NOTICE OF ZONING VIOLATION

September 18, 2025

4310 BUILDING LLC
520 SW YAMHILL ST #600
PORTLAND, OR 97204-1329

RE:
Case #: 25-058259-CC
Location: 4310 S MACADAM AVE
Tax Acct #: R991100800
Zoning: CXd, Central Commercial Zone in a Design Overlay Zone

Portland Permitting & Development works in cooperation with citizens and property owners to maintain safe and livable neighborhoods in the City of Portland. We recently received a report and verified that your property is in violation of the Portland Zoning Code. Please review your options for correcting the zoning violation(s) and call me, Michael Liefeld, at 503-865-6554 to discuss resolution of your case.

CITED VIOLATIONS:

1. **Violation:** **Allowing detainee stays at the Detainee Processing Area of more than 12 hours which is not in conformance with the approved Security Plan (Exhibit A.8) of Condition of Approval A. of LU 11-124052-CU PR.** (Portland Zoning Code Section 33.700.030.A) [1]

   Correction of violation:
   a. Ensure that the approved Security Plan (Exhibit A.8) of LU 11-124052-CU PR is met by adjusting the operations at the facility so that the maximum stay within the Detainee Processing Area is 12 hours maximum; no overnight stay or housing of detainees, or
   b. Apply for and obtain a new Conditional Use Review to amend the Conditions of Approval for LU 11-124052 CU PR. [2]

   Please see Zoning Code Information on next page for footnotes listed above

2. **Violation:** **Exterior alterations to the building without the required Design Review approval. Alterations to the required ground floor windows by boarding up the exterior so that views are not allowed into the facility as required by the ground floor window standards.** (Portland Zoning Code Sections 33.130.230.B, 33.510.220, 33.420.041, 33.420.050, Table 420.2) [3]

   Correction of violation:
   a. Remove the wood boards and any coverings off the windows, doors, exterior of the building or. [4]
   b. Apply for and obtain Design Review approval for an exterior alteration of the building and modification to the required ground floor window standards. [5]

   Please see Zoning Code Information on next page for footnotes listed above

4310 S MACADAM AVE
September 18, 2025

You have 30 days from the date of this notice to correct the violation(s).

- If the violation(s) continue uncorrected beyond the deadline, a monthly code enforcement fee is charged as a lien against your property. The monthly fee will be imposed until the violation(s) are corrected, a reinspection is requested and city staff verifies correction of cited violations. It is your responsibility to inform me when the violations are corrected. If the violations continue uncorrected three (3) months from the initial notice of violation, the monthly code enforcement fee doubles.

- For complete details on fees, appeals, or to see if you may qualify for an enforcement fee waiver, please refer to the information at the end of this letter. You may appeal this notice within fifteen (15) days from the date of this notice by paying a $183.00 Appeal fee and writing to the address located at the top of the letter. Please note that this property will be billed at the non-residential rate of $934.00 per month.

If you have any questions regarding this notice or to schedule a reinspection, please contact me at 503-865-6554.

Thank you for your cooperation,

Michael Liefeld
Property Compliance Division Supervisor
503-865-6554, Michael.Liefeld@portlandoregon.gov

Enclosure(s): LU 11-124052-CU PR Conditions of Approval, Page 39
8/7/2025 Portland ICE Facility Detainee Data

cc: File
Immigration and Custom Enforcement, Portland District Office, 4310 SW Macadam Blvd, Portland OR 97239

Questions about zoning regulations:

By Phone or email: Call the Zoning Information Line at 823-7300 or email your questions to ppd@portlandoregon.gov. A planner will return your call or email within 3-5 business days.

Virtual 15-Minute Appointments: On-line meetings can be scheduled with a planner: https://www.portland.gov/ppd/early-assistance/15-minute-question-appointments

In-person 15-Minute Appointments: Meet face to face with a planner who can answer questions: https://www.portland.gov/service-locations/development-services-center#toc-scheduled-appointments-to-reduce-wait-times-

Questions about Building Permits:

By Phone or email: Call 503-823-7300 or email PPD@portlandoregon.gov.

Online customer information: https://www.portland.gov/ppd/permit-review-process/building-and-zoning-permit-application

Apply for permits online: You can apply for residential and commercial building permits (including revisions and deferred submittals), and trade permits (electrical, plumbing and mechanical) online: https://www.portland.gov/ppd/permit-review-process/apply-permits

Apply for permits in person: PP&D offers limited in-person appointments for permit application and review. https://www.portland.gov/service-locations/development-services-center#toc-scheduled-appointments-to-reduce-wait-times-

1 It is unlawful to violate any provisions of this Title, a land use decision, or conditions of a land use approval. The Conditional Use Review LU 11-124052 CU PR adopted by City Council on October 19, 2011 for the Detention facility required that the facility operate in conformance with the security plan approved with the Conditional Use Review.

