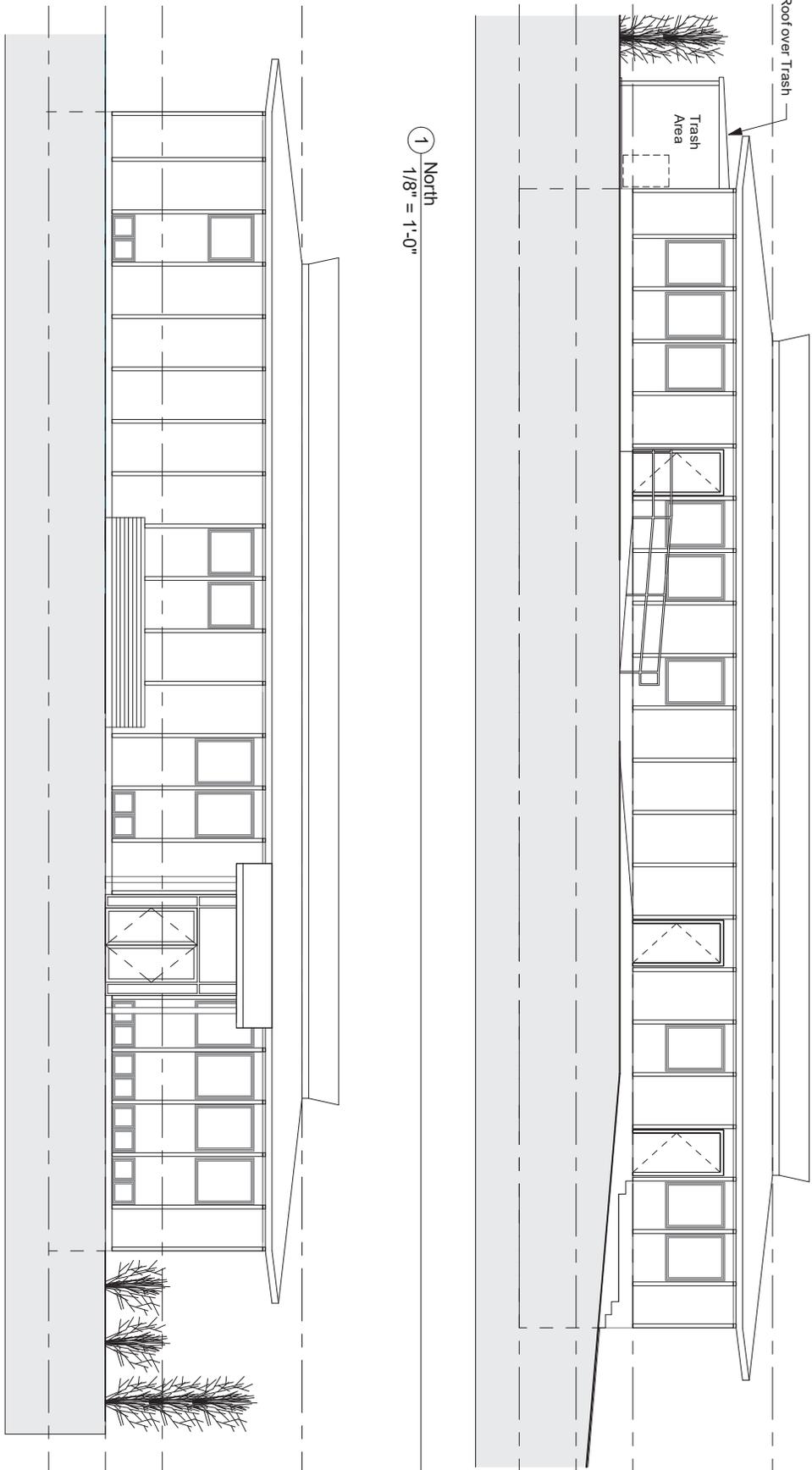
Request for Conditional Use: We are seeking approval to convert the existing condo office space to Childcare. The proposed space occupies roughly half of the commercial condo building. The office space is split between 2 floors. The upper floor is at grade with the parking lot to the north and the lower level is a half sunken basement. The upper floor is 1,392 sf and the lower floor is 1,392sf. Outdoor play space will utilize the open property to the south (also listed as 1390 SE 122nd Ave).

The project is an interior tenant improvement and will not add any additional building footprint to the property. There is no plan for modifying the existing stormwater disposal system. We will continue to use the existing system. This application is subject to a Type III Conditional Use Review.

SITE PLAN

Unile Oregon
Site: 1390 SE 122nd Ave
Portland, OR 97233
Date: 10.4.2024

① North
1/8" = 1'-0"



Roof (Extg) 15' - 0"

Upper Lvl 4' - 4"

Ground Level 0' - 0"

Basement (Extg) 4' - 4"

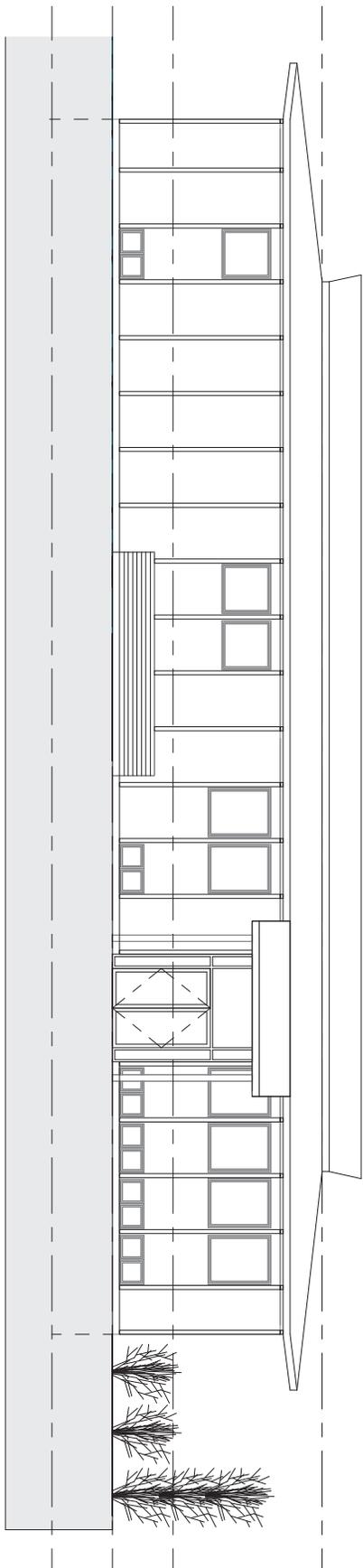
Roof (Extg) 15' - 0"

Upper Lvl 4' - 4"

Ground Level 0' - 0"

Basement (Extg) 4' - 4"

② South
1/8" = 1'-0"



BK ARCHITECTURE, LLC
 2024 NE Vancouver Hwy # 2nd Floor 2024
 Portland, OR 97233
 Phone: 503.281.1111
 Website: www.bkarch.com
 10.4.2024
 10.4.2024

Elevations

Unité Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 10.4.2024

Land Use Hearing Participation Information

Case Number: 24-078744 CU (Hearings Office Case Number 4240016)

Site Address: 1390 SE 122nd Avenue

Hearing Date: November 18, 2024

Hearing Time: 2:00 PM

The above-referenced land use hearing will take place via the Zoom platform.

Zoom Participation Options and Instructions

Zoom Option

- You will need an internet connection and a personal computer or other internet capable device.
- You can listen, view the City Planner's PowerPoint presentation, and you have the opportunity to provide oral testimony.
- Instructions:

Go to:

<https://us06web.zoom.us/j/88443506640>

Telephone Option

- You will need a telephone.
- You will be able to listen and testify but you will not be able to view documents and presentations shared on the Zoom platform (if any).
- Instructions:

Dial: +1 669 900 6833

Meeting ID: 884 4350 6640#

Written Testimony

- Prior to the Hearing and until the close of evidence, you may submit written testimony. In other words, written testimony can be provided up to the close of the record, which will be announced at the hearing.
- *Note: A document's timeliness is determined by the date/time when it is received by the Hearings Office Clerks.*

- Please reference the case number in any documents you wish to submit.
- Instructions/Options:

Online Case Management System
<https://www.portland.gov/hearings/land-use>



Email: HearingsOfficeClerks@portlandoregon.gov
Mail: Hearings Office, 1900 SW 4th Avenue, Room 3100,
Portland, OR 97201

View File Contents

We use a fully electronic case file. Your online viewing options are available at our website: <https://www.portland.gov/hearings/land-use>
If you do not have online access, you may make a written request for a hard copy of any exhibit to be mailed to you.

Meaningful Access

The City of Portland is committed to providing meaningful access. For accommodations, modifications, translation, interpretation, or other services, please call 503-823-7307, the TTY at 503-823-6868 or the Oregon Relay Service: 711. Traducción e interpretación | Chuyển Ngữ hoặc Phiên Dịch | 翻译或传译

Письменный или устный перевод | 翻訳または通訳 | Traducere sau Interpretare 번역 및 통역 | Письмовий або усний переклад | Turjumida ama Fasiraadda

Questions or Concerns

You may contact the Hearings Clerks via email at HearingsOfficeClerks@portlandoregon.gov or by calling 503-823-7307.



City of Portland, Oregon - Portland Permitting & Development

1900 SW Fourth Avenue · Portland, Oregon 97201 | 503-823-7300 | www.portland.gov/ppd

Land Use Review Response Site Development Section, PP&D

To: Chris Caruso, LUR Division
From: Kevin Wells, Site Development (503-823-5618)

Location/Legal: GENERAL COMMON ELEMENTS, KENTRON SOUTH CONDOMINIUM; BLDG B LOT 2 PARKING SP B2/P1-P7, KENTRON SOUTH CONDOMINIUM; LOT 2 EXC PT IN ST, SPECHT AC

Land Use Review: LU 24-078744
Proposal: HO HEARING: The applicant requests Conditional Use Review approval to convert existing office space into a daycare. The proposed daycare use will occupy about one-half of the existing commercial building and will occupy a portion of the ground floor and a portion of the lower level. The ground floor daycare floor area will be 1,392 square feet and the lower level daycare floor area will be 1,392 square feet for a total of 2,784 square feet of daycare use on the site. A new outdoor play space will utilize a portion of the parking lot to the south. Adding a new Daycare use with floor area that is not all on the ground floor requires approval of a Type III Conditional Use Review (33.120.100.B.6.c, 33.815.040.A.1).

Quarter Sec. Map: 3143
Date: November 6, 2024

The Portland Permitting & Development (PP&D) Site Development section provides the following comments based on the land use application and documents provided by the applicant. References to Portland City Code (PCC) may be included below. City codes are available for on-line review from the City Auditor's [Online Charter and Code page](#).

Response Summary

Site Development does not object to the proposed use or overall proposal.

Site Conditions

Topography: The site is relatively flat.

Liquefaction Hazards: The site is not in a liquefaction hazard zone.

Flood Hazards: The site is not in a flood hazard area.

Building Permit Considerations

The comments below are not associated with the conditional use proposal but are provided as a courtesy to the project team in preparation of the building permit application and submittal.

Seismic Upgrade Requirements of PCC Title 24.85

A seismic rehabilitation of the existing structure could be required in accordance with [Portland City Code \(PCC\) Title 24.85](#). The provisions of PCC Title 24.85 prescribe the seismic design requirements for existing buildings undergoing changes of occupancy, additions, alterations, catastrophic damage, fire, or earthquake repair, or mandatory or voluntary seismic strengthening. The requirements of PCC Title 24.85 only apply to buildings for which a building permit has been applied for to change the occupancy classification, add square footage to the building, alter or repair the building. In addition, the provisions of PCC Title 24.85 prescribing the seismic rehabilitation standards for existing buildings can be used in lieu of meeting the requirements of the current edition of the State of Oregon Structural Specialty Code.

Building Permit

The owner or owner's representative must obtain a building permit to facilitate the proposed improvements. As required by PCC Title 24.10.070, any owner or authorized agent who intends to construct, enlarge, alter, repair, move, change the character or use of the occupancy, or change the occupancy of a building or structure that is regulated by the State Building Code, must first make application to BDS and obtain a building permit.

Erosion Control

Erosion prevention and sediment control requirements found in **Title 10** apply to both site preparation work and development. Compliance with the erosion control requirements of Title 10, as well as maintenance of the erosion control elements, such as silt fences on private property, storm drain inlet protection and bio bags in the public right-of-way, is the responsibility of the property owner, the developer, and the builders. Please refer to the City of Portland **Erosion and Sediment Control Manual** for additional information regarding erosion and sediment control requirements.



City of Portland, Oregon - Portland Permitting & Development

1900 SW Fourth Avenue · Portland, Oregon 97201 | 503-823-7300 | www.portland.gov/ppd

To: Chris Caruso
From: Chanel Horn, Life Safety Plans Examiner
Date: October 14, 2024
RE: 1390 SE 122ND AVE, 24-078744-LU

LIFE SAFETY PLAN REVIEW RESPONSE

The following comments are based on the plans and documents provided to the Life Safety Plan reviewer. They are intended to provide the applicant with preliminary Building Code information that could affect the Land Use Review, Public Records request and/or future Building Permit reviews. The comments may not identify all conflicts between the Land Use proposal and the Building Codes. A complete Life Safety plan review will be provided at the time of Building Permit submittal at which time any additional Building Code issues will be noted. The comments are based on the Oregon Structural Specialty Code (OSSC), the International Existing Building Code (IEBC), the Oregon Mechanical Specialty Code (OMSC), or the Oregon Residential Specialty Code (ORSC).

RESPONSE SUMMARY

- Life Safety Plan Review does not object to the approval of this proposal. The applicant should be aware that several building code requirements may impact the final design of this building. For information regarding future compliance, see the **GENERAL LIFE SAFETY COMMENTS** below.
- Life Safety Plan Review does not object to the approval of this proposal. This approval is conditional on the finalization of the property line adjustment approved through this LUR/PR. If this public record is not finalized, a Covenant Not to Sell the Properties Separately must be established for this project. For information regarding future compliance, see the **GENERAL LIFE SAFETY COMMENTS** below.
- Life Safety Plan Review does not object to the approval of this proposal. Prior to Life Safety approval of the final plat or Land Use proposal, the applicant must address the Building Code issues listed as part of the **GENERAL LIFE SAFETY COMMENTS** below.
- Life Safety Plan Review cannot support approval of the current Land Use proposal. Prior to Life Safety approval of the final plat, the applicant must address the Building Code issues listed as part of the **GENERAL LIFE SAFETY COMMENTS** below.

Item #	GENERAL LIFE SAFETY COMMENTS
1	Change of Occupancy - A Building Permit is required to change the use of a building to a different occupancy classification, and the building must be made to comply with building code requirements for the proposed new use or occupancy. (IEBC 1011.1, 1301.2.1) Information for Changes of Occupancy is available online at https://www.portland.gov/ppd/change-use-or-occupancy .
2	Change of Occupancy - It is recommended the applicant research the current Occupancy Classification and Building Code requirements associated with a possible change of occupancy, including but not limited to: sprinkler requirements, egress requirements, seismic upgrades and system development fees. <ul style="list-style-type: none">• Property Information and more recent permits may be found online at https://www.portlandmaps.com/• Additional information on how to request public property records from Portland Permitting & Development may be found online at https://www.portland.gov/ppd/find-public-records
3	Preliminary Meeting Recommended - It is recommended the applicant request a Preliminary Life Safety Meeting to verify building code requirements. Information about the Preliminary Meeting process is available online at https://www.portland.gov/ppd/early-assistance/life-safety-preliminary-meetings .



City of Portland, Oregon - Portland Permitting & Development

1900 SW Fourth Avenue · Portland, Oregon 97201 | 503-823-7300 | www.portland.gov/ppd

Environmental Services - Land Use Response

Date: November 6, 2024
To: Christine Caruso, PP&D Land Use Services
503-865-6420, Christine.Caruso@portlandoregon.gov
From: Abigail Cermak, PP&D Public Infrastructure – Environmental Services
503-823-7577, Abigail.Cermak@portlandoregon.gov
Case File: LU 24-078744
Location: 1390 SE 122ND AVE
R#: R196775, R196779, R274143
Proposal: HO HEARING: The applicant requests Conditional Use Review approval to convert existing office space into a daycare. The proposed daycare use will occupy about one-half of the existing commercial building and will occupy a portion of the ground floor and a portion of the lower level. A new outdoor play space will utilize a portion of the parking lot to the south. Adding a new Daycare use with floor area that is not all on the ground floor requires approval of a Type III Conditional Use Review (33.120.100.B.6.c, 33.815.040.A.1).

The following comments are based on the land use review plans and documents provided to the PP&D Public Infrastructure - Environmental Services (BES) staff. Some references to Portland City Code (PCC) are included below; the applicant may also refer to the Auditor's Office [Online Charter and Code page](#).

A. RESPONSE SUMMARY

BES does not object to approval of the Conditional Use Review application. The proposed development will be subject to BES standards and requirements during the permit review process.

B. SANITARY SERVICE

For the conditional use application to be approved, the applicant must show that the proposal complies with the public services approval criterion related to sanitary waste disposal (PCC 33.815.105.D.3). The comments below are in response to this criterion.

1. *Existing Sanitary Infrastructure:* According to available GIS data, the following sewer infrastructure is located in the vicinity of the project site:
 - a. Public 8-inch PVC sanitary-only sewer in SE 122nd Ave (BES as-built #4570).
2. *Service Availability:* Sanitary connections from private property that are to be permitted according to PCC 17.32.090 must be separately conveyed to the property line and connected through individual laterals to a City sanitary or combined sewer. All discharge must be connected via a route of service approved by the BES Chief Engineer.
 - a. *Existing Development:* According to the City records, the existing development is connected to the sewer in SE 122nd Ave with a lateral located approximately 186 feet south of the maintenance hole (asset ID ABS838) north of the property in SE 122nd Ave.
 - b. *Proposed Development:* The applicant submitted a plan showing a new trash and recycling enclosure that meets the City's Source Control Manual (SCM) requirements for *Waste and Recycling Storage (SCM Section 6.1)*. The new drain beneath the covered area will connect onsite to the existing sanitary system, which is acceptable to BES. No new lateral connections are proposed to the sanitary sewer in SE 122nd Ave.

