



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

Carmen Rubio, Commissioner
Rebecca Esau, Director
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TTY: (503) 823-6868
www.portland.gov/bds

Date: February 6, 2023

From: Andrew Gulizia, Land Use Services
503-865-6714 / Andrew.Gulizia@portlandoregon.gov

REQUEST FOR RESPONSE

Case File: LU 22-108225 CU AD
Pre-App: PC # 21-061883

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 email. 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 Andrew Gulizia at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or email andrew.gulizia@portlandoregon.gov. After the staff report is published, please submit your comments to the Hearings Officer at 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or hearingsofficeclerks@portlandoregon.gov.

The Bureau of Development Services recommendation will be published 10 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 at least 20 days prior to the hearing.

- **Please send your response to BDS no later than March 3, 2023.**
(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 March 10, 2023.**
- **A public hearing before the Hearings Officer is scheduled for March 22, 2023 at 1:30 PM.**

Applicant: Dave Spitzer
DMS Architects Inc
2325 NE 19th Ave.
Portland, OR 97212
(503) 335-9040
dave@dmsarchitects.com

Property Owner: Aman LLC
2105 NE Fairway Dr.
Portland, OR 97211-1685

Site Address: 4735 NE 72nd Ave.

Legal Description: BLOCK 6 INC PT VAC ST-E 50' OF N 100' OF LOT 6, PADDOCK AC;
BLOCK 6 INC PT VAC ST-SLY 40' OF NLY 140' OF LOT 5&6, PADDOCK AC

Tax Account No.: R637202410, R637202460

State ID No.: 1N2E20BD 01600, 1N2E20BD 01900

Quarter Section: 2537, 2538

Neighborhood: Cully, contact Zach Powers at zachmull@gmail.com

Business District: None

District Coalition: Central Northeast Neighbors, contact Alison Stoll at alisons@cnncoalition.org

Plan District: None

Zoning: R7h – Single-Dwelling Residential 7,000 base zone with Aircraft Landing (“h”) overlay zone

Case Type: CU AD – Conditional Use Review and Adjustment 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 Type III Conditional Use Review approval to establish a daycare use on this site. The new daycare would occupy an existing, single-story building. The existing vehicle area south of the building would be used for 5 striped, off-street parking spaces. The only new construction proposed are new canopies to be attached to the building and a 176-square-foot accessory building on the west side of the parking lot.

A daycare is classified as an institutional use in Zoning Code Table 110-1. In addition to the Conditional Use Review, the applicant requests an Adjustment to the Institutional Development Standards in Zoning Code Section 33.110.270.C.1, Table 110-8. Table 110-8 requires a 15-foot-wide, landscaped setback around the entire perimeter of the site, except for parts of the site perimeter which are adjacent to parking areas and grassy play areas (Table 110-8, footnote 5 and Zoning Code Section 33.110.270.C.8). The applicant requests for this requirement to be modified as follows:

- To allow the existing building to remain only 12'-5" from the east lot line (6'-5" from the new main entrance canopy and 9'-5" from other new canopies), and to waive the requirement for all of this setback to be landscaped;
- To allow the existing building to remain only 1 foot from the north lot line (zero for new canopies), and to waive the requirement for this setback to be landscaped;
- To allow the existing building to remain only 8'-1" from the west lot line, and to waive the requirement for all of this setback to be landscaped;

- To allow a hardscape play area to be only 2'-3" from the south lot line, and to waive the requirement for new trees in this setback; and
- To allow a hardscape play area to be only 5'-6" from the north lot line.