Condition A states "*The Detention Facility shall operate in conformance with the approved Security Plan (Exhibit, A.8), as amended by the ICE Custody Release Plan dated September 2011 (Exhibit I.30.b).*

According to the August 7, 2025 data provided by US Immigration and Customs Enforcement for the period 10/1/2025-7/27/2025 there were 25 detainee stays at the facility exceeding 12 hours (from book in time to book out time).

2 A new conditional use is generally a Type III review, although changes to existing uses may be allowed through a Type II process. The review thresholds and approval criteria for all situations are contained within Chapter 33.815, Conditional Uses.

If you would like to consider this option please contact the Planning and Zoning Staff to discuss the conditional use review proposal, process, and submittal fees. See the contact information on page 2.

3 Design Review is required for exterior alterations to existing development in the Design Overlay Zone. A 2010 Design Review (LU 10-145100-DZM) approved a modification to the Ground floor window standards which approved the elevations with the windows that were installed under permit 10-188250-CO. An additional permit is currently issued for window glazing replacement with security glazing (24-080676-CO). (Portland Zoning Code Sections 33.130.230.B, 33.420.041, 33.420.050, Table 420.2, 33.510.220).

4 Required ground floor window areas must be windows that allow views into working areas, lobbies, stairwells, residential units or residential building common areas; glazing in pedestrian entrances; or display windows that are at least 24 inches deep set into a wall. Windows into storage areas, vehicle parking areas, mechanical and utility areas, garbage and recycling areas, and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. Except for the windows of residential units and clerestory windows located above doors or other windows, the bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade.

5 Design Reviews are processed through a Type I, Type II, or Type III procedure. For review thresholds, see Portland Zoning Code Section 33.825.025. A Pre-application conference is required before submitting all Type III reviews. A Design Advice Request is an optional request for feedback from the Design Commission before submitting a Design Review. In a few instances, it is required before submitting a Design or other Land Use Review. An optional Early Assistance Appointment may also be requested for less complex projects that do not need a pre-application conference.

City of Portland, Oregon - Portland Permitting & Development

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

Fees, Penalties, Reviews, Appeals, and Waiver Information

FEES

If all violations **are not** corrected, inspected, and approved by the City Inspector within thirty (30) days of the mailing date of the first violation letter, a lien may be placed against the property. The monthly fee is based on the number of units on the property and the number of units in violation.

1-2 Units	3 – 10 Units	11 – 19 Units	20 or more Units	Residential with Non-Residential use & Properties with only Non-Residential use
$375.00 per month	$561.00 per month	$748.00 per month	$934.00 per month	$934.00 per month

The monthly fees will double for any property that remains in violation for three (3) months from the initial Notice of Violation. The Revenue Bureau will add an additional 10% to the monthly fees above. Interest, penalties, and billing statement charges may also apply. Pursuant to Portland Policy Document ENB 12.07, owners or their representative may request a review of assessed liens/fees for potential reduction once an enforcement case is closed.

Investigation Fee: When Portland Permitting & Development cites work done without permit(s) at a property, PP&D will charge an investigation fee as provided by the State building codes OSSC 109.4, ORSC 108.6. The minimum fee charged is $153.00 with an additional charge of $153.00 for each additional hour or fraction thereof required to inspect and research the unpermitted work. This investigation fee will be charged in addition to the permit fees required to approve the work and must be paid prior to permits being issued.

Hearings: A $521.00 penalty will be assessed if the City files a complaint with the Code Hearings Officer regarding the continued existence of violations on the property.

ENFORCEMENT FEE WAIVERS

If you are having trouble meeting the timelines for correcting the violations listed in this letter, you may qualify for an enforcement fee waiver. A waiver provides for a temporary suspension of code enforcement fees assessed against a property while you are working to correct the violations. To get more information about waiver requirements, **you must contact the inspector** who sent this letter. The inspector can explain waivers that may apply to your property and discuss the requirements to qualify.

ADMINISTRATIVE REVIEW – Do Violations Exist?

- Pursuant to 3.30.040.E.8, as the property owner or authorized agent, if you believe the finding of the notice was in error you may request an Administrative Review within 15 days of the first violation notice. Code enforcement fees will continue to accrue during the review process.
- If additional violations are cited, any property owner or authorized agent may also request an Administrative Review of additional cited violations within 15 days of the date of the notice citing those additional violations.
- An Administrative Review Appeal Fee of $183.00 is due when the written request for an Administrative Review is requested. This fee will only be refunded if it is determined that all of the contested violations were cited in error.