Ph: 503-823-7740 Fax: 503-823-6995 ■ www.portlandoregon.gov/bes ■ Using recycled paper ■ An Equal Opportunity Employer

The City of Portland complies with all non-discrimination laws including Title VI (Civil Rights) and Title II (ADA).
To request a translation, accommodation or additional information, please call 503-823-7740, or use City TTY 503-823-6868, or Oregon Relay Service: 711.

3. *Connection Requirements:* If a new sewer lateral is proposed, please note that connections to the City sewer system must meet the standards of the City of Portland's [Sewer and Drainage Facilities Design Manual](#), [PCC 17.32.090](#), administrative rules [ENB-4.07](#) and [ENB-4.17](#), and all other relevant City codes and rules. Sanitary sewage from private property must be separately conveyed to the property line and connected through individual laterals for discharge to the City separate sanitary or combined sewer. Per [ENB-4.07](#), sewer connection permits are required to make new connections to City mains and laterals, relocate or upsize existing laterals, and repair sewers in City right-of-way. The permittee is responsible for verifying the location, depth and size of an existing sewer lateral and for ensuring the lateral is clear of obstructions prior to connection.

Staff finds the applicant's proposed sanitary sewer service acceptable for the purpose of reviewing the conditional use application against the sanitary sewer disposal approval criterion.

C. STORMWATER MANAGEMENT

For the conditional use application to be approved, the applicant must show that the proposal complies with the public services approval criterion related to stormwater disposal (PCC 33.815.105.D.3). The comments below are in response to this criterion.

1. *Existing Stormwater Infrastructure:* According to available GIS data, the following stormwater infrastructure is located in the vicinity of the project site:
 - a. There are no public storm-only sewers available to this property.
 - b. Public underground injection control (UIC) systems ("sumps") infiltrate stormwater runoff from the public right-of-way in the vicinity of the site. Stormwater from private development cannot be discharged to public UICs.
2. *General Stormwater Management Requirements:* Development and redevelopment sites that include any of the triggers listed in PCC 17.38.040 are subject to the policies and standards of PCC 17.38.035, Portland's [Stormwater Management Manual](#) (SWMM) and [Source Control Manual](#) (SCM). Projects must comply with the current adopted version of the SWMM as of the permit application date.
3. *Private Property Stormwater Management:* Stormwater runoff from this project must comply with all applicable standards of the SWMM and SCM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee.
 - a. *Existing Development:* Available historic plumbing records indicate stormwater from the existing development discharges to an onsite drywell.
 - b. *Proposed Development:* From the submitted site plans, it appears that the proposed project will add or redevelop less than 500 square feet of impervious area. Therefore, stormwater management requirements of the SWMM are not triggered. Because the proposed redevelopment is less than 500 square feet, stormwater from the addition can be directed into the existing storm system if it has available capacity and is in adequate condition.
4. *Public Right-of-Way Stormwater Management:* Stormwater runoff from public right-of-way improvements as required by the City of Portland Bureau of Transportation (PBOT) must be managed according to the standards of the SWMM and the Sewer and Drainage Facilities Design Manual.
 - a. There are no public right-of-way improvements that will trigger BES public stormwater drainage improvements.
5. *Clean River Rewards Program:* Clean River Rewards, Portland's stormwater discount program, offers discounts up to 100% of the City's onsite stormwater management charge to ratepayers who manage stormwater runoff on their property or retain large trees. Please note that this discount is not automatically applied; ratepayers must register their property and describe how stormwater is being managed to qualify. Be aware that some properties

discharging to the Multnomah County Drainage Districts (within the Columbia Slough watershed) are not charged an onsite stormwater management fee by the City and are therefore ineligible to register for this program. See the [Clean River Rewards website](#) or call 503-823-1371 for more information.

Staff finds the existing stormwater management system acceptable for the purpose of reviewing the conditional use against the stormwater management approval criterion.

D. CONDITIONS OF APPROVAL

BES has no recommended conditions of approval.

E. PERMIT INFORMATION

At the time of permit review the applicant should be aware of the following:

1. *Connection Fees:* Sewer system development charges and connection fees are assessed at the time of building plan review and change every fiscal year on July 1st. For additional information on these fees use the [PP&D Online Fee Estimator](#) or call the BES Development Review Team at 503-823-7761, option 2.
2. *Building Plans:* Building plans for this project must include a detailed site utility plan which shows proposed and existing sanitary connections, as well as stormwater management that meets the requirements of the version of the SWMM that is in effect at the time permit applications are submitted.
3. *Source Control Requirements:* Source control requirements from the [Source Control Manual \(SCM\)](#), [Portland City Code \(PCC\) Title 17](#), and [BES Administrative Rules](#) that may be applicable to this project are listed below with the corresponding chapter, section, code, and/or rule. For specific questions on the following, please contact BES Source Control at 503-823-7122.
 - a. *Site Use and Activity-Based Source Control Requirements (SCM Chapter 6):* BES recommends the applicant review the following SCM sections to understand the structural, treatment, and operational BMP requirements that may impact the project design.
 - 1) *Waste and Recycling Storage (SCM Section 6.1)*

F. ADMINISTRATIVE REVIEW

The applicant may request a modification of a decision presented in this response, as applicable, via an administrative review as outlined in PCC sections 17.06.050, 17.32.150, 17.33.100, 17.34.115, 17.36.110, 17.38.060 and 17.39.120 and in those sections' associated administrative rules. Some portions of this response are not decisions, but guidance related to requirements that this proposal may be subject to during City review of other processes, such as a building permit or public works permit review. While these are not decisions that are ripe to be considered through an administrative review, if the outcome of a future administrative review needs to be anticipated at this time in order to inform the land use action, the administrative review process may be utilized. Some items, such as technical standards, are not reviewable. For guidance on whether a modification can be requested and whether the land use process is the proper time to request it, consult with the BES staff identified above prior to submitting a request.

There is no fee charged for an administrative review, and all BES penalties and late fees will be stayed pending the outcome of the review process, as applicable. To request an administrative review, the applicant must complete the Administrative Review Request Form (located here: www.portlandoregon.gov/bes/68285) and submit it to the Systems Development staff listed above within 20 business days of the mailing date of this response. The applicant should coordinate with the PP&D Land Use Services planner to determine whether applying for an administrative review would have an impact on state-mandated land use timelines.

Land Use Review Response Transportation

LU: 24-078744-000-00-LU Date: October 24, 2024
To: Chris Caruso, Portland Permitting & Development, B299/R5000
From: Michael Pina, B106/800, 503-823-4249
Applicant: Brian Kimura, BK ARCHITECTURE LLC
3934 NE MARTIN LUTHER KING JR BLVD #205A
PORTLAND, OR 97212
Location: 1390 SE 122ND AVE
TYPE OF REQUEST: Type 3 procedure CU - Conditional Use

DESCRIPTION OF PROJECT

HO HEARING: The applicant requests Conditional Use Review approval to convert existing office space into a daycare. The proposed daycare use will occupy about one-half of the existing commercial building and will occupy a portion of the ground floor and a portion of the lower level. The ground floor daycare floor area will be 1,392 square feet and the lower level daycare floor area will be 1,392 square feet for a total of 2,784 square feet of daycare use on the site. A new outdoor play space will utilize a portion of the parking lot to the south. Adding a new Daycare use with floor area that is not all on the ground floor requires approval of a Type III Conditional Use Review (33.120.100.B.6.c, 33.815.040.A.1).

RESPONSE

Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

Institutional and Other Uses in Residential and Campus Institutional Zones (33.815.105)

To address the transportation approval criteria, the applicant submitted a professionally prepared Transportation Impact Study (TIS) by Kittelson and Associates, dated August 26, 2024. The Portland Bureau of Transportation (PBOT) Traffic Engineers has reviewed the materials and agrees with the methodologies, analyses, assumptions, findings and conclusions including intersection capacity, safety of all modes, neighborhood impacts, etc. to confirm that the transportation-related approval criteria are satisfied.

At this location, the City's Transportation System Plan (TSP) classifies SE 122nd Ave as a *Major City Traffic Street, Major Transit Priority, Major City Bikeway, Major City Walkway, Major Truck Street Major Emergency Response, and Civic Corridor* for Design. SE Madison St is classified as *Local Service* for all modes. Both streets are currently improved with asphalt paving, curbing, and established pedestrian corridors. The proposed daycare is determined not to be an increase in trip generation to the site, thus PBOT is unable to obtain property dedication in conjunction with the project. However, it is unclear at this time if the project will trigger's the city's Significant Alteration threshold of \$\$389,893. If so, then reconstruction of the site's corner will be required. Capital Improvement Project (CIP) T01051 will be installing a midblock crossing at the north property line with signal infrastructure. Vehicular access to the site is and will continue to be provided by a curb cut located off of 122nd Ave due to approval of Driveway Design Exception (DDE) 24-073688 TR. Therefore, The TSP designations and existing street characteristics are reflective of and appropriate for the existing neighborhood and this criterion is met.

To address the street capacity and Level of Service (LOS) evaluation factors, the applicant's traffic engineer cited TRN 10.27, which noted that a LOS study is not required when proposed development results in no net increase to vehicle trips. The applicant's traffic engineer summarized in Table 3 that the proposed conditional use will not change the size of the existing building and is estimated to result in a reduction in weekday daily trips. Further, we note that the TSP does not identify any capacity-related needs or projects near the site. For these reasons, this criterion is met. Therefore, PBOT finds all the intersections are deemed to be operating at current LOS and the existing intersections are capable of handling the proposed site improvements without negatively impacting the City of Portland's operational standards.

Only one crash was identified from ODOT's database. However, the City's Vision Zero Dashboard identified 3 crashes tens of feet north and south of the subject site. The site is not located near any of the identified High Crash Networks incidents in the Vision Zero Dashboard. Pedestrian safety will be improved with the completion of the previously mentioned mid-block crossing. Overall, The PBOT has developed a comprehensive plan to improve safety along 122nd Avenue and has several funded projects to address the plan recommendations. More information can be found online here: <https://www.portland.gov/transportation/planning/122nd-plan>. Therefore, PBOT finds the resulting proposed development will not negatively impact transit access or other transportation modes, nor have an adverse impact on safety of the neighborhood.

The subject site is located at the intersection of two ROWs. Therefore, the connectivity requirement does not apply.

In accordance with TRN 10.40, driveways are allowed on the lowest classified street, which in this case is SE Madison St. The applicant has been issued DDE 24-073688 TR to retain the existing accesses. If there is a substantial change in development, the southern driveway will be required to be closed and relocated to the SE Madison frontage. Otherwise, the site provides sufficient parking and maneuvering on-site to accommodate the drop-offs / pick-ups as well as staff parking. Therefore, PBOT finds the proposed development will not impact the existing on-street parking supply in any way. Therefore, this criterion is met.

The transportation-related neighborhood impacts associated with the proposed use typically involve impacts to on-street parking and potential increases in traffic at area intersections. As documented, the proposed day care will not significantly alter or increase the increased traffic surrounding the use, and with the existing parking lot and adequate on-street parking supply. Therefore, transportation-related impacts as a result of the proposed library expansion will be negligible.

In conclusion, based on the evidence included in the record, and primarily, the applicant has demonstrated to PBOT's satisfaction that "the transportation system is capable of supporting the proposed use in addition to the existing uses in the area".

RECOMMENDATION

PBOT has no objections to the proposed Conditional Use Permit request



City of Portland, Oregon - Portland Permitting & Development

1900 SW Fourth Avenue • Portland, Oregon 97201 | 503-823-7300 | www.portland.gov/ppd

Water Bureau

DATE: November 6, 2024

TO: Chris Caruso
Portland Permitting & Development

FROM: Kris Calvert
Development Review and Services

SUBJECT: Review of **24-078744 CU**

The Water Bureau has reviewed the proposed action and has the following comments:

The Water Bureau has no review criteria for the proposed action, therefore, has no objections.

The site has an existing 3/4" domestic meter on a 3/4" service, connected to a 12" cast iron main in SE 122nd Ave. Static pressure is estimated at 39-49psi at 314' in elevation.

If the applicant adds any water fixtures or a fire line, the entire property will be reevaluated for water needs at the time of building permit review. If the meter is found to be inadequate it will be resized at the expense of the applicant.

Conditions of Approval:

None

Please email me if you have any questions or comments: Kris.Calvert@portlandoregon.gov.



Urban Forestry

Land Use Review Response

Date: November 05, 2024
From: Travis Jones
971-442-2566, Travis.Jones@portlandoregon.gov

Case File: 24-078744-000-00-LU

Location: 1390 SE 122ND AVE

Proposal: HO HEARING: The applicant requests Conditional Use Review approval to convert existing office space into a daycare. The proposed daycare use will occupy about one-half of the existing commercial building and will occupy a portion of the ground floor and a portion of the lower level. The ground floor daycare floor area will be 1,392 square feet and the lower level daycare floor area will be 1,392 square feet for a total of 2,784 square feet of daycare use on the site. A new outdoor play space will utilize a portion of the parking lot to the south.

Adding a new Daycare use with floor area that is not all on the ground floor requires approval of a Type III Conditional Use Review (33.120.100.B.6.c, 33.815.040.A.1).

Urban Forestry has reviewed the proposal for its impact on existing city trees, street trees and heritage trees, street tree planting requirements and related mitigation in accordance with Title 11, Trees and for potential impacts upon urban tree canopy. It is the applicant's responsibility to disclose all aspects of their land use proposal that may impact required street tree plantings and existing street trees during the land use review process.

UNLESS EXPLICITLY STATED HEREIN, THIS REVIEW DOES NOT APPROVE STREET TREE REMOVALS AND DOES NOT PROVIDE ANY EXEMPTIONS TO TITLE 11 REQUIRMENTS.

Permits required after land use approval are subject to all applicable development standards and all provisions of the City Code, including Title 11. Title 11 regulations will be applied during the permit review process.

PLEASE NOTE THERE MAY BE OTHER APPLICABLE TREE REQUIREMENTS AS PER TITLE 33 PLANNING & ZONING.

A. Response Summary

Urban Forestry does not object to approval of the land use proposal. The proposed development will be subject to Title 11 regulations during the permit review process.

B. Recommendations

Urban Forestry has no objection to the proposed project.





PORTLAND FIRE & RESCUE



Rene Gonzalez, Commissioner
Ryan Gillespie, Fire Chief
Kari Schimel, Fire Marshal
Prevention Division
1300 SE Gideon St.
Portland, OR, 97202
Phone: (503)823-3770

LAND USE REVIEW RESPONSE

TO: Christine Caruso, City of Portland, Land Use Review
FROM: Dawn Krantz, Portland Fire Bureau 971-313-3675
DATE: October 14, 2024
SUBJECT: LU 24-078744 CU
SITE LOCATION : 1390 SE 122ND AVE

The following conditions of approval and informational comments are based on the land use review information provided to the Fire Bureau. Fire Bureau requirements are generated from the 2016 Portland Fire Code. All current Fire Code requirements apply and are required to be met. If these conditions cannot be met, an appeal providing an alternative method is an option for the applicant. If the applicant chooses to appeal a requirement, the appeal must be listed as a condition in the decision. Fire Code Appeals can be obtained at the Fire Bureau web page, www.portlandonline.com

CONDITIONS OF APPROVAL AT TIME OF DEVELOPMENT

A separate building permit is required for this proposal. All applicable Fire Code requirements shall apply at the time of permit review and development.



CITY OF PORTLAND, OREGON



Bureau of Police

Ted Wheeler, Mayor

Robert Day, Chief of Police

1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000

Integrity • Compassion • Accountability • Respect • Excellence • Service

Date: October 23, 2024

To: Christine Caruso, Land Use Services
From: Jonathan Miller, Strategic Services Division

Subject: Land Use Review Response
Case Number: LU 24-078744 CU
Site Address: 1390 SE 122ND AVE

The Police Bureau has reviewed this land use case and has no concerns with the proposal.

The proposal was evaluated on whether police can provide adequate public safety services to the proposed Conditional Use. The Police Bureau is currently able to serve the existing site and will be able to provide services after the proposed change.

Police officers can reasonably access the site using the existing or proposed right of ways by foot and vehicle without restriction.

The Portland Police Bureau does not request any conditions of approval.

Please contact me with any questions.

Community Policing: Making the Difference Together
An Equal Opportunity Employer

City Information Line: 503-823-4000, TTY (for hearing and speech impaired): 503-823-6868 Website: www.portlandpolice.com

LU 24-078744 Exhibit E8 10-23-24



City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 | 503-823-7300 | www.portland.gov/bds



Land Use Review Application

File Number: _____

FOR INTAKE, STAFF USE ONLY

Date Rec _____ by _____

Type I Type Ix Type II Type Iix Type III Type IV ELD

LU Reviews _____

[Y] [N] Unincorporated MC

[Y] [N] Flood Hazard Area (LD & PD only)

[Y] [N] Potential Landslide Hazard Area (LD & PD only)

[Y] [N] 100-year Flood Plain [Y] [N] DOGAMI

Qtr Sec Map(s) _____ Zoning _____

Plan District _____

Historic and/or Design District _____

Neighborhood _____

District Coalition _____

Business Assoc _____

Related File # _____

**APPLICANT: Complete all sections below that apply to the proposal. Please print legibly.
Email this application and supporting documents to: LandUseIntake@portlandoregon.gov**

Development Site

Address or Location _____

Cross Street _____ Sq. ft./Acreage _____

Site tax account number(s)

R _____ R _____ R _____

R _____ R _____ R _____

Describe project (attach additional page if necessary)

Describe proposed stormwater disposal methods

Identify requested land use reviews

• **Design & Historic Reviews** - For **new development**, provide project valuation. \$ _____

For **renovation**, provide exterior alteration value. \$ _____

AND provide total project valuation. \$ _____

• **Land Divisions** - Identify number of lots (include lots for existing development). _____

New street (public or private)? yes no

• **Affordable Housing** - For buildings containing five or more dwelling units, will yes no N/A

50% or more of the units be affordable to households with incomes equal to or less than 60% of the median family income for the county or state, whichever is greater?

continued / over

Applicant Information

- Identify the primary contact person, applicant, property owner and contract purchaser. Include any person that has an interest in your property or anyone you want to be notified. Information provided, including telephone numbers and e-mail addresses, will be included in public notices.
- For all reviews, the applicant must sign the Responsibility Statement.
- For land divisions, all property owners must sign the application.