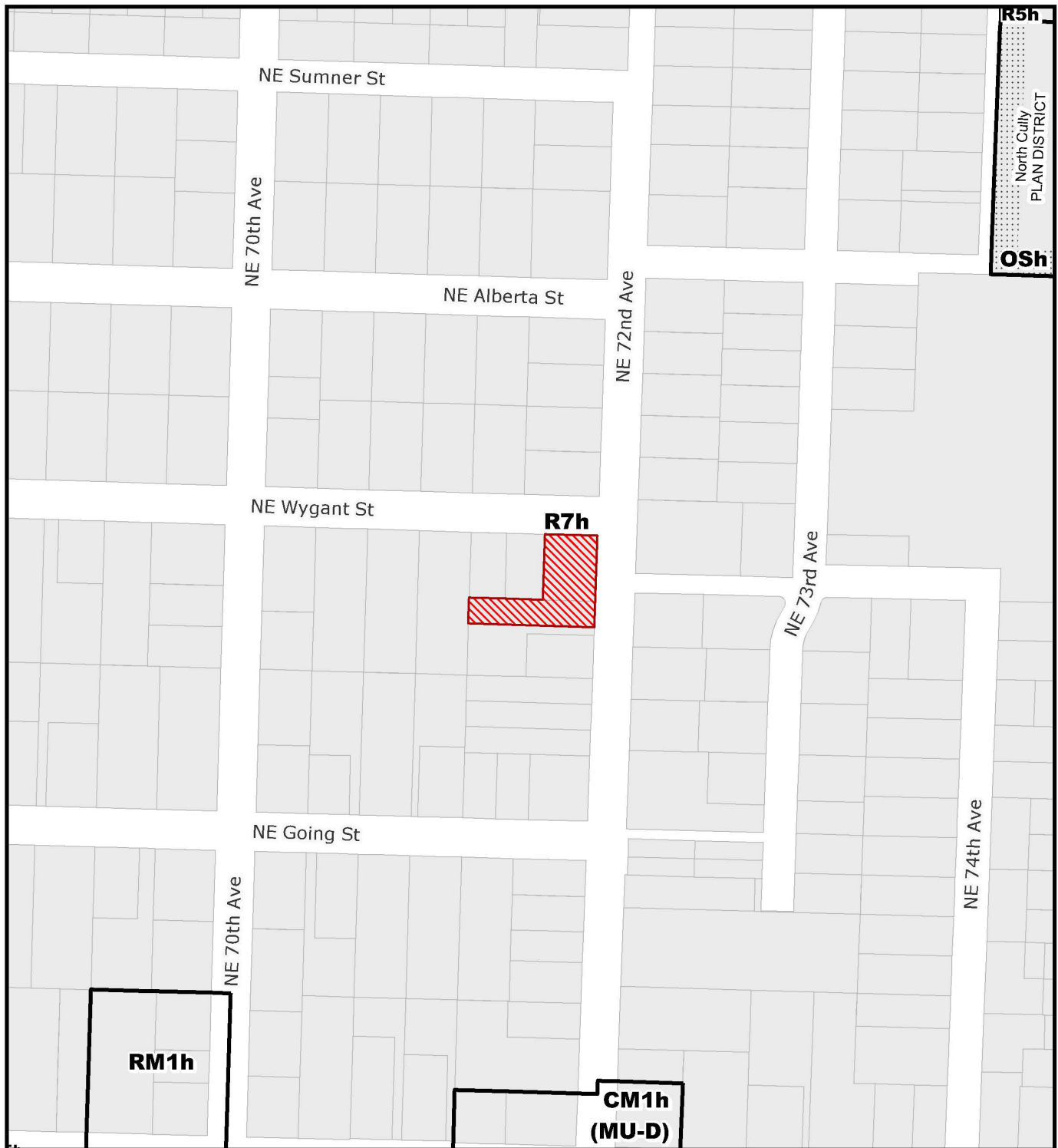
Approval Criteria:

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

- Zoning Code Section 33.815.105.A-E (Conditional Use Review); and
- Zoning Code Section 33.805.040.A-F (Adjustment Review).

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 January 28, 2022 and determined to be complete on July 20, 2022.

Enclosures: Zoning map, site plan



ZONING



For Zoning Code in effect Post August 1, 2021

File No.	<u>LU 22 - 108225 CU AD</u>
1/4 Section	<u>2537,2538</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N2E20BD 1600</u>
Exhibit	<u>B Jan 31, 2022</u>

LOT COVERAGE:		EXP. ON SITE
LOT AREA:	5,700 SF	
EXIST. BLDG. COVERAGE:	5,500 SF	
NEW BLDG. COVERAGE:	176 SF	
NEW LOT SCOT. STRUCTURE:		
TOTAL COVT BLDG. COVERAGE:	6,125 SF	
PROPOSED BLDG. COVERAGE:	6,125 SF	
PROPOSED APFAL/TIC/CONC/ITE:	5,175 SF	
PROPOSED LANDSCAPING:	4,000 SF	
		PH
		04
		LA
		400

[illegible]

	APPROVED TALL TREES KALPAK TREE (CEROPHATUM LAMONUM)
	APPROVED RED BUSH RED HALE (ALBIS RUBRA)
	RED ALDER (ALBIS RUBRA)
	APPROVED JAGRE TREES RED OAK (CAECIA RUBRA) BROOKER (CAECIA BELLIDOR)
	APPROVED LOTUS BUSH (IN A TALL PLANTIVITY)
	APPROVED LOTUS BUSH (IN A TALL PLANTIVITY) CALIFORNIA BUSH (CALIFORNIA COUNTY)
	APPROVED LOTUS BUSH (IN A TALL PLANTIVITY) ABSORPTIVE
	APPROVED ROUND CORNERS GREENING CORNERS (GREENING CORNERS) GREENING CORNERS (GREENING CORNERS)

[illegible]

3'-0"