The written request, along with the $183.00 Administrative Review fee, must be received in our office within 15 days of original notification and must state the reason(s) for the review. Please make the check payable to the City of Portland. Compliance timelines and enforcement actions remain in effect during the Administrative Review process.

Mail requests to:

Portland Permitting & Development
Property Compliance, Review/Appeal Desk
1900 SW 4th Avenue Suite 5000
Portland OR 97201

Your request should indicate if you or a representative of the property owner want to meet with city staff for the review. If so, we will notify you and/or your representative of the date and time of the review. A written determination will be mailed following the review, which will include additional appeal information as set forth in Section 29.80.020.

O. If the site is in the South Waterfront subdistrict and the proposal is for residential parking that will be operated as commercial parking, the proposal must meet the approval criteria for Visitor Parking in the South Waterfront subdistrict.

Findings: While the Site is within the South Waterfront subdistrict, the proposal does not include residential parking, so this criterion is not applicable.

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.

V. CONCLUSIONS

In regards to the issues and objections raised that "new evidence," i.e. any submissions presented following the Hearings Officer's Decision should not be allowed, the Council concludes that some submissions, and specifically the Appellants supplement to the appeal, including the ICE Custody Release Plan, and the August 31, 2011 memorandum from PPB Commander Jarmer, are not "new evidence" because they reiterate and clarify evidence and testimony in the record, and relate to the proposed conditions of approval. However, to the extent submissions were made after the Hearings Officer's Decision, the Council allowed parties additional time to submit further evidence and cured any issue concerning these submissions. That is, opponents of the appeal were given time to submit evidence or argument to respond to or rebut the appellant's additional submittals. Accordingly, the Council determines the submissions after the Hearings Officer's Decision (Exhibits I.1 to I.31) are accepted and admitted as part of the record.

In regards to the application for Conditional Use Review for a Detention Facility, the Council, as supported by the Findings above, concludes that the proposed Detention Facility will not pose an unreasonable safety threat to nearby uses and residents (PCC 33.815.205(B)) and reverses the Hearings Officer's Decision denying the Conditional Use for the Detention Facility. This approval is conditioned upon the Detention Facility being operated in accordance with the Security Plan (Exhibit A.8), as amended by the ICE Custody Release Plan dated September 2011 (Exhibit I.30.b).

VI. DECISION

It is the decision of Council to grant the appeal of appellant Rodney Grinberg, on behalf of Lindquist Development Company. With this decision, the City Council overturns the portion of the Hearings Officer's decision denying the Conditional Use for a Detention Facility and hereby grants the Conditional Use Review, as supported by the Findings herein. The Council further upholds the portion of the Hearings Officer's decision to approve the Central City Parking Review. The effect of the Council's decision is:

Approval of a Conditional Use to allow a 5,198 square foot Detention Facility on the Site; and

Approval of a Central City Parking Review to allow a 106-space accessory parking facility on the Site.

4310 S Macadam Ave, 25-058259-CC

ICE Portland District Office Detainee Processing Area stays exceeding 12 hours

Date Range: 10/1/2024-7/27/2025

ICE FOIA Case Number 2025-ICLI-00019: 2024-ICFO-39357 Fourth Interim Release, August 7, 2025 US Immigration and Custom Enforcement data

Book In Date Time	Detention Facility	Detention Facility Code	Detention Book Out Date Time
05/20/2025 8:30	PORTLAND DISTRICT OFFICE	POOHOLD	05/20/2025 21:37
05/20/2025 9:30	PORTLAND DISTRICT OFFICE	POOHOLD	05/20/2025 21:36
05/14/2025 14:00	PORTLAND DISTRICT OFFICE	POOHOLD	05/15/2025 8:31
05/14/2025 14:00	PORTLAND DISTRICT OFFICE	POOHOLD	05/15/2025 8:31
04/17/2025 9:00	PORTLAND DISTRICT OFFICE	POOHOLD	04/21/2025 13:16
03/19/2025 9:10	PORTLAND DISTRICT OFFICE	POOHOLD	03/19/2025 21:30
02/06/2025 10:30	PORTLAND DISTRICT OFFICE	POOHOLD	02/06/2025 23:55
01/31/2025 15:00	PORTLAND DISTRICT OFFICE	POOHOLD	03/19/2025 17:11
01/26/2025 12:00	PORTLAND DISTRICT OFFICE	POOHOLD	01/27/2025 15:10
01/26/2025 12:00	PORTLAND DISTRICT OFFICE	POOHOLD	01/27/2025 15:10
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