PRIMARY CONTACT:

Typed Full Name _____ I acknowledge this typed name as my signature

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other

Typed Full Name _____ I acknowledge this typed name as my signature

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other

Typed Full Name _____ I acknowledge this typed name as my signature

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other

Typed Full Name _____ I acknowledge this typed name as my signature

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other

Responsibility Statement As the applicant submitting this application for a land use review, I am responsible for the accuracy of the information submitted. The information being submitted includes a description of the site conditions. I am also responsible for gaining the permission of the owner(s) of the property listed above in order to apply for this review and for reviewing the responsibility statement with them. If the proposal is approved, the decision and any conditions of the approval must be recorded in the County Deed Records for the property. The City of Portland is not liable if any of these actions are taken without the consent of the owner(s) of the property. In order to process this review, City staff may visit the site, photograph the property, or otherwise document the site as part of the review. I understand that the completeness of this application is determined by the Director. By my signature, I indicate my understanding and agreement to the Responsibility Statement.

Name of person submitting this application agrees to the above Responsibility Statement and acknowledges typed name as signature:

_____ Date: _____

Phone number: _____

Email this application and supporting documents to LandUseIntake@portlandoregon.gov | Submittal of locked or password protected documents will delay intake of your application. 2

Date: October 2, 2024

To: Brian Kimura
BK Architecture LLC
3934 NE MLK JR BLVD #205A
Portland, OR 97212 | bkimura@bk-arch.com

cc: Leslie Lum
Unite Oregon
1390 SE 122nd Ave
Portland, OR 97233 | leslie@uniteoregon.org

From: Christine Caruso, Senior City Planner
503-865-6420 | christine.caruso@portlandoregon.gov

Case File: LU 24-078744 CU

Portland Permitting & Development received your application for a Conditional Use Review for 1390 SE 122ND AVE on September 11, 2024. I have reviewed the materials you submitted and identified additional materials you must submit to make your application complete in Section I, below. Comments related to the approvability of your proposal are also included in Section II, below. Once you submit this information, I will deem your application complete and proceed with a full review of your proposal. At that time, other City agencies may request additional materials to conduct their review.

Please send the requested information directly to me by email at christine.caruso@portlandoregon.gov. Please label all correspondence and materials you submit with the case number LU 24-078744 CU. Please email me for file dropbox instructions if document or drawing file sizes are greater than 10MB.

The missing information identified below must be submitted within 180 days of the date you submitted the application. The deadline to make your application complete is **Monday, March 10, 2025**. If your application is not complete by this deadline, it will be voided, and the application fee will not be refunded (Zoning Code Section 33.730.060.A.2.d).

The application will be deemed complete when you have submitted:

- All of the requested information included in Section I, below. If you cannot provide all of the requested information at one time and intend to submit additional information, please include a written statement with each separate submittal indicating that you still intend to provide the additional missing information by the **Monday, March 10, 2025** deadline, **or**
- Some of the requested information included in Section I, below, and a written statement that no additional information will be provided; **or**
- A written statement that none of the requested information included in Section I, below, will be provided.

Since it's the applicant's responsibility to demonstrate that all relevant approval criteria are met, and since the requested information is needed to demonstrate this, not submitting the requested information may result in your application being denied.

I. Information Necessary to Complete Application

Please address the following to make your application complete:

1. The Bureau of Environmental Services review comment includes: *Based on the submitted site plans, it does not appear the proposed trash and recycling area meets the above requirements as the area is not covered and is shown as draining to the storm system instead of the sanitary system, which is prohibited. Please update the plans to show the trash and recycling area meets the requirements of Section 6.1 of the Source Control Manual.* Revised plans are required to complete the review. The full document is being emailed with this completeness memo.

II. Issues to Consider

While not related to the completeness of your application, please consider the following comments about your proposal:

- **33.258 Nonconforming Situations** – This is for your information only. It has no bearing on the Conditional Use Review. If your total building permit project valuation is more than \$356,000, you will be responsible for making on-site upgrades to meet current zoning code. See Zoning Code Section 33.258.070 for a list of items that could be upgraded. If the project requires these upgrades, you will need to do them as part of the building permit. [258 Nonconforming Situations \(portland.gov\)](#)

Land Use Hearing Intake Form Template

- Hearings Office Case No.: 4240016
- BDS Assigned Case Number: LU 24-078744 CU
- Applicant/Owner: BRIAN KIMURA
- Appellant: _____
- Site Address: 1390 SE 122nd Ave
- Planner: CHRISTINE CARUSO
- Planner's Phone Number: (503) 865-6420
- Deemed complete date: October 07, 2024
- Length of time needed: 1.5
- Level of complexity: Medium
- Level of controversy: Low
- Type: III
- Is the HO Hearings Room 3000 large enough? (Capacity: 49)
Yes
- Is this case subject to 100 day clock?: No
- Current date of 120th-day (re-calculate if necessary): February 04, 2025
- What date is the 51st day?: November 27, 2024
- Do you have a signed waiver or extension: No
- Preferred hearing dates (include 3): November 25, 2024, November 20, 2024, November 18, 2024,
(Monday or Wednesday priority days)

Land Use Hearing Participation Information

Case Number: 24-078744 CU (Hearings Office Case Number 4240016)

Site Address: 1390 SE 122nd Avenue

Hearing Date: November 18, 2024

Hearing Time: 2:00 PM

The above-referenced land use hearing will take place via the Zoom platform.

Zoom Participation Options and Instructions

Zoom Option

- You will need an internet connection and a personal computer or other internet capable device.
- You can listen, view the City Planner's PowerPoint presentation, and you have the opportunity to provide oral testimony.
- Instructions:

Go to:

<https://us06web.zoom.us/j/88443506640>

Telephone Option

- You will need a telephone.
- You will be able to listen and testify but you will not be able to view documents and presentations shared on the Zoom platform (if any).
- Instructions:

Dial: +1 669 900 6833

Meeting ID: 884 4350 6640#

Written Testimony

- Prior to the Hearing and until the close of evidence, you may submit written testimony. In other words, written testimony can be provided up to the close of the record, which will be announced at the hearing.
- *Note: A document's timeliness is determined by the date/time when it is received by the Hearings Office Clerks.*

- Please reference the case number in any documents you wish to submit.
- Instructions/Options:

Online Case Management System
<https://www.portland.gov/hearings/land-use>



Email: HearingsOfficeClerks@portlandoregon.gov
Mail: Hearings Office, 1900 SW 4th Avenue, Room 3100,
Portland, OR 97201

View File Contents

We use a fully electronic case file. Your online viewing options are available at our website: <https://www.portland.gov/hearings/land-use>
If you do not have online access, you may make a written request for a hard copy of any exhibit to be mailed to you.

Meaningful Access

The City of Portland is committed to providing meaningful access. For accommodations, modifications, translation, interpretation, or other services, please call 503-823-7307, the TTY at 503-823-6868 or the Oregon Relay Service: 711. Traducción e interpretación | Chuyển Ngữ hoặc Phiên Dịch | 翻译或传译

Письменный или устный перевод | 翻訳または通訳 | Traducere sau Interpretare 번역 및 통역 | Письмовий або усний переклад | Turjumida ama Fasiraadda

Questions or Concerns

You may contact the Hearings Clerks via email at HearingsOfficeClerks@portlandoregon.gov or by calling 503-823-7307.

Land Use Hearing Intake Form Template

- Hearings Office Case No.: 4240016
- BDS Assigned Case Number: LU 24-078744 CU
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- Appellant: _____
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- Planner: CHRISTINE CARUSO
- Planner's Phone Number: (503) 865-6420
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- Length of time needed: 1.5
- Level of complexity: Medium
- Level of controversy: Low
- Type: III
- Is the HO Hearings Room 3000 large enough? (Capacity: 49)
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- Is this case subject to 100 day clock?: No
- Current date of 120th-day (re-calculate if necessary): February 04, 2025
- What date is the 51st day?: November 27, 2024
- Do you have a signed waiver or extension: No
- Preferred hearing dates (include 3): November 25, 2024, November 20, 2024, November 18, 2024,
(Monday or Wednesday priority days)

Land Use Hearing Participation Information

Case Number: 24-078744 CU (Hearings Office Case Number 4240016)

Site Address: 1390 SE 122nd Avenue

Hearing Date: November 18, 2024

Hearing Time: 2:00 PM

The above-referenced land use hearing will take place via the Zoom platform.

Zoom Participation Options and Instructions

Zoom Option

- You will need an internet connection and a personal computer or other internet capable device.
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Email: HearingsOfficeClerks@portlandoregon.gov
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Письменный или устный перевод | 翻訳または通訳 | Traducere sau Interpretare 번역 및 통역 | Письмовий або усний переклад | Turjumida ama Fasiraadda

Questions or Concerns

You may contact the Hearings Clerks via email at HearingsOfficeClerks@portlandoregon.gov or by calling 503-823-7307.

Land Use Hearing scheduled

A public hearing in land use case no. 4240016 has been scheduled for 2:00 PM, November 18, 2024. The Hearings Office Land Use Administrative Rules require that the Bureau of Development Services make available a copy of its staff report and recommendation in a Type III proceeding at least 10 days before the date of the hearing, and the administrative decision and appeal in a Type II proceeding at least 7 days before the date of the hearing.

In the discretion of the Hearings Officer, failure of the Bureau of Development Services to make available the report or administrative decision and appeal within the time required by the Code may constitute grounds for continuing the hearing or holding the record open. In so determining, the Hearings Officer will consider the particular circumstances of the case, the possible prejudice to the persons failing to receive a copy of the material or to any other party, and the reason for the failure to comply.



City of Portland, Oregon - Portland Permitting & Development

1900 SW Fourth Avenue • Portland, Oregon 97201 | 503-823-7300 | www.portland.gov/ppd

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 24-078744 CU
PC # 23-066144
HEARINGS OFFICE FILE # 4240016
REVIEW BY: Hearings Officer
WHEN: November 18, 2024 at 2:00 PM

This land use hearing will take place online using the Zoom platform. See the instructions on how to participate remotely (online or by phone) at this link:

<https://us06web.zoom.us/j/88443506640> or contact the Hearings Office at HearingsOfficeClerks@portlandoregon.gov or 503-823-7307. Additional Hearings Office information is available at www.portland.gov/omf/hearings/land-use.

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

Portland Permitting & Development Staff: Christine Caruso / Christine.Caruso@portlandoregon.gov

GENERAL INFORMATION

Applicant: Brian Kimura
BK Architecture LLC
3934 NE Martin Luther King Jr Blvd #205a
Portland, OR 97212 | bkimura@bk-arch.com

Representative: Leslie Lum
Unite Oregon
1390 SE 122nd Ave
Portland, OR 97233 | leslie@uniteoregon.org

Site Address: 1390 SE 122ND AVE

Legal Description: GENERAL COMMON ELEMENTS, KENTRON SOUTH CONDOMINIUM;
BLDG B LOT 2 PARKING SP B2/P1-P7; SPECHT AC, LOT 2 EXC PT IN ST

Tax Account No.: R196779, R274143

State ID No.: 1S2E02BC 70022, 1S2E02BC 01900

Quarter Section: 3143

Neighborhood: Mill Park, contact Trevor Hopper at mill.park.pdx.chair@gmail.com

Business District: Gateway Area Business Association, contact at gabapdxboard@gmail.com

District Coalition: District 1, contact Alison Stoll at alisons@cnncoalition.org

Plan District: None

Zoning: RM1 – Residential Multi-Family 1

Case Type: CU – Conditional Use Review

Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the review body can be appealed to City Council.

Proposal:

The applicant requests a Conditional Use Review to convert existing office space to a daycare. The proposed daycare space will occupy about one-half of the existing commercial building in a portion of the ground floor and a portion of the half-sunken lower level. The ground floor daycare area will be 1,392 square feet and the lower daycare area will be 1,392 square feet for a total of 2,784 square feet of daycare use on the site. A new outdoor play area will utilize a portion of the south parking lot. The project will not expand the existing building footprint or alter any of the exterior facades.

A Daycare use is classified as an Institutional use in Zoning Code Table 110-1. Adding a new Daycare use that has floor area not all on the ground floor requires approval of a Type III Conditional Use Review (33.120.100.B.6.c, 33.815.040.A.1).

Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- Zoning Code Section 33.815.105.A-E – Institutional and Other Uses in Residential and Campus Institutional Zones Approval Criteria

The Portland Zoning Code is available online at <https://www.portland.gov/code/33>.

ANALYSIS

Site and Vicinity: The 9,922 square foot site is currently developed with two commercial office buildings and two surface parking lots. Both buildings were constructed in 1973 as commercial buildings prior to current zoning. The area is a mix of commercial office, government operations, multi-family buildings, and single-dwelling houses. There are government operations buildings and commercial buildings to the west across SE 122nd Avenue that are within designated commercial zoning. Development to the south also includes a government building within residential zoning. Development to the north and east includes a commercial office building, multi-family buildings and single-dwelling houses within designated residential zoning.

The classification of the abutting streets is shown below:

Street Name	Pedestrian	Bicycle	Transit	Freight	Traffic	Emergency Response
SE 122nd Ave	Major City Walkway	Major City Bikeway	Major Priority Transit	Major Truck Street	Major City Traffic	Major Emergency Response Street
SE Madison St	Local Service	Local Service	Local Service	Local Service	Local Service	Local Service

The Transportation Plan also designates SE 122nd Avenue as a Civic Corridor. The site is not within a Pedestrian or Bicycle District.

Zoning: The RM1 zone is a low-scale multi-dwelling zone that is generally applied in locations intended to provide a transition in scale to single-dwelling residential areas, such as the edges of mixed-use centers and civic corridors, and along or near neighborhood corridors. Allowed housing is characterized by one to three story buildings that relate to the patterns of residential neighborhoods, but at a somewhat larger scale and building coverage than allowed in the single-dwelling zones. The major types of new development will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland’s residential neighborhoods.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Request for Response” was mailed **October 8, 2024**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of PP&D (Exhibit E1)
- PP&D Water (Exhibit E5)

The Life Safety Section of PP&D responded that a change of occupancy permit will be required at building permit review time and that they do not object to the proposal (Exhibit E2).

PP&D Transportation provided analysis that is included in the findings for Zoning Code Sections 33.815.105.D.1 and 2 below. Transportation has no objection to the requested Conditional Use (Exhibit E4).

PP&D Environmental Services does not object to approval of the Conditional Use Review. PP&D Environmental Services provided additional information to support the building permit process. More information provided in the findings for 33.815.105.D.3 below (Exhibit E3).

PP&D Urban Forestry responded with information on street tree requirements and no objections to the land use review proposal (Exhibit E6).

The Fire Bureau noted that all applicable Fire Code requirements will apply at time of permit review and development (Exhibit E7).

The Police Bureau responded that police will be able to adequately serve the site (Exhibit E8).

Neighborhood Review: Signs notifying passers-by of the public hearing were posted by October 17, 2024 (Exhibits D3 and D4) and a “Notice of Public Hearing” was mailed on October 16, 2024 (Exhibit D6). No written responses have been received from either the Neighborhood Association or notified neighbors in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Conditional Uses

33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

A. Proportion of Household Living uses. The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and
2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: For purposes of this criterion, staff considers the residential area to be residentially zoned lots within 400 feet of the subject site, which corresponds to the public notice radius required by Zoning Code Section 33.730.030.E.1 for this review. The residential area around this site includes all or part of 19 residentially-zoned tax lots. Sixteen of these tax lots are in Household Living (residential) use and three are in commercial use.

The proposed daycare will reuse a portion of an existing commercial building on a residentially-zoned lot. The lot is currently developed with two commercial buildings and 2 surface parking lots. The other commercial uses will remain on site. The boundaries of the existing site will not expand, and the proposal will not change the existing proportion of non-residential uses in the neighborhood. The proposed daycare will not result in any new commercial building area and will remove a portion of a surface parking lot for an outdoor play area. The daycare use will not significantly lessen the residential appearance and function of the area, as there are no additional alterations to the site or to adjacent commercial structures.

With plans to accommodate as many as 24 children and 6 employees (Exhibit A1, Page 1), and as discussed in the findings for criteria B through D, below, the site will maintain compatibility with the surrounding residential area and will not impose unreasonable impacts on neighborhood livability or on neighborhood residential streets. In fact, the proposed daycare may provide a conveniently located supportive service for families living in the nearby residential areas.

For these reasons, staff finds the proposal will not significantly lessen the residential appearance and function of the area and that criterion A is met.

B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and

Findings: City-designated scenic resources are identified on the official zoning maps with a lower case “s.” There are no City-designated scenic resources on the site or in the surrounding neighborhood. Therefore, this criterion is not applicable.

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.

Findings: The subject site's land area (9,922 square feet) is somewhat larger than neighboring residential lots, more in line with or smaller than the commercial properties to the north, south, and west along SE 122nd Avenue, making this a transitional site between the single- and multi-dwelling development and the denser commercial development. Current development on the site will remain in place with the exception of a portion of the south parking that will be converted into a 2,700 square foot outdoor play area surrounded by a 3'-6" tall fence. A new trash enclosure is also being constructed north of the building and will be screened from the adjacent property to the east.

The proposed daycare use retains the height, scale, and setbacks of the existing building which is one and one-half stories tall and only directly abuts one single-family house lot to the east. There is also no play structure proposed in the new play area, only removal of 7 parking spaces. Further, the proposal includes L3 or F2 high-screen landscaping around the new trash enclosure which is along the east property line, where the property abuts residential development. This new screening at the trash enclosure will mitigate any impacts to the adjacent lot (Exhibit C1).

In summary, the proposed daycare use is compatible with adjacent residential development in terms of site size and building scale. Staff finds the proposal will effectively mitigate differences in appearance with adjacent residential development. For these reasons, staff finds criterion B.3 is met. (Since B.3 is found to be met, B.2 does not need to be addressed.)