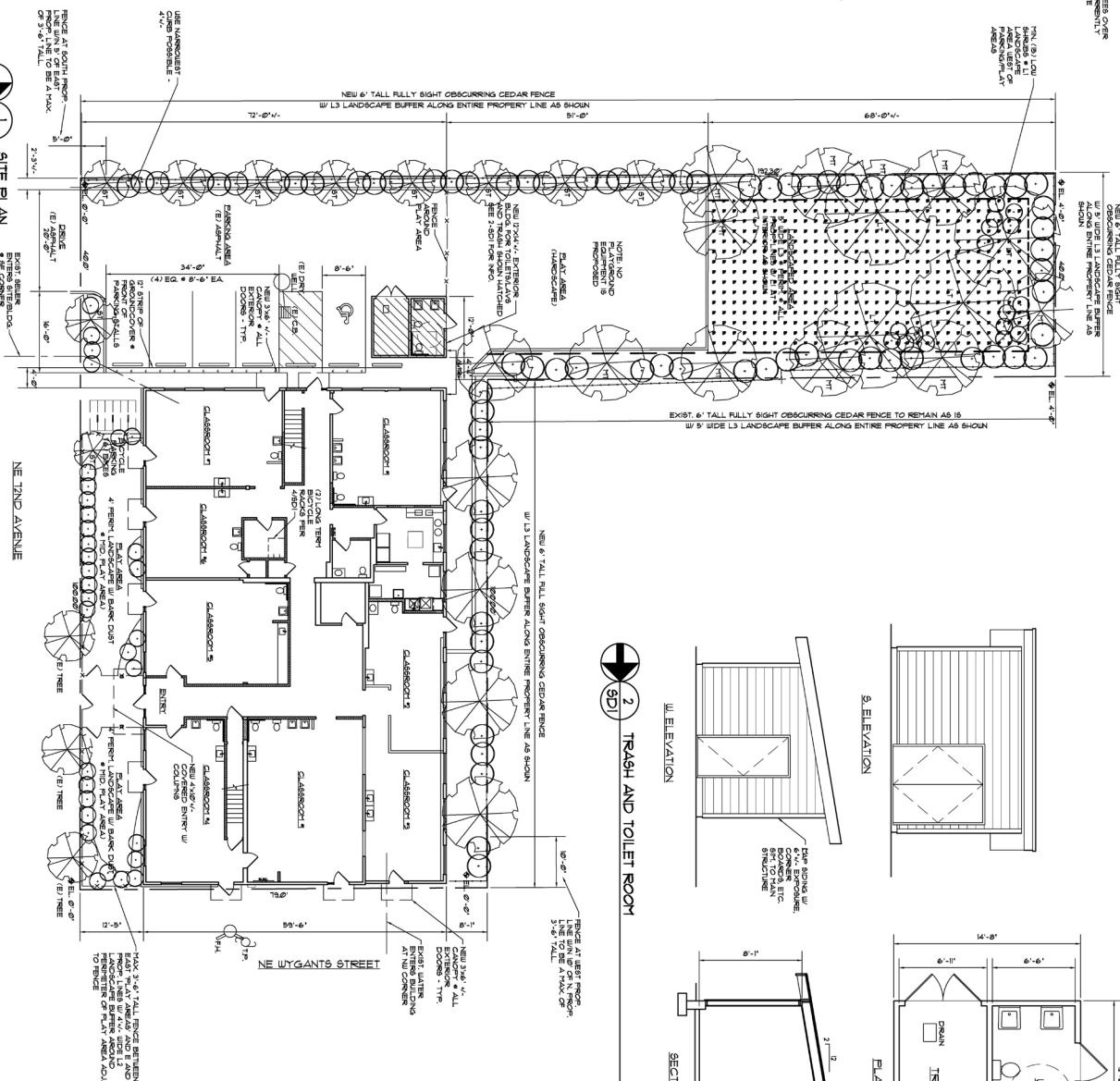
SECURE BIKE RACK TO SOLID STRUCTURES



SITE PLAN

A technical drawing of a rectangular structure, possibly a window or a door, with a dashed diamond shape inside. The drawing is composed of solid and dashed lines, indicating a 3D object's projection.

A technical drawing of a door, showing a handle and a lock mechanism. The door is depicted with vertical lines representing the door panel. The handle is a horizontal bar with a circular end. The lock mechanism is shown as a rectangular box with a handle and a keyhole. The drawing is a side view, showing the door's profile and the handle's position.



SHEET SD1 of 1	REVISIONS DATE 4-4-22 DMS	DRAWN 0000016 CHECKED	JOB No.	SHEET CONTENT		3225 NE 15TH AVE PORTLAND, OR 97218 OFFICE 503 535 9040 DAVE@DMSANDITECTS.COM	
				SITE PLAN			