



July 9, 2010

Jennie Sowder  
Executive Director of Child Care  
YMCA of Columbia-Willamette  
9500 SW Barbur Blvd, Suite 200  
Portland, OR 97219

RE: Child care operation – Minor Modification Request (File # **CSU-10-07**)  
Building Permit Number: n/a (permit not yet submitted)  
Tax Lot: 1S1E36BA08400  
Site Address: 2992 SE Monroe St

Dear Ms. Sowder:

On June 23, 2010, you requested approval to re-establish a child-care operation at 2992 SE Monroe St. The subject property has been used as a child-care facility over the past several decades, although the most recent operation reportedly ceased activity approximately six months ago. The proposal is for the YMCA of Columbia-Willamette to operate a child-care center for approximately 111 children, ages ranging from 6 weeks to 12 years old, on weekdays between the hours of 6:00 a.m. and 6:30 p.m.

In the current version of the Milwaukie Municipal Code (MMC), day-care centers are specifically listed as eligible community service uses in MMC Subsection 19.321.2. A day-care operation at the site was originally approved as a conditional use in 1972 (land use file C-72-04), prior to the establishment of the community service use section of the City's zoning ordinance in 1984. A significant addition to the existing building was approved as a major modification to a community service use in 1989-90 (land use file CSO-89-07).

Because of the change in operator and the small lapse in activity at the site, the proposal represents a minor modification to the subject property as an existing community service use (CSU). As per MMC 19.321.6.C, the Planning Director may approve minor modifications to a CSU as long as the modifications meet five specific criteria. I have reviewed the proposed project and am approving it as a minor modification to the existing CSU, with the following evaluation of how the project meets each of the relevant criteria:

**1. Does not increase the intensity of any use.**

The proposal to re-establish a child-care operation at 2992 SE Monroe St is in accordance with earlier approvals for a day-care facility at the site. In both the 1972 and 1989 approvals, the facility was acknowledged as being adequately sized to handle between 100 and 113 children. The proposed facility will operate within those parameters and will not increase the intensity of use.

**2. Meets all requirements of the underlying zone relating to building size and location and off-street parking and the standards of Title 19.**

The property at 2992 SE Monroe St is zoned Residential R-2, with an area of approximately 32,300 sq ft. Re-establishing a day-care operation will not change the footprint of the existing building, as most proposed improvements are interior remodeling. The project will not reduce existing landscaped areas, and the applicant proposes to restore the vegetated screening along the southern edge of the outdoor play area.

The past land use approvals for this site established a general parking ratio of 2 spaces per employee. The site plan associated with the 1989 major modification showed the facility providing 18 off-street parking spaces. However, the existing striping configuration of the site's parking areas provides only 15 spaces, several of which do not meet the minimum dimensional standards. While the proposal will not reduce the existing paved parking area, an ADA-compatible parking space is proposed and the associated ADA loading zone will displace one existing parking space, which would lower the total number of spaces to 14. At the same time, the project will also create one new parking space near the front door to accommodate the facility's bus/van, which would return the total to 15 spaces.

The applicant has proposed to re-stripe the spaces adjacent to the new ADA space to provide 4 spaces. But because those 4 spaces would each be less than 8 ft wide and because most of the other existing spaces are also narrower than the 9-ft minimum, a condition has been established to require that the parking spaces next to the ADA space be at least 9 ft wide (which will result in only 3 spaces there, instead of 4).

The current off-street parking requirement for day-care facilities is 2 spaces per 1,000 sq ft of floor area; since the existing building is approximately 7,500 sq ft, 15 off-street spaces would be required. The proposal meets the current standard for number of required parking spaces.

Overall, the proposal will not move the site out of conformance with the applicable requirements of the R-2 zone or other relevant standards of MMC Title 19.

**3. Does not result in deterioration or loss of any protected natural feature or open space and does not significantly affect nearby property uses.**

The proposal will not reduce the existing landscaped areas or open spaces on the site. The applicant has proposed to replace all dead plantings along the fence perimeter. A condition has been established to ensure that the outdoor play area is adequately screened from the adjacent properties to the south and southwest by filling in any other gaps in the existing screening. The proposal does not change the location of any activities that have previously occurred on the site and will not increase impacts to nearby property uses.

**4. Does not affect any conditions specifically placed on the development by the planning commission or city council.**

A day-care operation has been approved for the site since 1972. The following land use decisions are associated with the subject property:

- **C-72-04 (1972)**, a conditional use approval for establishing a doctor's clinic and day-care center. Conditions of approval included provision of 2 off-street parking spaces per teacher and 1 per other employee, 100 sq ft of enclosed

play area per child, and driveway wide enough for two-way traffic (minimum 20 ft wide). The application also included a request for a variance to the required 15-ft setback on the eastern side of the existing building, which was granted.

- **CSO-89-07 (1989-90)**, a community service use approval for expansion of the day-care facility. The project included replacing a covered play area with a 1,064-sq-ft addition at the rear of the existing building and establishing a new 750-sq-ft covered play area. Conditions of approval included continued compliance with off-street parking requirements and maintenance of screening (sight-obscuring, 4-6 ft in height, preferably vegetative) along the southern property line.

**Note:** It appears that some aspects of the project were not constructed in accordance with the site plan approved in 1989. For example, the existing parking areas are not as large as those shown on the plan, resulting in a slight reduction of the number and size of parking spaces. And the actual driveway approaches onto Monroe St are significantly narrower than the 25-ft widths shown on the plan. In evaluating the current proposal, I have determined that the most appropriate course of action is to ensure that nonconforming features do not go further out of conformance. As proposed and conditioned, the proposal complies with that determination.

As proposed, the re-establishment of a child-care facility on the subject property will not affect any conditions associated with the approvals noted above.

**5. Does not cause any public facility, including transportation, water, sewer, and storm drainage, to fail to meet any applicable standards for adequacy.**

The project will not affect any utilities or public facilities.


**Conditions of Approval**

Prior to issuance of a certificate of occupancy for the proposed child-care operation:

1. The parking area closest to the west side of the building shall be re-stripped so that the spaces adjacent to the newly created ADA space are at least 9 ft wide.
2. Evergreen landscaping that is at least 4 ft high shall be provided along the southern and southwestern fence lines separating the outdoor play area from adjacent residential properties. Plantings along the fence line shall provide a continuous, sight-obscuring screen and shall be maintained in good condition.

This letter constitutes approval of the requested minor modification, with the above-noted conditions. This decision may be appealed to the Planning Commission by filing a notice of appeal with the Planning Director within 15 days of this mailing, or by **July 24, 2010**. If you have any questions about this minor modification approval, you may contact **Brett Kolver**, Associate Planner, by phone at (503) 786-7657 or e-mail at [kolverb@ci.milwaukie.or.us](mailto:kolverb@ci.milwaukie.or.us).

Sincerely,

  
Katie Mangle  
Planning Director

Copy: Tom Larsen, Building Official  
Address File (2992 SE Monroe St); Land Use File # CSU-10-07