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

Findings:

Noise

Some noise impacts will occur from children playing outside, but staff does not expect significant, adverse noise impacts. Outdoor play will happen during regular business hours, and the site is likely to be empty in the early morning, evening, and overnight hours when most people in neighboring houses are likely to be home. The applicant notes that the daycare will operate with similar hours (between 8 am – 5 pm, Exhibit A1, Page 2) and the number of visitors and staff are consistent with the current office operation.

Glare from lights

The only exterior lights will be what is existing on the building. No new lights are proposed and there will be no nighttime operations. There is no lighting proposed in the outdoor play area.

Late-night operations

No late-night operations are proposed.

Odors and Litter

No impacts from odor or litter are expected from the proposed daycare use. The daycare operation is unlikely to increase litter in the neighborhood and trash will be collected in the new covered trash enclosure (Exhibit C1).

Privacy

The applicant states that existing fencing between the site and the adjacent lot to the east will remain in place (Exhibit A1, Page 2). New L3 or F2 high-screening will be installed between the east lot line and the trash enclosure (Exhibit C1). The existing fencing and new screening will prevent activity on the subject site from adversely affecting the privacy of any abutting lot.

Safety

The daycare operation is unlikely to create safety impacts on neighboring residential lots. The Fire Bureau, Police Bureau, and Life Safety Review Section of PP&D all reviewed the proposal and responded with no objections (Exhibits E7, E8, and E2, respectively). All applicable building code and fire safety requirements will be enforced in the building permit review required to change to daycare use.

Summary

Staff finds the proposal will not create significant adverse impacts on residential properties related to noise, glare, late-night operations, odors, litter, privacy, or safety. Staff finds criterion C is met.

D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;

Findings: The PPD Transportation section submitted the following response (Exhibit E3):

“Both streets are currently improved with asphalt paving, curbing, and established pedestrian corridors. The proposed daycare is determined not to be an increase in trip generation to the site, thus PBOT is unable to obtain property dedication in conjunction with the project. However, it is unclear at this time if the project will trigger’s the city’s Significant Alteration threshold of \$389,893. If so, then reconstruction of the site’s corner will be required. Capital Improvement Project (CIP) T01051 will be installing a midblock crossing at the north property line with signal infrastructure. Vehicular access to the site is and will continue to be provided by a curb cut located off of 122nd Ave due to approval of Driveway Design Exception (DDE) 24-073688 TR. Therefore, The TSP designations and existing street characteristics are reflective of and appropriate for the existing neighborhood and this criterion is met.”

2. The transportation system is capable of supporting the proposal in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings: The PPD Transportation section submitted the following response (Exhibit E4):

“To address the street capacity and Level of Service (LOS) evaluation factors, the applicant’s traffic engineer sited TRN 10.27, which noted that a LOS study is not required

when proposed development results in no net increase to vehicle trips. The applicant's traffic engineer summarized in Table 3 that the proposed conditional use will not change the size of the existing building and is estimated to result in a reduction in weekday daily trips. Further, we note that the TSP does not identify any capacity-related needs or projects near the site. For these reasons, this criterion is met. Therefore, PBOT finds all the intersections are deemed to be operating at current LOS and the existing intersections are capable of handling the proposed site improvements without negatively impacting the City of Portland's operational standards.

Only one crash was identified from ODOT's database. However, the City's Vision Zero Dashboard identified 3 crashes tens of feet north and south of the subject site. The site is not located near any of the identified High Crash Networks incidents in the Vision Zero Dashboard. Pedestrian safety will be improved with the completion of the previously mentioned mid-block crossing. Overall, The PBOT has developed a comprehensive plan to improve safety along 122nd Avenue and has several funded projects to address the plan recommendations. More information can be found online here: <https://www.portland.gov/transportation/planning/122nd-plan>. Therefore, PBOT finds the resulting proposed development will not negatively impact transit access or other transportation modes, nor have an adverse impact on safety of the neighborhood.

The subject site is located at the intersection of two ROWs. Therefore, the connectivity requirement does not apply.

In accordance with TRN 10.40, driveways are allowed on the lowest classified street, which in this case is SE Madison St. The applicant has been issued DDE 24-073688 TR to retain the existing accesses. If there is a substantial change in development, the southern driveway will be required to be closed and relocated to the SE Madison frontage. Otherwise, the site provides sufficient parking and maneuvering on-site to accommodate the drop-offs / pick-ups as well as staff parking. Therefore, PBOT finds the proposed development will not impact the existing on-street parking supply in any way. Therefore, this criterion is met.

The transportation-related neighborhood impacts associated with the proposed use typically involve impacts to on-street parking and potential increases in traffic at area intersections. As documented, the proposed day care will not significantly alter or increase the increased traffic surrounding the use, and with the existing parking lot and adequate on-street parking supply. Therefore, transportation-related impacts as a result of the proposed library expansion will be negligible.

In conclusion, based on the evidence included in the record, and primarily, the applicant has demonstrated to PBOT's satisfaction that "the transportation system is capable of supporting the proposed use in addition to the existing uses in the area".

Based on PP&D Transportation's analysis, this criterion is met.

3. Public services for water supply and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Bureau of Environmental Services (Exhibit E3) reviewed the proposal and responded with the following comments: "Staff finds the applicant's proposed sanitary sewer service acceptable for the purpose of reviewing the conditional use application against the sanitary sewer disposal approval criterion." "Staff finds the existing stormwater management system acceptable for the purpose of reviewing the conditional use against the stormwater management approval criterion." "BES does not

object to approval of the Conditional Use Review application. The proposed development will be subject to BES standards and requirements during the permit review process.”

The Water and Fire Bureaus responded with no concerns (Exhibits E5 and E6). For these reasons, this criterion is met.

E. Area plans. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: There are no adopted area plans for this location, therefore this criterion does not apply.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

Staff finds the proposed daycare will be compatible with the surrounding residential neighborhood and will not cause significant negative impacts on neighbors. The transportation system and other public services are adequate to support the proposal.

Staff finds that each of the applicable Conditional Use Review approval criteria are met and recommends approval of the proposal.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of Conditional Use Review to convert existing office space to a daycare that will be 1,392 square feet on the ground floor and 1,392 square feet on the lower level for a total of 2,784 square feet of daycare use on the site, plus a new outdoor play area in a portion of the south parking lot, subject to the following conditions:

- A. A finalized building permit must be obtained to establish the Daycare use and document the approved project. As part of the permit application submittal, the following development-related condition B must be noted on the site plans or included as a separate sheet. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 24-078744 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No field changes allowed.

PROCEDURAL INFORMATION

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on September 11, 2024. The application was determined to be complete on 10/07/2024.

ORS 227.178 states the City must issue a final decision on land use review applications within 120 days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant. In this case, the applicant did not extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on February 4, 2025.**

Some of the information contained in this report was provided by the applicant.

As required by Zoning Code Section 33.800.060, the burden of proof is on the applicant to show that the approval criteria are met. Portland Permitting & Development has independently reviewed the information submitted by the applicant and has included this information only where Portland Permitting & Development has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of Portland Permitting & Development with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to specific conditions of approval, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by Portland Permitting & Development. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. To comment, you may testify at the hearing, submit comments at www.portland.gov/omf/hearings/land-use; email your comments to HearingsOfficeClerks@portlandoregon.gov; write to the Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201; or FAX your comments to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on Portland Permitting & Development website at <https://www.portland.gov/ppd/zoning-land-use/public-notices>. Land use review notices are listed on the website by the District Coalition in which the site is located; the District Coalition for this site is identified at the beginning of this staff report.

Appeal of the decision. The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,789 will be charged (one-half of the PP&D LUS application fee, up to a maximum of \$5,789).** Assistance in filing the appeal and information on fee waivers are available from Portland Permitting & Development website: <https://www.portland.gov/ppd/zoning-land-use/land-use-review-fees-and-types/land-use-review-appeals>.

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Community & Civic Life may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chairperson or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Assistance in filing the appeal and information on fee waivers are available from Portland Permitting & Development website: <https://www.portland.gov/ppd/zoning-land-use/land-use-review-fees-and-types/land-use-review-appeals>.

Recording the final decision. If this land use review is approved the final decision will be recorded with the County Recorder. *Unless appealed*, the final decision will be recorded by Portland Permitting & Development.

Expiration of this approval. Generally, land use approvals (except Comprehensive Plan and Zoning Map Amendments) expire five years from the date of the final decision unless one of the actions below has occurred (see Zoning Code Section 33.730.130 for specific expiration rules):

- A City permit has been issued for the approved development,
- The approved activity has begun (for situations not requiring a permit), or

In situations involving only the creation of lots, the final plat must be submitted within three years.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within seven years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

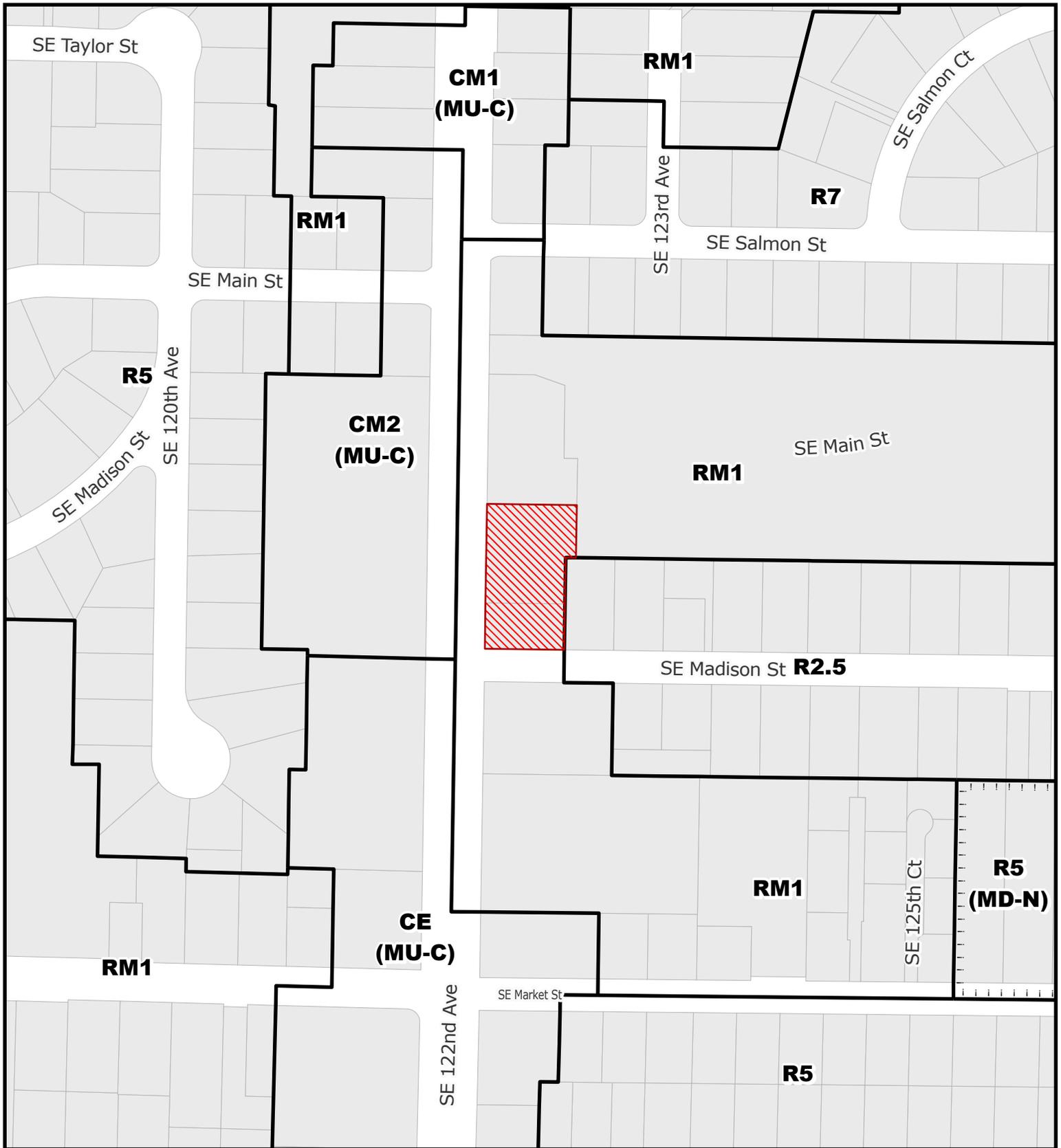
Planner's Name: Christine Caruso
Date: November 6, 2024

EXHIBITS (not attached unless indicated)

A. Applicant's Information:

1. Narrative
2. Pre-Application Conference Summary
3. Traffic Impact Study
4. Drawings, August 29, 2024
5. East and West Elevations, October 4, 2024
- B. Zoning Map (attached)
- C. Plans & Drawings:
 1. Site Plan (attached)
 2. Lower Level Floor Plan (attached)
 3. Upper Level Floor Plan (attached)
 4. North and South Elevations (attached)
- D. Notification information:
 1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant's statement certifying posting
 5. Mailing list
 6. Mailed notice
- E. Agency Responses:
 1. Site Development Review Section of PP&D
 2. Life Safety Review Section of PP&D
 3. PP&D Environmental Services
 4. PP&D Transportation
 5. PP&D Water Bureau
 6. PP&D Urban Forestry
 7. Fire Bureau
 8. Police Bureau
- F. Letters: none received
- G. Other:
 1. Original LUR Application
 2. Completeness Memo, October 2, 2024
 3. Land Use Hearing Intake Form Template
 4. Hearing Participation Instructions
- H.

Portland Permitting & Development is committed to providing equal access to information and hearings. To request an accommodation or alternative format of communication, please contact us at least five business days prior to the hearing at 503-823-7300 (TTY 503-823-6868).



For Zoning Code in Effect Post October 1, 2022

ZONING 

 Site

File No. LU 24 - 078744 CU

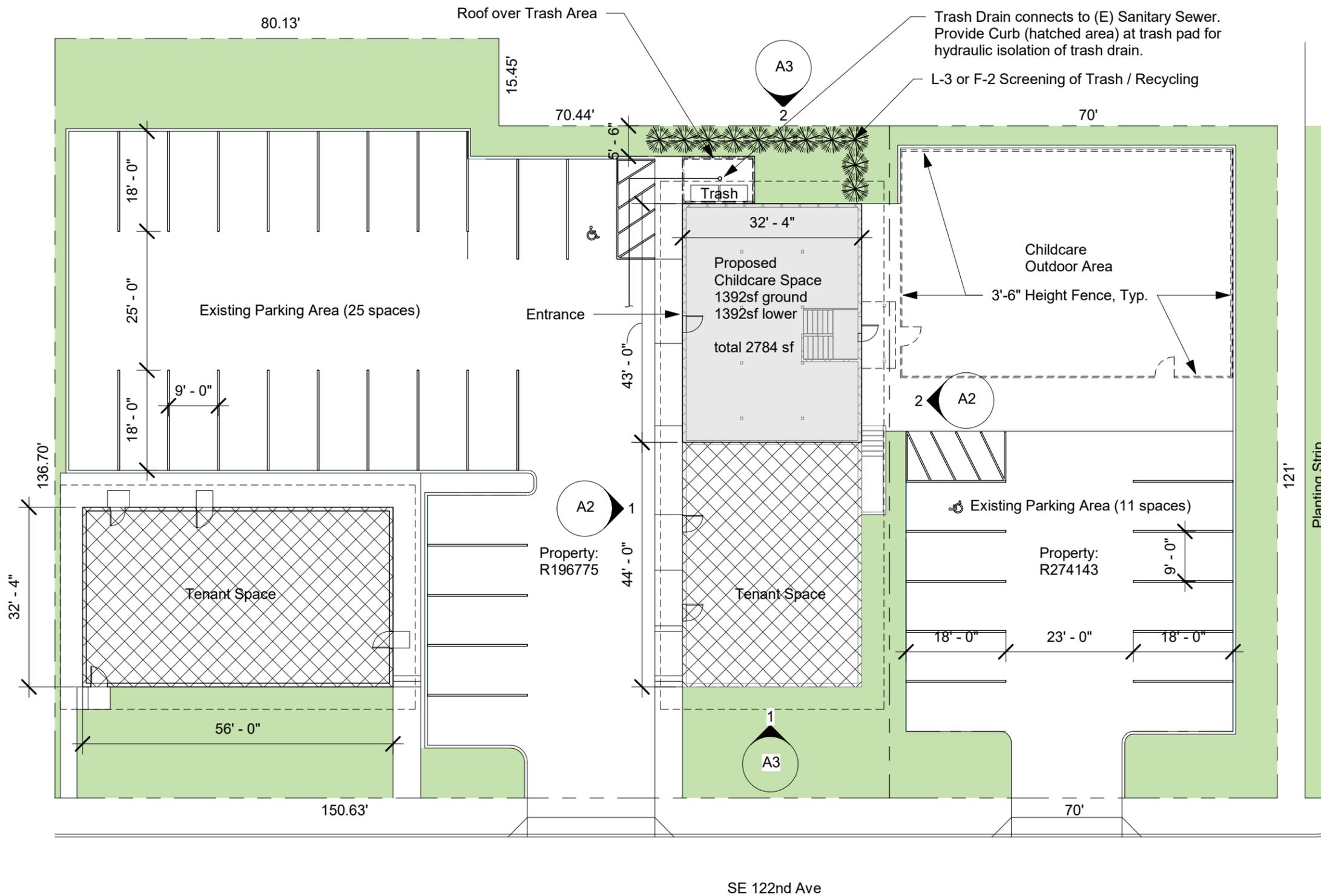
1/4 Section 3143

Scale 1 inch = 200 feet

State ID 1S2E02BC 70022

Portland Hearing Office
 Case # 2401051
 Bureau Case # LU 24-078744 CU
 Exhibit # 4
 Page 12 of 16

Exhibit B Sep 11, 2024



Property Data:

Address: 1390 SE 122nd Ave, Portland, OR 97233
 Owner: Unite Oregon (501c3)
 Property ID: R196775, R196779, & R274143

Site Area: R196775 = 19,477 sf
 R274143 = 8,470 sf

Building Area: 2,784 sf (bldg proposed for conditional use)
 Zoning: RM-1
 Base FAR: 1:1
 Building Height: 35'
 Setbacks: Front 10', Sides & Rear 5'
 Max Building Coverage: 50% of Site Area
 Min Landscape Area: 30% of Site Area

Project Narrative

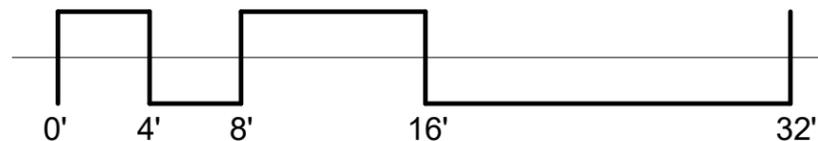
Request for Conditional Use: We are seeking approval to convert the existing condo office space to Childcare. The proposed space occupies roughly half of the commercial condo building. The office space is split between 2 floors. The upper floor is at grade with the parking lot to the north and the lower level is a half sunken basement. The upper floor is 1,392 sf and the lower floor is 1,392sf. Outdoor playspace will utilize the open property to the south (also listed as 1390 SE 122nd Ave).

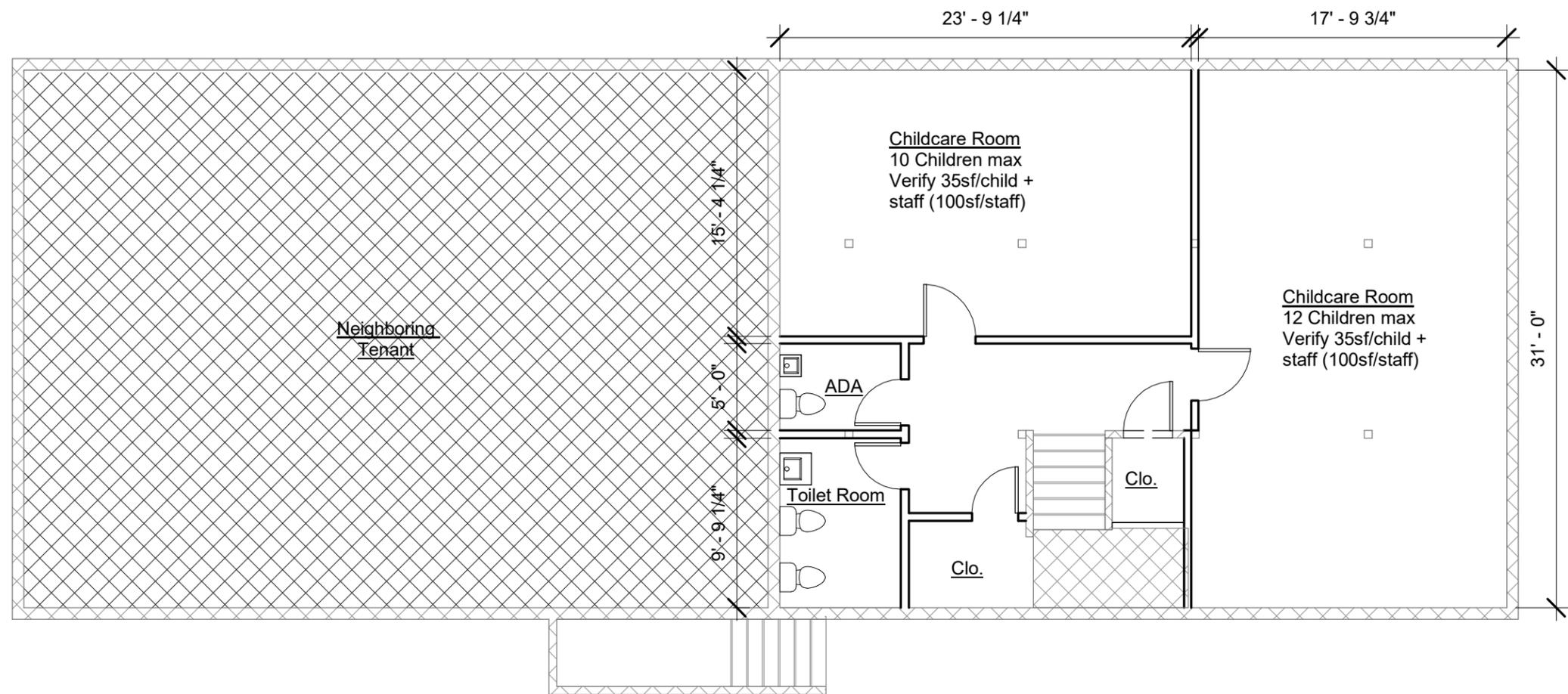
The project is an interior tenant improvement and will not add any additional building footprint to the property. There is no plans for modifying the existing stormwater disposal system. We will continue to use the existing system. This application is subject to a Type III Conditional Use Review.

1 Site Plan
 1" = 20'-0"



BK Architecture, LLC
 3934 NE Martin Luther King Jr Blvd, Suite 205A
 Portland, OR 97212
 www.bk-arch.com
 503 408 4971 (best)
 503 719 6810
 bkimura@bk-arch.com

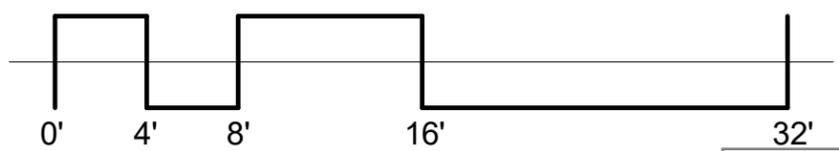




① Lower Level Floor Plan
1/8" = 1'-0"



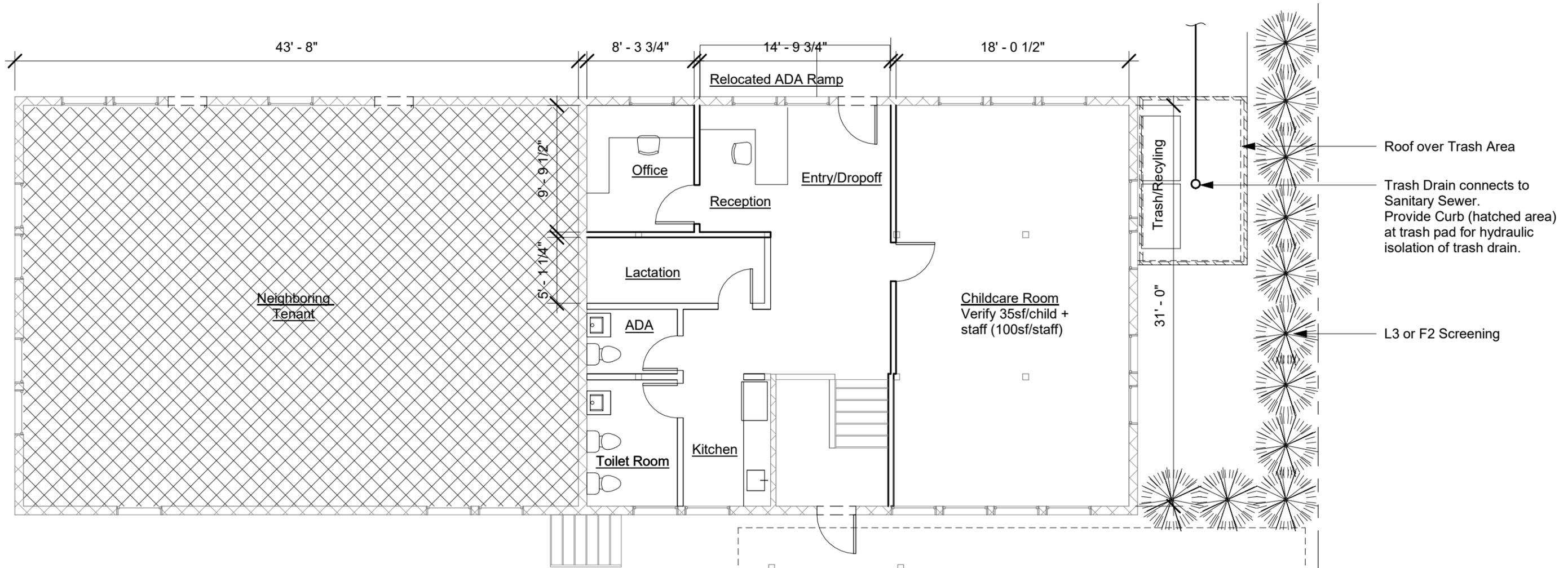
BK Architecture, LLC
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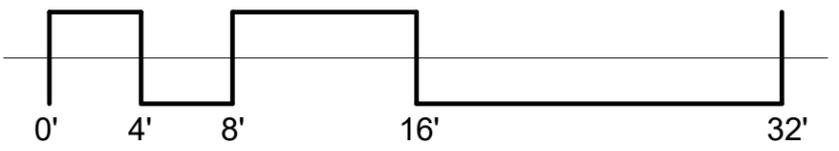
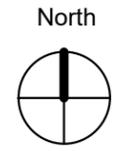
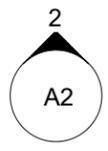
Lower Level Floor Plan

Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233

Portland Hearings Office
 Case # 4240016
 Bureau Case # LU 24-078744
 Exhibit # 4
 Date: 10.4.2024
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1 Upper Level Floor Plan
1/8" = 1'-0"



Outdoor Childcare
Playarea
40' x 35'



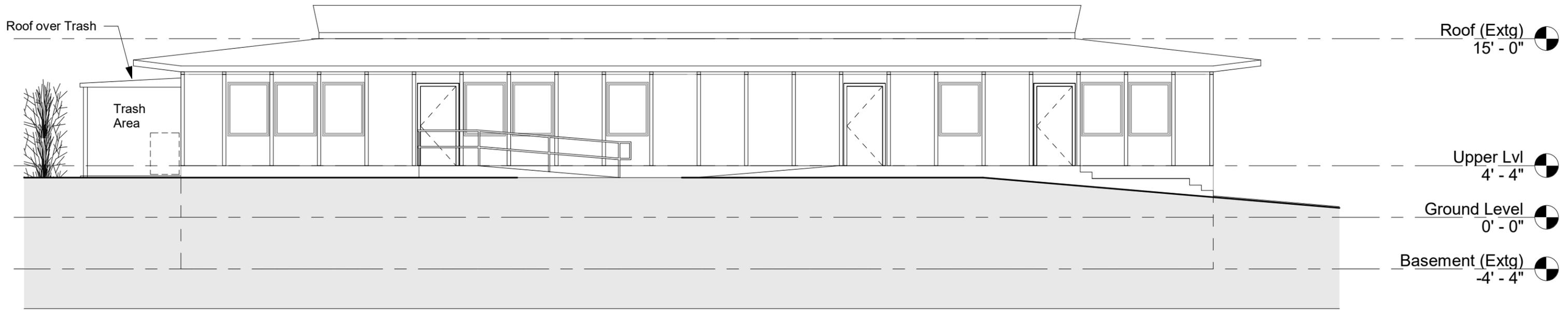
BK Architecture, LLC
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 503 719 6810
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Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233

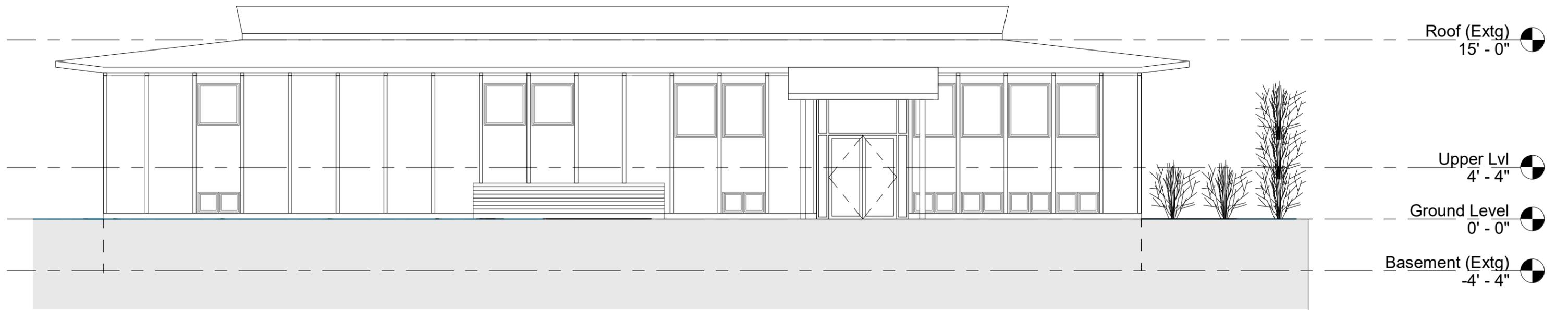
Upper Level Floor Plan
 Date: 10.4.2024

LU 24-078744 CU Exhibit C3

Portland Hearing Office
 Case # 4240016
 Bureau Case # LU 24-078744
 Exhibit # 4
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① North
1/8" = 1'-0"



② South
1/8" = 1'-0"



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 503 719 6810
 bkimura@bk-arch.com

Unite Oregon
 Site: 1390 SE 122nd Ave
 Portland, OR 97233
 Date: 10.4.2024
Elevations
 LU 24-078744 CU Exhibit C4

Portland Hearings Office
 Case #4240016
 Bureau Case #LU 24-078744
 Exhibit #4
 Page 16 of 16

Type III Hearing LU 24-078744 CU Conditional Use Review

STAFF PRESENTATION TO HEARINGS OFFICER

NOVEMBER 18, 2024



Presentation Summary

1. Zoning
2. Proposal
3. Photos of Site
4. Approval Criteria
5. Staff Recommendation



Zoning

R196779 & R274143

NE intersection of
SE 122nd Ave and
SE Madison St

Base Zone

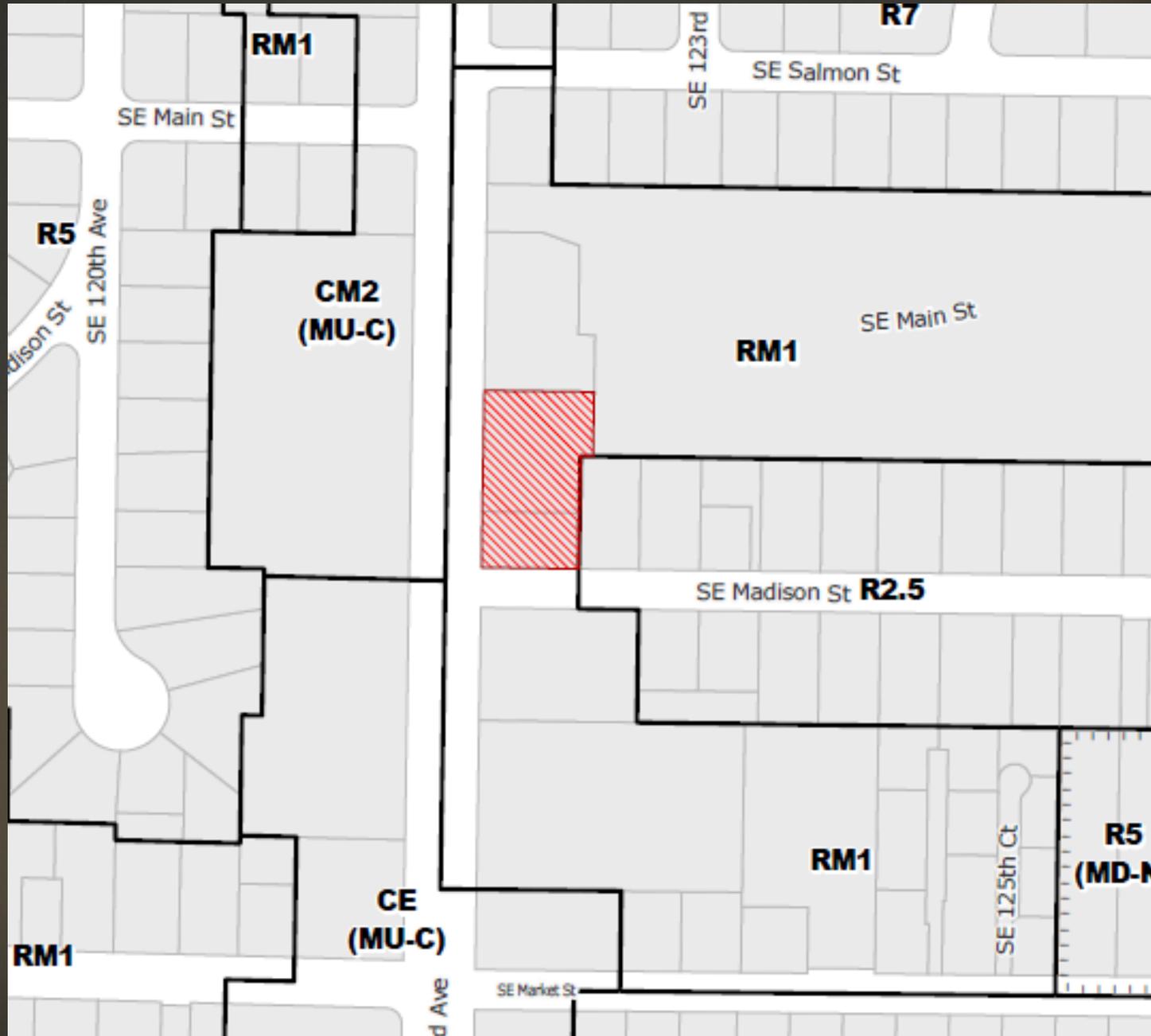
RM1 – Multi-Dwelling
Residential 1

Overlay Zones - none

Plan District – none

Site Area

27,915 square feet



Conditional Use and Adjustment Review

Zoning

Proposal

Photos/Context

Approval Criteria

Staff Recommendation



Current Development



Conditional Use and Adjustment Review

Zoning

Proposal

Photos/Context

Approval Criteria

Staff Recommendation



Proposal

- ▶ Conditional Use approval for a new Daycare use in a multi-dwelling zone where the Daycare floor area is not all on the ground floor.

Conditional Use and Adjustment Review

Zoning

Proposal

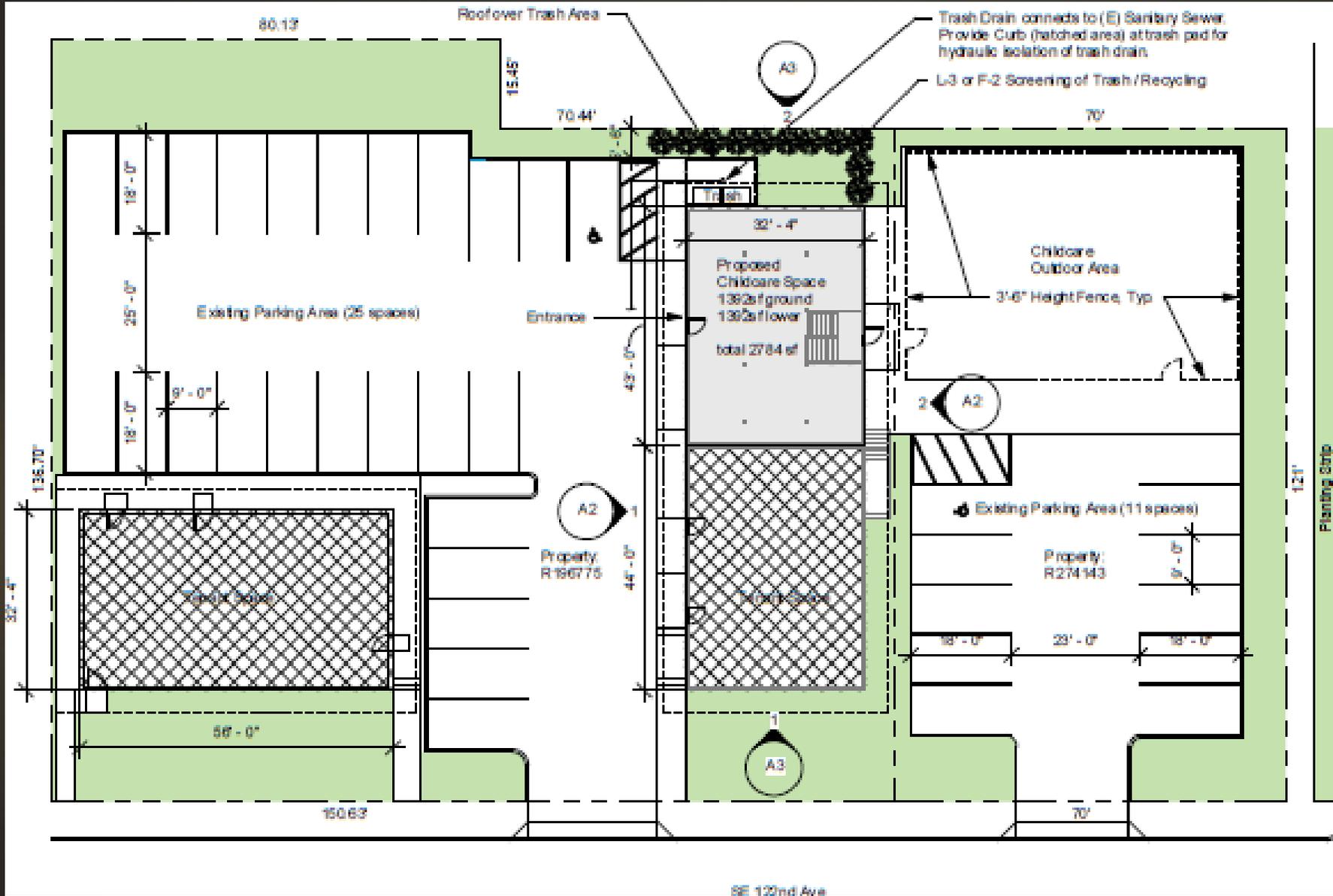
Photos/Context

Approval Criteria

Staff Recommendation



Proposal



Conditional Use and Adjustment Review

Zoning

Proposal

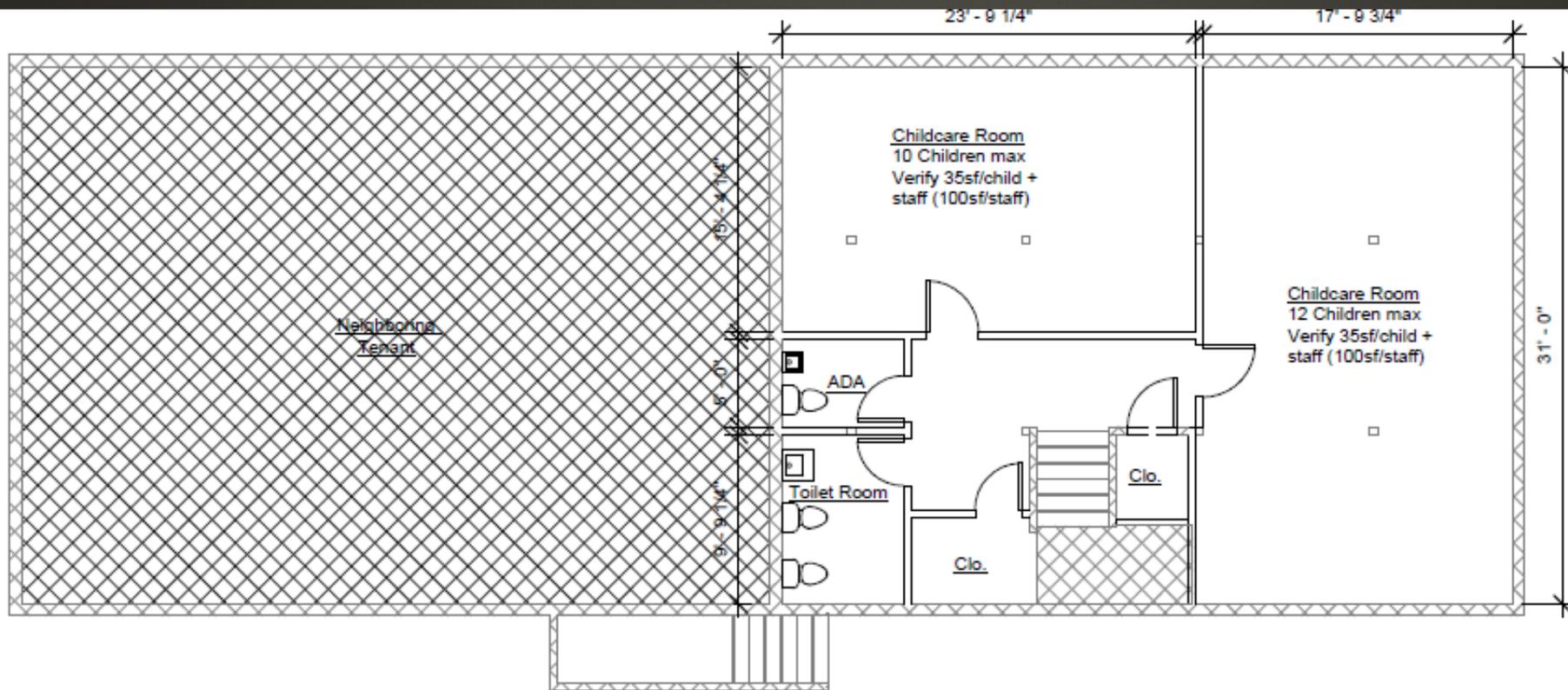
Photos/Context

Approval Criteria

Staff Recommendation



Proposal



① Lower Level Floor Plan
1/8" = 1'-0"

Conditional Use and Adjustment Review

Zoning

Proposal

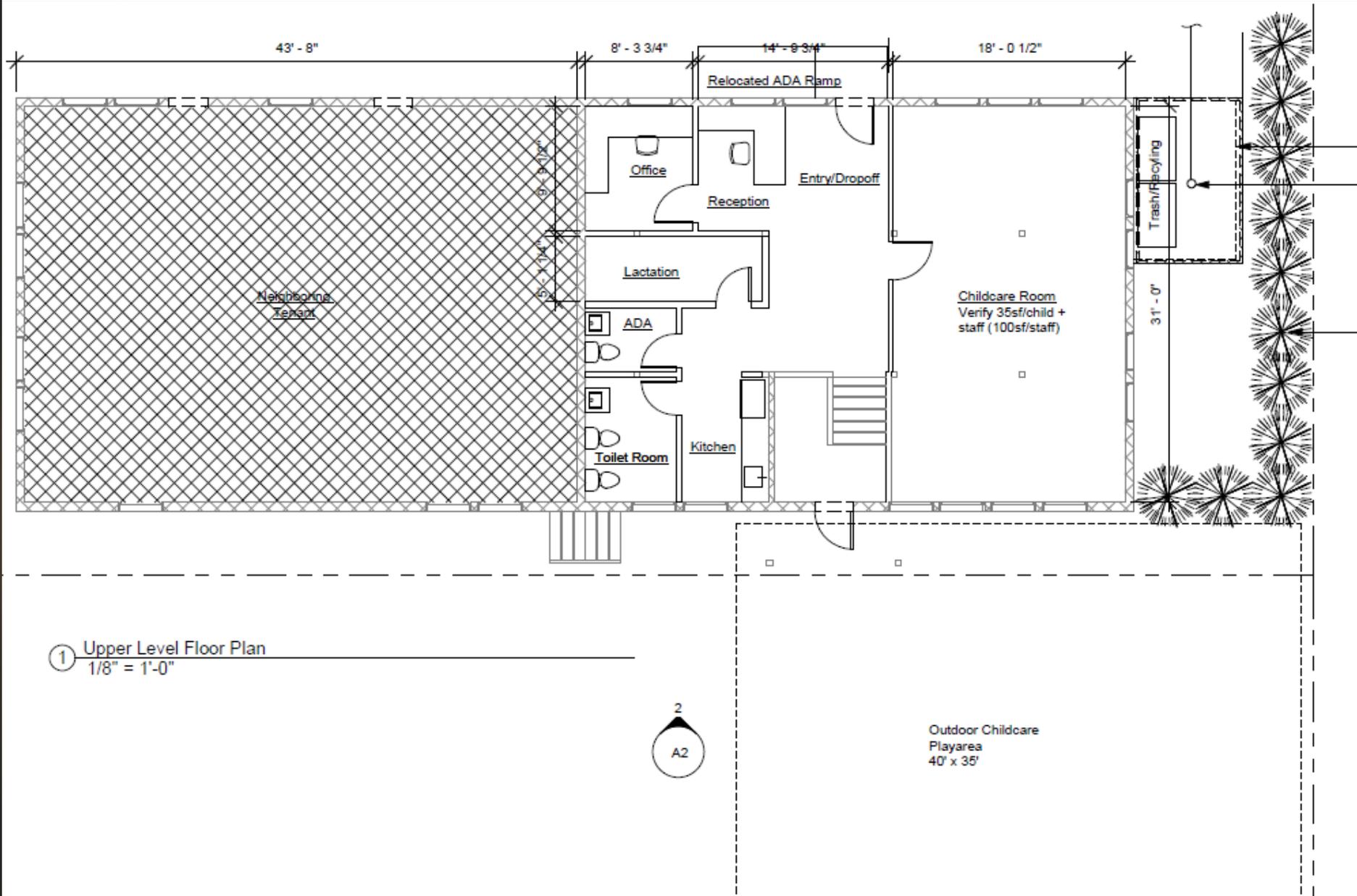
Photos/Context

Approval Criteria

Staff Recommendation



Proposal



Conditional Use and Adjustment Review

Zoning

Proposal

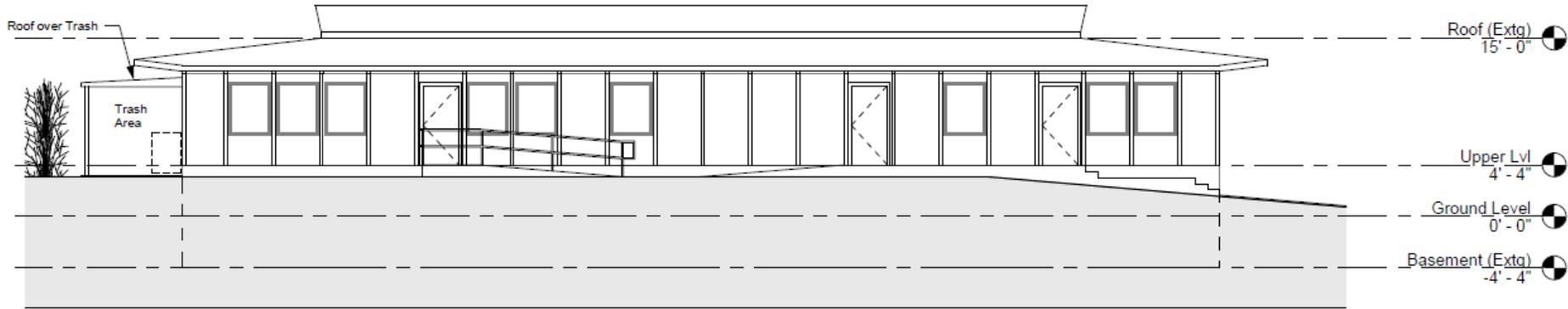
Photos/Context

Approval Criteria

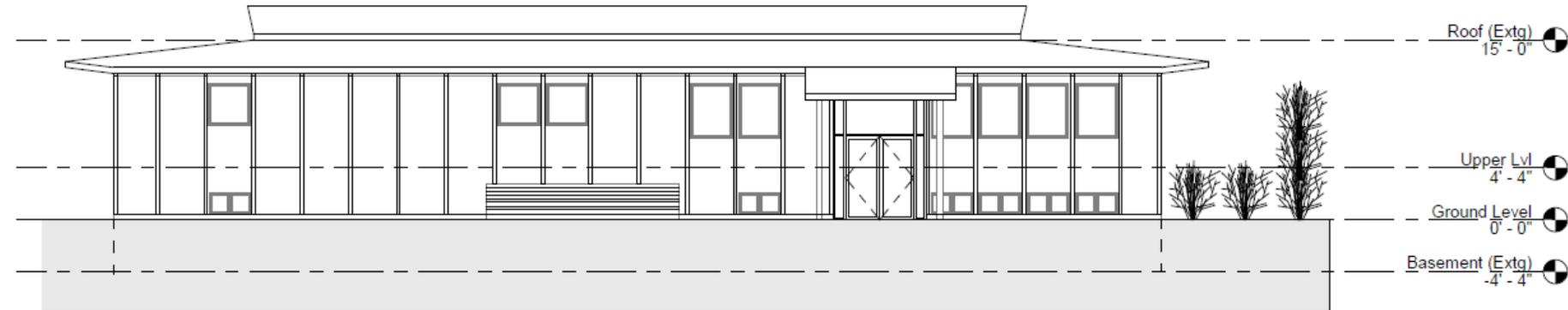
Staff Recommendation



Proposal



① North
1/8" = 1'-0"



② South
1/8" = 1'-0"

Conditional Use and Adjustment Review

Zoning

Proposal

Photos/Context

Approval Criteria

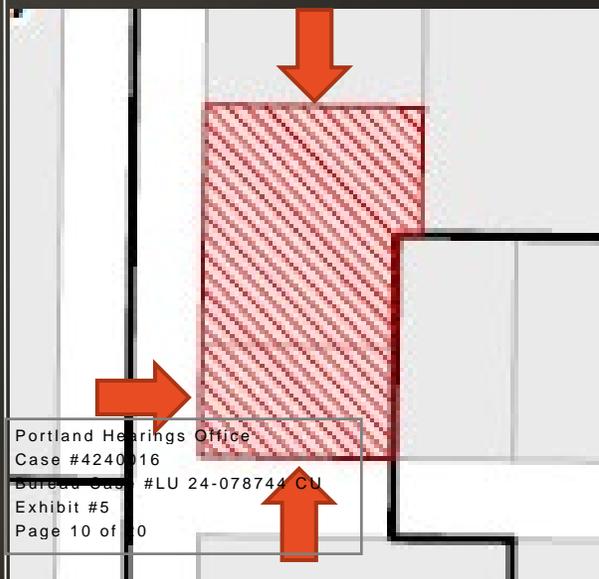
Staff Recommendation





Conditional Use and Adjustment Review

- Zoning
- Proposal
- Photos/Context**
- Approval Criteria
- Staff Recommendation





Conditional Use and Adjustment Review

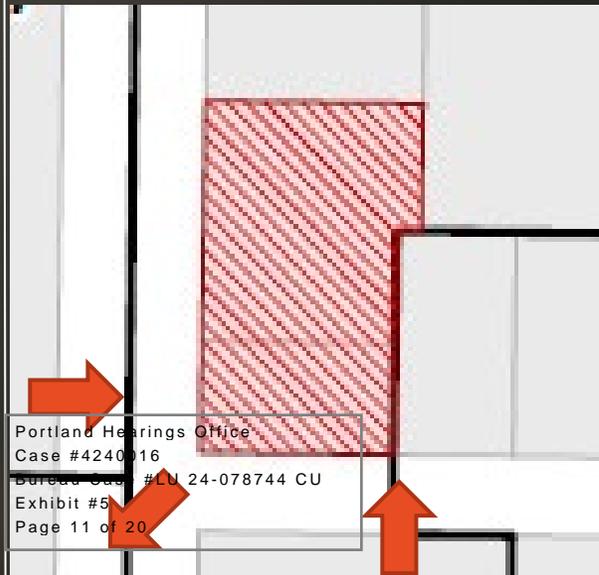
Zoning

Proposal

Photos/Context

Approval Criteria

Staff Recommendation



Conditional Use Review Approval Criteria

33.815.105: Institutional and Other Uses in Residential and Campus Institutional Zones

- A. Proportion of Household Living uses
- B. Physical compatibility
- C. Livability
- D. Public services
- E. Area plans (no applicable area plan for this site)

Conditional Use and
Adjustment Review

Zoning

Proposal

Photos/Context

Approval Criteria

Staff Recommendation



Conditional Use Approval Criteria

33.815.105

- A. Proportion of Household Living uses
- B. Physical compatibility
- C. Livability
- D. Public services



Conditional Use and Adjustment Review

Zoning

Proposal

Photos/Context

Approval Criteria

Staff Recommendation



Conditional Use Approval Criteria

33.815.105

- A. Proportion of Household Living uses
- B. Physical compatibility
- C. Livability
- D. Public services



Conditional Use and Adjustment Review

Zoning

Proposal

Photos/Context

Approval Criteria

Staff Recommendation



Conditional Use Approval Criteria

33.815.105

- A. Proportion of Household Living uses
- B. Physical compatibility
- C. Livability
- D. Public services

Conditional Use and
Adjustment Review

Zoning

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Photos/Context

Approval Criteria

Staff Recommendation



Conditional Use Approval Criteria

33.815.105

- A. Proportion of Household Living uses
- B. Physical compatibility
- C. Livability
- D. Public services



Conditional Use and Adjustment Review

Zoning

Proposal

Photos/Context

Approval Criteria

Staff Recommendation



Adjustment Review Approval Criteria

33.805.040

- A. Granting the Adjustment will equally or better meet the purpose of the regulation to be modified;
- B. The proposal will not significantly detract from the livability or appearance of the residential area;
- C. The cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zone;
- D. City-designated scenic and historic resources are preserved; and
- E. Any impacts resulting from the Adjustment are mitigated to the extent practical.

Conditional Use and Adjustment Review

Zoning

Proposal

Photos/Context

Approval Criteria

Staff Recommendation



Neighborhood Comments

No comments have been received prior to the hearing.

Conditional Use and
Adjustment Review

Zoning

Proposal

Photos/Context

Approval Criteria

Staff Recommendation



Conditional Use and Adjustment Review LU 24-978744 CU

STAFF RECOMMENDATION:

- APPROVAL OF THE CONDITIONAL USE
- WITH THE RECOMMENDED CONDITIONS OF APPROVAL

Conditional Use and Adjustment Review

Zoning

Proposal

Photos/Context

Approval Criteria

Staff Recommendation



A. A finalized building permit must be obtained to establish the Daycare use and document the approved project. As part of the permit application submittal, the following development-related condition B must be noted on the site plans or included as a separate sheet. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 24-078744 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. No field changes allowed.



Conditional Use and Adjustment Review

Zoning

Proposal

Photos/Context

Approval Criteria

Staff Recommendation



From: [Robert Koury](#)
To: [Hearings Office Clerks](#); [Caruso, Christine](#)
Subject: Hearing today for 1390 SE 122nd (Case File LU 24-078744 CU) (PC#23-066144)
Date: Monday, November 18, 2024 7:11:44 AM
Attachments: [Kentron South Condo.pdf](#)

I am writing to oppose the condition use application for 1390 SE 122nd which is set for a virtual hearing today at 2 PM. Efforts to communicate directly with the applicant were not successful.

The property in question is one of four commercial condo units and is governed by the attached declaration recorded with Multnomah County on March 23, 1972 (Book 847, page 990). Our family owns 2 of the 4 units in this commercial condominium.

Section (I)(2) of the declaration for the Kentron South Condominium (page 5) limits use of all 4 units for general office uses. A daycare is not a general office use.

The 4 condominiums share a single water line, single garbage service, common parking lot (with assigned parking spot), common exterior maintenance (yard cleaning, painting, roofs, etc.) and common insurance for common elements. Aside from the limits in the declaration each of these common elements will be forced to deal with increased burdens as a result of this proposal.

While your approval would not invalidate this Declaration and allow the applicant to use the property in violation of this covenant I ask that you reject the application to avoid any dispute.

Thanks

Robert Koury

RECEPTION RECORD NO. 46467 RECORDING BOOK 847 PAGE 990

PLAT NAME KENTRON SOUTH CONDOMINIUM

PLAT BOOK NO. 1202

PLAT BOOK PAGE NO. 82

1st PARTY CONDOMINIUM CORPORATION OF OREGON

DATE 28 MARCH 1972

TIME 10:25

FEE \$ 7.00
700

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DECLARATION ESTABLISHING A PLAN
FOR CONDOMINIUM OWNERSHIP

BOOK 847 PAGE 991

WHEREAS, Condominium Corporation of Oregon, an Oregon corporation, hereinafter referred to as Grantor, owns certain real property herein described; and

WHEREAS, Grantor is improving said property by constructing thereon a four-unit multi-office structure consisting of two buildings with basements, approaches, grounds and parking spaces known as KENTRON SOUTH CONDOMINIUM and said structures are being constructed in accordance with plans and specifications by Don Byers, a registered architect, said plans being of record in the County of Multnomah, State of Oregon, and consisting of drawings Nos. 1 to 9, inclusive.

WHEREAS, said Grantor hereby establishes by this Declaration a plan for the individual ownership of the real property estates consisting of the area or space contained in each of the office units in said multi-office structures and the co-ownership by the individual and separate owners thereof as tenants in common of all the remaining real property which is hereinafter defined and referred to herein as the General Common Elements.

NOW, THEREFORE, said Grantor, the fee owner of the following described property, to-wit:

In the N. W. 1/4 of Section 2, T. 1 S., R. 2 E., W.M., in the County of Multnomah and the State of Oregon.

Beginning at a point on the east line of S. E. 122nd Avenue, said point being S 0° 37' 30" E, 1979.32 feet and N 89° 19' 48" E 45.00 feet from the N. W. corner of Section 2, T. 1 S., R. 2 E., W.M.; thence from said point of beginning N 89° 16' 30" E tracing the boundary of "Kentron East No. 1," a recorded condominium, 136.70 feet; thence S 0° 27' E tracing the boundary of "Club Estates East," a recorded condominium, 80.13 feet; thence S 89° 16' 30" W tracing the north line of Lot 3, "Specht Acres," a recorded subdivision, 15.45 feet; thence S 0° 37' 30" E tracing the west line of Lot 3, "Specht Acres," 70.44 feet; thence S 89° 14' 46" W tracing the north line of Lot 2, "Specht Acres," 121.00 feet; thence N 0° 37' 30" W along the east line of S. E. 122nd Avenue 150.63 feet to the point of beginning.

hereby makes the following declaration as to divisions, covenants, restrictions, limitations, conditions and uses to which the above-described real property and improvements thereon consisting of a four-unit multi-office

BOOK OF RECORDS 3 28 1972

BOOK 847 PAGE 992

project may be put, hereby specifying that said declaration shall constitute covenants to run with the land and shall be binding on said Grantor, its successors and assigns, and all subsequent owners of all or any part of said real property and improvements, together with their grantees, successors, heirs, executors, administrators, devisees or assigns:

A. Said Grantor, in order to establish a plan of condominium ownership pursuant to the Oregon Unit Ownership Law for the above-described property and improvements hereby covenants and agrees that it hereby divides said real property into the following separate freehold estates:

1. The four separately designated and legally described freehold estates consisting of the spaces or areas contained within the perimeter walls of each of the four office units in said multi-office structures constructed on said property, together with the basement spaces immediately below each of said office units, said spaces being defined and referred to herein as "office units." The four office units are contained within two one-story basement structures of wood frame construction with cedar shake roof and wood siding. Office unit designated A-1 has an approximate area of 800 square feet; office unit designated A-2 has an approximate area of 1048 square feet; office unit designated B-1 has an approximate area of 1378 square feet; office unit designated B-2 has an approximate area of 1460 square feet, all of said area measurements being made upon the ground floor level.

2. A freehold estate consisting of the remaining portion of the real property is described and referred to herein as the General Common Elements which definition includes the multi-office structures (excepting the above-defined office units) and the property upon which it is located and specifically includes but is not limited to the land, roofs, main walls, floors, foundations, basement floor slabs, staircases, lobbies, halls, parking spaces, trees, pavement, terraces, pipes, wires, conduits, air conditioners and ducts, and all utility facilities external to office units.

B. For the purpose of this Declaration the ownership of each office unit shall include the respective office unit and the respective undivided interest

in the General Common Elements and facilities specified and established in D hereof.

C. The four individual office units hereby established and which shall be individually conveyed are described as follows: Office Units:

- A - 1
- A - 2
- B - 1
- B - 2

all in Kentron South Condominium, County of Multnomah, State of Oregon.

D. The undivided interest in the General Common Elements hereby established and which shall be conveyed with each respective office unit is as follows:

- A-1 unit will be conveyed 17.07% undivided interest in the General Common Elements.
- A-2 unit will be conveyed 22.36% undivided interest in the General Common Elements.
- B-1 unit will be conveyed 29.42% undivided interest in the General Common Elements.
- B-2 unit will be conveyed 31.15% undivided interest in the General Common Elements.

The above respective undivided interests established and to be conveyed with the respective office units as indicated above cannot be changed and said Grantor, its successors and assigns, and Grantees covenant and agree that the undivided interests in the General Common Elements and the fee titles to the respective office units conveyed therewith shall not be separated or separately conveyed and each said undivided interest shall be deemed to be conveyed or encumbered with its respective office unit even though the description in the instrument of conveyance or encumbrance may refer only to the fee title to the office unit.

E. The proportionate shares of the separate owners of the respective office units in the receipts and common expenses in the General Common Elements as well as their proportionate representation for voting purposes in the Association of Owners is based on the approximate proportionate value that each of the office units referred to herein bears to the value of \$149,952.00 which represents the total value of all the office units. The value of the respective office units, the respective interest for voting purposes and their

proportionate shares in the common receipts and expenses shall be as follows:

<u>Office Unit No.</u>	<u>Value Per Unit</u>	<u>Proportionate Shares in Common Receipts and Expenses and Voting Interests</u>
A-1	\$25,600.00	17.07%
A-2	\$33,536.00	22.36%
B-1	\$44,035.00	29.42%
B-2	\$46,720.00	31.15%

F. A "majority of owners" shall mean those owners holding 65% of the votes in accordance with the percentages assigned in Section E above.

G. The Limited Common Elements allocated for the restricted uses of the respective office units are as follows and are further described, located and shown on the floor plans attached hereto:

LIMITED COMMON ELEMENTS

Each office units includes the parking space set opposite the office unit number:

<u>Office Unit No.</u>	<u>Parking Space</u>
A-1	A-1; P-1
	A-1; P-2
	A-1; P-3
	A-1; P-4
A-2	A-2; P-1
	A-2; P-2
	A-2; P-3
	A-2; P-4
	A-2; P-5
B-1	B-1; P-1
	B-1; P-2
	B-1; P-3
	B-1; P-4
	B-1; P-5
	B-1; P-6
	B-1; P-7
B-2	B-2; P-1
	B-2; P-2
	B-2; P-3
	B-2; P-4
	B-2; P-5
	B-2; P-6
	B-2; P-7

H. Attached hereto and made a part hereof as Exhibit A are the floor plans of the buildings showing the layout of each unit in the buildings, including the unit designation, location and dimension of each unit and the common elements to which each has access.

BOOK OF RECORDS 3 28 1972

BOOK 847 PAGE 995-

I, Said Grantor, its successors and assigns, by this Declaration and all future owners of the office units by their acceptance of their deeds covenant and agree as follows:

1. The General Common Elements shall remain undivided and no owner shall bring any action for partition, it being agreed that this restriction is necessary in order to preserve the rights of the owners with respect to the operation and management of the condominium, except as provided in O.R.S. 91.655 to 91.675.
2. That the office units shall be occupied and used by the respective owners only for general office purposes.
3. The owners of the respective office units shall not be deemed to own the undecorated or unfinished surfaces of the perimeter walls, floors and ceilings, foundations and basement slabs surrounding this respective office unit nor shall said owner be deemed to own pipes, wires, conduits or other public utilities lines running through said respective office units which are utilized for or serve more than one office unit except as tenants in common with the office unit owners as heretofore provided in E. Said owners, however, shall be deemed to own the walls and partitions and floors which are contained within said owner's respective office unit and also shall be deemed to own the inner decorated or finished surfaces of the perimeter walls, floors and ceilings.
4. The owners of the respective office units agree that if any portion of the General Common Elements encroach upon the office unit a valid easement for the encroachment and for the maintenance of the same so long as it exists shall and does exist. In the event the multi-office structures are partially or totally destroyed and then rebuilt the owners of office units agree that minor encroachments on parts of the General Common Elements due to construction shall be permitted and that valid easements for said encroachments and the maintenance thereof shall exist.
5. That an owner of an office unit shall automatically, upon becoming the owner of an office unit or units be a member of Kentron South Condominium

BOOK OF RECORDS 3 28 972

BOOK 847 PAGE 996

hereinafter referred to as the Association and shall remain a member of said Association until such time as his ownership ceases for any reason, at which time his membership in said Association shall automatically cease.

6. The owners of office units covenant and agree that the administration of the condominium shall be in accordance with the provisions of this Declaration and the By-Laws of the Association which are made a part hereof and attached as Exhibit B and the Owners Unit Ownership Law.

7. Each owner, tenant or occupant of an office unit shall comply with the provisions of this Declaration, the By-Laws, the decisions and resolutions of the Association or its representative and the failure to comply with any such provisions, decisions or resolutions shall be grounds for an action or suit to recover sums due for damages or for injunctive relief.

8. This Declaration shall not be revoked or any of the provisions herein amended unless all of the owners and the mortgagees of all mortgages covering the office units unanimously agree to such revocation or amendments by duly recorded instruments.

9. No owner of an office unit may exempt himself from liability for his contribution towards the common expenses by waiver of the use or enjoyment of any of the General Common Elements or by abandonment of his office unit.

J. All sums assessed by the Association but unpaid for the share of the common expenses chargeable to any office unit shall constitute a lien on such office unit prior to all other liens except only (1) tax liens on the office unit in favor of any assessing unit and special district, and (2) all sums unpaid on the first mortgage or trust deed of record. Such lien may be foreclosed by suit by the manager or Board of Directors, acting on behalf of the owners of the office units, in accordance with O.R.S. 91.580. In any such foreclosure the office unit owner shall be required to pay a reasonable rental for the office unit, if so provided in the By-Laws, and the plaintiff in such foreclosure suit shall be entitled to the appointment of a receiver to collect the same. The manager or Board of Directors, acting on behalf of the owners

of the office units, shall have power, unless prohibited herein, to bid in the unit at foreclosure sale, and to acquire and hold, lease, mortgage and convey the same. Action to recover a money judgment for unpaid common expenses shall be maintainable without foreclosing or waiving the lien securing the same.

K. Where the mortgagee of a first mortgage or grantee of a first trust deed of record or other purchaser of an office unit obtains title to the unit as a result of foreclosure of the first mortgage or first trust deed such acquirer of title, his successors and assigns, shall not be liable for the share of the common expenses or assessments by the Association chargeable to such office unit which became due prior to the acquisition of title to such office unit by such acquirer. Such unpaid share of common expenses or assessments shall be deemed to be common expenses collectible from all of the office units including such acquirer, his successors and assigns.

L. The owners of the respective office units shall have the right to lease the same provided that said lease is made subject to the covenants and restrictions contained in this Declaration and further subject to the By-Laws attached hereto.

M. In the event the property subject to this Declaration is totally or substantially damaged or destroyed, the repair, reconstruction, or disposition of the property shall be as provided in Section 91.660, Oregon Revised States.

N. In a voluntary conveyance of an office unit the grantee of the unit shall be jointly and severally liable with the Grantor for all unpaid assessments by the Association against the latter for his share of the common expenses up to the time of the grant or conveyance, without prejudice to the grantee's right to recover from the Grantor the amounts paid by the grantee therefore. However, any such grantee shall be entitled to a statement from the manager or Board of Directors of the Association, as the case may be, setting forth the amount of the unpaid assessments against the Grantor due the Association and such grantee shall not be liable for, nor shall the office unit conveyed be subject to a lien for, any unpaid assessments made by the Association against the Grantor in excess of the amount therein set forth.

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BOOK 847 PAGE 998

O. All agreements and determinations lawfully made by the Association in accordance with the voting percentages established in the Unit Ownership Law, Oregon Revised Statutes, this Declaration or in the By-Laws, shall be deemed to be binding on all owners of office units, their successors and assigns.

P. That the Board of Directors of the Association of Owners, or the Management Agent, or Manager shall obtain and continue in effect blanket property insurance in form and amounts satisfactory to mortgagees holding first mortgages or grantees holding first trust deeds covering office units but without prejudice to the right of the owner of an office unit to obtain individual office unit insurance in excess of the blanket coverage.

Q. That insurance premiums for any blanket insurance coverage shall be a common expense to be paid by monthly assessments levied by the Association of Owners; and that such payments shall be held in a separate escrow account of the Association of Owners and used solely for the payment of the blanket property insurance premiums as such premiums become due.

R. That so long as said Grantor, its successors and assigns, owns one or more of the office units established and described herein, said Grantor, its successors and assigns shall be subject to the provisions of this Declaration and of Exhibits A and B attached hereto; and said Grantor covenants to take no action which would adversely affect the rights of the Association with respect to assurances against latent defects in the property or other right assigned to the Association by reason of the establishment of the condominium.

S. The term Declaration as used herein shall mean and include the term Master Deed.

T. The name of the person to receive service of process in cases provided for in Subsection (1) O.R.S. 91.635 is William J. Cooley and his place of business is 1130 S. E. 122nd Avenue, Portland, Oregon.

DATED February 21, 1972.

CONDOMINIUM CORPORATION OF OREGON

By William J. Cooley President

By Robert L. Powell Secretary

Page 6 - DECLARATION.

Port
Case #4240016
Bureau Case #LU 24-078744 CU
Exhibit #6
Page 11 of 21

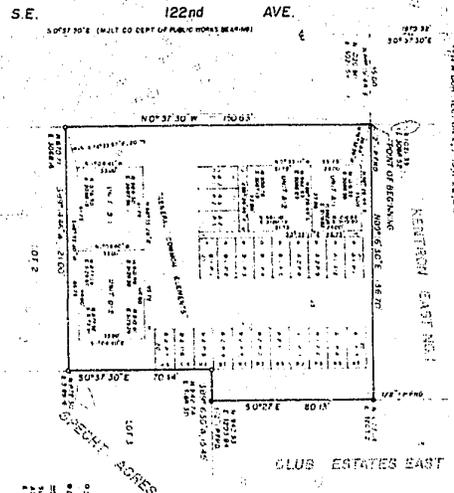
EXHIBIT "A"

BOOK 847 PAGE 999

KENTRON SOUTH CONDOMINIUM

IN THE NW 1/4 SECTION 2, T-15-S-21-W MULTNOMAH COUNTY, OREGON

SCALE 1" = 10'



DECLARATION: I, THE UNDERSIGNED, PRESIDENT OF THE SAID CORPORATION, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED CONDOMINIUM WAS CREATED BY THE PRESIDENTS TO BE EXERCISED BY ITS PRESIDENT AND HIS SUCCESSORS...

STATE OF OREGON COUNTY OF MULTNOMAH SS

SURVEYOR'S CERTIFICATE

I, JAMES W. FELL, LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED CONDOMINIUM WAS CREATED BY THE PRESIDENTS TO BE EXERCISED BY ITS PRESIDENT AND HIS SUCCESSORS...

Notary seal for James W. Fell, Land Surveyor.

Notary seal for the State of Oregon.

JOHN D. WELTON, HERBERT A. PERRY, JOHN D. WELTON, HERBERT A. PERRY

PART OF THE ABOVE INSTRUMENT NOT LEGIBLE WHEN RECEIVED FOR RECORDING

EXHIBIT "B"

BY-LAWS OF KENTRON SOUTH CONDOMINIUM

ARTICLE I

PLAN OF UNIT OWNERSHIP

BOOK 847 PAGE 1000

Section 1. The project located at 1320, 1350, 1370 and 1390 S. E. 122nd Avenue, City of Portland, County of Multnomah, State of Oregon, known as "Kentron South Condominium" is submitted to the provisions of Oregon Revised Statutes, Sections 91.505 to 91.575.

Section 2. By-Laws Applicability. The provisions of these By-Laws are applicable to the project. (The term project as used herein shall include the land.)

Section 3. Personal Application. All present or future owners, tenants, future owners or their employees or any other person that might use the facilities of the project in any manner are subject to the regulations as set forth in these By-Laws.

The mere acquisition or rental of any of the units of the project or the mere act of occupancy of any of said units will signify that these By-Laws are accepted, ratified and will be complied with.

ARTICLE II

VOTING, MAJORITY OF OWNERS, QUORUM, PROXIES

Section 1. Voting. Voting shall be on a percentage basis and the percentage of the vote to which the owner is entitled is the percentage assigned to the unit or units in the Declaration.

Section 2. Majority of Owners. As used in these By-Laws the term majority of owners shall mean those owners holding 65% of the votes in accordance with the percentages assigned in the Declaration.

Section 3. Quorum. Except as otherwise provided in these By-Laws the presence in person or by proxy of a majority of owners as defined in Section 2 of this article shall constitute a quorum.

Section 4. Proxies. Votes may be cast in person or by proxy. Proxies must be filed with the secretary before the appointed time of each meeting.

ARTICLE III

ADMINISTRATION

Section 1. Association Responsibilities. The owners of the units will constitute the Association of Owners (hereinafter referred to as Association) who will have the responsibility of administering the project, approving the annual budget, establishing and collecting monthly assessments and arranging for the management of the project pursuant to an agreement, containing provisions relating to the duties, obligations, removal and compensation of the management agent. Except as otherwise provided, decisions and resolutions of the Association shall require approval by a majority of owners. There shall be a professional management agent so long as Condominium Corporation of Oregon owns an interest in the project.

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BOOK 847 PAGE 1001

Section 2. Place of Meetings. Meetings of the Association shall be held at the principal office of the project or such other suitable place convenient to the owners as may be designated by the Board of Directors.

Section 3. Annual Meetings. The first annual meeting of the Association shall be held on _____ . Thereafter, the annual meetings of the Association shall be held on the _____ of _____ each succeeding year. At such meetings there shall be elected by ballot of the owners a Board of Directors in accordance with the requirements of Section 5 of Article IV of these By-Laws. The owners may also transact such other business of the Association as may properly come before them.

Section 4. Special Meetings. It shall be the duty of the Chairman to call a special meeting of the owners as directed by resolution of the Board of Directors or upon a petition signed by a majority of the owners and having been presented to the Secretary. The notice of any special meeting shall state the time and place of such meeting and the purpose thereof. No business shall be transacted at a special meeting except as stated in the notice unless by consent of all the unit owners.

Section 5. Notice of Meetings. It shall be the duty of the Secretary to mail a notice of each annual or special meeting, stating the purpose thereof as well as the time and place where it is to be held, to each owner of record, at least 5 but not more than 10 days prior to such meeting. The mailing of a notice in the manner provided in this Section shall be considered notice served.

Section 6. Adjourned Meetings. If any meeting of owners cannot be organized because a quorum has not attended, the owners who are present, either in person or by proxy, may adjourn the meeting to a time not less than forty-eight (48) hours from the time the original meeting was called.

Section 7. Order of Business. The order of business at all meetings of the owners of units shall be as follows:

- (a) Roll Call.
- (b) Proof of notice of meeting or waiver of notice.
- (c) Reading of minutes of preceding meeting.
- (d) Reports of officers.
- (e) Report of committees.
- (f) Election of inspectors of election.
- (g) Election of directors.
- (h) Unfinished business.
- (i) New business.

ARTICLE IV

BOARD OF DIRECTORS

Section 1. Number and Qualification. The affairs of the Association shall be governed by a Board of Directors composed of three (3) persons, all of whom must be owners of units in the project, provided that husband and wife may not serve as Directors simultaneously. Corporate owners shall be represented by a person named by its board of directors and elected to office under these By-Laws.

Section 2. Powers and Duties. The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not by law or by these By-Laws directed to be exercised and done by the owners.

BOOK OF RECORDS 3 28 1972

BOOK 847 PAGE 1002

Section 3. Other Duties. In addition to duties imposed by these By-Laws or by resolutions of the Association, the Board of Directors shall be responsible for the following:

- (a) Care, upkeep and surveillance of the project and the general common elements and the limited common elements.
- (b) Collection of monthly assessments from the owners in accordance with these By-Laws and the Oregon Unit Ownership Law.
- (c) Designation and dismissal of the personnel necessary for the maintenance and operation of the project, the general common elements and the limited common elements.
- (d) In the event suit or action is commenced by the directors for the collection of any amounts due pursuant to these By-Laws or for the enforcement of any provisions of the By-Laws or of the Oregon Unit Ownership Law, the owner will in addition to all other obligations pay the costs of such suit or action including a reasonable attorney's fee to be fixed by the trial court and in the event of an appeal of the cost of the appeal together with a reasonable attorney's fee in the appellate court to be fixed by such court.

Section 4. Management Agent. The Board of Directors shall employ for the Association a corporate or other professional management agent. So long as Condominium Corporation of Oregon is the owner of at least one office unit it shall be employed as the management agent at a compensation to be agreed upon with the board; provided, however, if the board and management agent are unable to agree upon a fee it shall be submitted to an arbitrator agreed upon by the parties and if the parties are unable to agree upon a single arbitrator they shall each appoint an arbitrator and those so appointed shall appoint a third and the arbitrators so appointed shall fix the fee and both parties shall be bound by the fee so fixed by a majority of the arbitrators.

Section 5. Election and Term of Office. At the first annual meeting of the Association one director shall be elected for a term of one year, one director shall be elected for a term of two years, and one director shall be elected for a term of three years. At the expiration of the initial term of office of each respective director his successor shall be elected to serve a term of three years. The directors shall hold office until their successors have been elected and hold their first meeting.

Section 6. Vacancies. Vacancies in the Board of Directors caused by any reason other than the removal of a Director by a vote of the Association shall be filled by vote of the majority of the remaining Directors, even though they may constitute less than a quorum; and each person so elected shall be a Director until a successor is elected at the next annual meeting of the Association.

Section 7. Removal of Directors. At any regular or special meeting duly called, any one or more of the Directors may be removed with or without cause by a majority of the owners and a successor may then and there be elected to fill the vacancy thus created. Any director whose removal has been proposed by the owners shall be given an opportunity to be heard at the meeting.

Section 8. Organization Meeting. The first meeting of a newly elected Board of Directors shall be held within ten (10) days of election at such place as shall be fixed by the Directors at the meeting at which such Directors were elected, and no notice shall be necessary to the newly elected Directors in order legally to constitute such meeting, providing a majority of the whole Board shall be present.

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Section 9. Regular Meetings. Regular meetings of the Board of Directors may be held at such time and place as shall be determined, from time to time, by a majority of the Directors, but at least twelve such meeting shall be held during each fiscal year. Notice of regular meetings of the Board of Directors may be called by the President on three days notice to each Director, given personally or by mail, telephone or telegraph, which notice shall state the time, place (as hereinabove provided) and purpose of the meeting. Special meetings of the Board of Directors shall be called by the President or Secretary in like manner and on like notice on the written request of at least three Directors.

Section 10. Special Meetings. Special meetings of the Board of Directors may be called by the Chairman on three days notice to each Director, given personally or by mail, telephone or telegraph, which notice shall state the time, place (as hereinabove provided) and purpose of the meeting. Special meetings of the Board of Directors shall be called by the Chairman or Secretary in like manner and on like notice on the written request of at least two (2) Directors.

Section 11. Waiver of Notice. Before or at any meeting of the Board of Directors any Director may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Director at any meeting of the Board shall be a waiver of notice by him of the time and place thereof. If all the Directors are present at any meeting of the Board no notice shall be required and any business may be transacted at such meeting.

Section 12. Board of Director's Quorum. At all meetings of the Board of Directors, a majority of the Directors shall constitute a quorum for the transaction of business, and the acts of the majority of the Directors shall be the acts of the Board of Directors. If, at any meeting of the Board of Directors there be less than a quorum present, the majority of those present may adjourn the meeting from time to time. At any such adjourned meeting any business which might have been transacted at the meeting as originally called may be transacted without further notice.

Section 13. Fidelity Bonds. The Board of Directors shall require that all officers and employees of the Association handling or responsible for Association funds shall furnish adequate fidelity bonds. The premiums on such bonds shall be paid by the Association.

ARTICLE V.

OFFICERS

Section 1. Designation. The principal officers of the Association shall be a Chairman, a Vice-Chairman and a Secretary-Treasurer, all of whom shall be elected by and from the Board of Directors. The Directors may appoint an assistant treasurer and an assistant secretary and such other officers as in their judgment may be necessary.

Section 2. Election of Officers. The officers of the Association shall be elected annually by the Board of Directors at the organization meeting or each new Board and shall hold office at the pleasure of the Board.

Section 3. Removal of Officers. Upon an affirmative vote of a majority of the members of the Board of Directors, any officer may be removed, either with or without cause, and his successor elected at any regular meeting of the Board of Directors, or at any special meeting of the Board called for such purpose.

Section 4. Chairman. The Chairman shall be the chief executive officer of the Association. He shall preside at all meetings of the Association and of the Board of Directors. He shall have all of the general powers and duties

which are usually vested in the office of chairman of an Association, including but not limited to the power to appoint committees from among the owners from time to time as he may in his discretion decide is appropriate to assist in the conduct of the affairs of the Association.

Section 5. Vice-Chairman. The Vice-Chairman shall take the place of the Chairman and perform his duties whenever the Chairman shall be absent or unable to act. If neither the Chairman nor the Vice-Chairman is able to act, the Board of Directors shall appoint some other member of the Board to do so on an interim basis. The Vice-Chairman shall also perform such other duties as shall from time to time be imposed upon him by the Board of Directors.

Section 6. Secretary-Treasurer. The Secretary-Treasurer shall keep the minutes of all meetings of the Board of Directors and the minutes of all meetings of the Association. He shall have charge of such books and papers as the Board of Directors may direct and he shall in general perform all the duties incident to the office of Secretary and he shall have responsibility for Association funds and securities and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association. He shall be responsible for the deposit of all monies and other valuable effects in the name and to the credit of the Association in such depositories as may from time to time be designated by the Board of Directors.

ARTICLE VI

OBLIGATIONS OF THE OWNERS

Section 1. Assessments. All owners are obligated to pay monthly assessments imposed by the Association to meet all project communal expenses, which may include a liability insurance policy premium and an insurance premium for a policy to cover repair and reconstruction work in case of hurricane, fire, earthquake or other hazard. The assessments shall be made pro rata according to the value of the unit owned, as stipulated in the Declaration. Such assessments shall include monthly payments to a General Operating Reserve and a Reserve Fund for Replacements.

Section 2. Maintenance and Repair.

(a) Every owner must perform promptly all maintenance and repair work within his own unit, which if omitted would affect the project in its entirety or in a part belonging to other owners, being expressly responsible for the damages and liabilities that his failure to do so may engender.

(b) All the repairs of internal installations of the unit such as water, light, gas, power, sewage, telephones, air conditions, sanitary installations, doors, windows, lamps and all other accessories belonging to the unit area shall be at the owner's expense.

(c) An owner shall reimburse the Association for any expenditures incurred in repairing or replacing any common area and facility damaged through his fault.

Section 3. Use of Units - Internal Changes.

(a) All units shall be utilized as general offices and only for purposes permitted by the zoning ordinances of Multnomah County, Oregon.

(b) An owner shall not make structural modifications or alterations in his unit or installations located therein without previously notifying the Association in writing, through the Management Agent, if any, or through the President of the Board of Directors, if no management agent is employed. The Association shall have the obligation to answer within thirty days and failure to do so within the stipulated time shall mean that there is no objection to the proposed modification or alteration.

Section 4. Use of General Common Elements and Limited Common Elements.

(a) An owner shall not place or cause to be placed in the lobbies, vestibules, stairways, and other project areas and facilities of a similar nature both common and limited, any furniture, packages or objects of any kind. Such areas shall be used for no other purpose than for normal transit through them.

Section 5. Right of Entry.

(a) An owner shall grant the right of entry to the Management Agent or to any other person authorized by the Board of Directors or the Association in case of any emergency originating in or threatening his unit, whether the owner is present at the time or not.

(b) An owner shall permit other owners, or their representatives, when so required, to enter his unit for the purpose of performing installations, alterations or repairs to the mechanical or electrical services, provided that requests for entry are made in advance and that such entry is at a time convenient to the owner. In case of an emergency, such right of entry shall be immediate.

Section 6. Rules of Conduct.

(a) No unit owner shall post any advertisements or posters of any kind in or on the project except as authorized by the Association and complying with the standards of the Multnomah County Planning Commission.

(b) Owners and occupants shall exercise extreme care about making noises or the use of musical instruments, radios, television and amplifiers as may disturb other occupants.

(c) It is prohibited to throw garbage or trash outside the disposal installations provided for such purposes in the service areas.

(d) No owner, resident or lessee shall install wiring for electrical or telephone installation, television antennae, machines or air conditioning units, etc., on the exterior of the project or that protrude through the walls or the roof of the project except as authorized by the Association.

(e) No exterior antennas shall be allowed except those installed by the Association.

Section 7. Default. Failure by the owner to pay any assessment by the Association shall be a default by the owner and subject the owner and the unit to obligations of these By-Laws and of the Oregon Unit Ownership Law, and in addition thereto any default by the owner in any provision of these By-Laws of the Oregon Unit Ownership Law shall be deemed to be a default by the owner of any mortgage to which the owner is a party or to which the unit is subject.

ARTICLE VII

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AMENDMENTS TO PLAN OF UNIT OWNERSHIP

Section 1. By-Laws. These By-Laws may be amended by the Association in a duly constituted meeting for such purpose and no amendment shall take effect unless approved by owners representing at least 75% of the total value of all units in the project as shown in the Declaration.

ARTICLE VIII

MORTGAGES

Section 1. Notice to Association. An owner who mortgages his unit, shall notify the Association through the Management Agent, if any, or the Chairman of the Board of Directors in the event there is no Management Agent, the name and address of his mortgagee; and the Association shall maintain such information in a book entitled "Mortgagees of Units."

Section 2. Notice of Unpaid Assessments. The Association shall at the request of a mortgagee of a unit report any unpaid assessments due from the owner of such unit.

ARTICLE IX

COMPLIANCE

These By-Laws are set forth to comply with the requirements of the Oregon Unit Ownership Law.

ARTICLE X

RIGHT OF RE-PURCHASE

In the event any owner wishes to sell his unit he must give notice in writing to the Association of such intention. The Association shall have the right to purchase said unit upon the same terms and conditions as any bona fide offer submitted to the owner which the owner accepts, provided that if the Association fails to exercise such right within thirty days from the date of acceptance of any offer by the owner, such right of re-purchase shall expire and the owner shall thereafter be free to sell such unit free of any right of re-purchase by the Association.

In case any of these By-Laws conflict with the provisions of said statute, it is hereby agreed and accepted that the provisions of the statute will apply.

DATED at Portland, Oregon, this 21 day of February, 1972.

KENTRON SOUTH CONDOMINIUM

By: William J. Daley Chairman

By: John J. Gabel Secretary

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STATE OF OREGON)
County of Multnomah) ss

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On this 21 day of February, 1972, before me appeared
Melham J. Corley and Robert L. Gode, both to me
personally known, who being duly sworn, did say that he, the said Melham J.
Corley is the Chairman, and she, the said Robert L. Gode, is
the Secretary of KENTRON SOUTH CONDOMINIUM UNIT OWNERS ASSOCIATION, and that
that the said instrument was signed in behalf of said Association by authority
of its Board of Directors, and Melham J. Corley and
Robert L. Gode acknowledged said instrument to be the
free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year above written.



Donna A. Mayer
Notary Public for Oregon
My Commission expires: March 24, 1974

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DEED



STATE OF OREGON)
Multnomah County) ss. I, JOHN D. WELTON, Director, Department of Records and Elections for the State of Oregon, do hereby certify that the within instrument of record is a true and correct copy of the instrument as the same is recorded in the records of said county.

1972 MAR 23 7 11 10 32

JOHN D. WELTON
DIRECTOR
MULTNOMAH CO., OREGON

In Book 847 on Page 991

Witness my hand and seal of office at said.

JOHN D. WELTON, Director
Department of Records and Elections

[Signature]
Deputy

T 12
30.00



RECORD CLOSING INFORMATION

LU CASE # 24-078744 CU

Hearings Officer: William Guzman

HO CASE # 4240016

Hearing began at 2:00 p.m. on November 18, 2024, and closed at 2:57 p.m.

THE RECORD WAS CLOSED AT THAT TIME.

Hearing is continued to _____ a.m. p.m. on _____
because:

Record was held open until:

4:00 p.m. _____ for _____

- The record will close at 4:00 p.m. on the latest date shown. If, in the applicant's final rebuttal, the Hearings Officer receives a request from the applicant to close the record early, the Hearings Officer has discretion to grant or deny the request.

The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional seven day time period to submit written rebuttal into the record.

Internal Use Only

