



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

Dan Ryan, Commissioner
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Date: 3/17/22
To: Interested Person
From: Staci Monroe, Land Use Services
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 22-111801 DZ – NEW CANOPY

GENERAL INFORMATION

Applicant's

Representative: Danelle Isenhart | Isenhart Consulting LLC
PO Box 2364 | Beaverton OR 97075
danelle@isenhartconsulting.com | 503.880.4979

Applicant: Terry Cain | Ace Garden Home LLC
7225 SW Garden Home Rd | Portland, OR 97223

Owner/Agent: Colin Lamb | Garden Home Enterprises
7410 SW Oleson Rd | Portland, OR 97223

Party of Interest: Joe Spearing | Pike Awning
7300 SW Landmark Lane | Portland, OR 97224

Site Address: 7365 SW GARDEN HOME RD

Legal Description: None

Tax Account No.: W219784

State ID No.: 1S124DB01100

Quarter Section: 3822

Neighborhood: Ashcreek, contact at board@ashcreekna.org

Business District: None

District Coalition: Office of Community & Civic Life, contact Leah Fisher at leah.fisher@portlandoregon.gov

Plan District: None

Other Designations: None

Zoning: CEd – Commercial Employment with a Design overlay zone

Case Type: DZ – Design Review

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant requests Design Review approval for a new canopy above an outdoor garden area for the ACE Hardware located at 2365 SW Garden Home. The fabric canopy would be attached to the front of the building, at the north end, atop a fenced off paved area with garden supplies.

Design Review is required for exterior alterations that do not meet the exemptions in Section 33.425.045 or the Design Standards in 33.425.050.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code. The relevant approval criteria are:

- Portland Citywide Design Guidelines

ANALYSIS

Site and Vicinity: The site consists of two large lots totaling 116,059 acres with frontages on SW Garden Home Road and SW Oleson Road. The site contains a large one-story grocery store, Garden Home Marketplace, set back from SW Oleson Road by a parking lot and smaller one-story restaurant, which is located on the corner of SW Garden Home Road and SW Oleson Road. The site is located in SW Portland at the edge of the City of Portland's boundary with the City of Beaverton.

The Garden Home Marketplace building is composed of brick and stucco with a metal roof. There is a large perforated metal fascia above the primary west-facing building entrance. Also above the entrance is a clock-tower element. Parking is located between the west facing façade and SW Oleson Road. The south facing façade fronts SW Garden Home Road and has a few windows, lights, and a back door.

The surrounding area is a mixture of small commercial buildings, one to three-story apartment buildings, gas stations and parking lots. Across SW Oleson Road to the west is a community library and park. Across SW Garden Home Road to the south are small scale multi-family apartment buildings and offices.

Zoning: The Commercial Employment (CE) zone is a medium-scale zone intended for sites along corridors with a Neighborhood Collector or higher traffic classification, especially along civic corridors that are also Major Truck Streets or Priority Truck Streets. This zone is generally not appropriate in designated centers, except on a site that is currently developed in an auto-oriented manner and where more urban development is not yet economically feasible. The zone allows a mix of commercial uses, including auto-accommodating development and drive-through facilities, as well as some light manufacturing and distribution uses that have few off-site impacts. The emphasis of this zone is on commercial and employment uses, but residential uses are also allowed. Buildings in this zone will generally be up to four stories tall. This zone is intended to allow for development with auto-accommodating configurations, while also including pedestrian-oriented design features that support transit and pedestrian access.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate that prior land use reviews include the following:

- LU 18-244008 DZ - Design Review Approval for signage
- LU 20-211539 DZ - Design Review Approval for façade Alterations, rooftop mechanical and signage.
- LU 21-067416 DZ – Design Review Approval for building signage.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **February 28, 2022**. Given the small scope of the proposal, no Bureaus provided comments.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 28, 2022**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Portland Citywide Design Guidelines.

Portland Citywide Design Guidelines

The Portland Citywide Design Guidelines consist of a set of guidelines for design cases in community planning areas outside of the Central City. The Portland Community Design Guidelines focus on three tenets: **Context**, balancing the aspirations of the future desired character with today’s setting; **Public Realm**, strengthening a building and site’s relationship with the public rights-of-way and open spaces; and **Quality And Resilience**, underscoring holistic site and building designs that benefit people and climate.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

01: Build on the character, local identity, and aspiration of the place.

Possible design approaches may include, but are not limited to:

- Community - Relating to the local community’s identity, history, and cultural values and places.
- Architecture - Taking cues from desired character of existing architecture.
- Nature - Reflecting and enhancing local natural resources such as rivers, streams, buttes and vegetation.

Findings: The site is within the Western Neighborhoods in Portland. The awning is such a minor feature on this large multi-building site that it does not distract from the character of architecture in the area or affect the local identity or aspirations of the place. *This guideline is met.*

02: Create Positive Relationship with surroundings.

Possible design approaches may include, but are not limited to:

- Building Massing - Developing effective placement and proportion of building massing toward adjacent lower-scale development and residential uses.
- Street Wall - Maintaining a vibrant street wall with continuous storefronts along historic main streets.

- Connectivity - Creating visual and physical links to adjacent pedestrian pathways and neighboring open spaces.
- Adjacent Historic Landmarks - Deferring to the neighboring historic landmark through massing and urban form.

Findings: The new awning does not adversely impact the relationship of this portion of the building or site with its surrounding. *This guideline is met.*

03: Integrate and enhance on-site features and opportunities to contribute to a location’s uniqueness.

Possible design approaches may include, but are not limited to:

- Natural Resources - Minimizing site disturbance and integrating topography and natural resources found on-site.
- Viewpoints - Integrating views to community points of interest.
- On-site Older Buildings and Historic Resources - Retaining existing older buildings and historic resources.
- Social and Cultural Significance - Incorporating a site’s significant cultural or social history.

Findings: This large site is fully developed with multiple buildings and a large parking area. The awning is a very minor addition to the site that has no impacts on natural resources or viewpoints, nor can contribute meaningfully to the cultural or social history in this area. *This guideline is not applicable.*

04: Design the sidewalk level of buildings to be active and human-scaled.

Possible design approaches may include, but are not limited to:

- Ground Floor Heights - Designing buildings with taller, more adaptable ground floors.
- Multiple Entries and Windows - Offering more than one entrance along the ground floors of buildings to provide “eyes on the street” and avoid blank expanses of walls.
- Weather Protection - Providing protection from wind, rain, and sun.
- Lighting - Enhancing safety and visibility for pedestrians and highlighting special building features.
- Residential Setbacks - Creating soft transitions while separating private spaces from public spaces.

Findings: The proposed awning does not overwhelm the area, building façade or the adjacent walkway. It supports this active area in front of the building and will provide protection from the elements for customers. *This guideline is met.*

05: Provide opportunities to pause, sit, and interact.

Possible design approaches may include, but are not limited to:

- Seating - Providing a variety of seating types for passersby and building users.
- Integrate Bicycles - Designing open spaces that accommodate parking for bicycles.
- Art/Water - Designing spaces that can integrate opportunities for art, stormwater or water features.
- Enclosure - Offering a comfortable buffer and distinction from the public realm.
- Trees and Landscaping - Promoting health and wellness by helping to mitigate the effects of urban heat island.

Findings: The proposed awning provides weather protection for those patrons within the outdoor garden area for the tenant and is not accessible or intended for the general public. *This guideline is not applicable.*

06: Integrate and minimize the impact of parking and building services.

Possible design approaches may include, but are not limited to:

- Vehicles and Parking - Screening and buffering vehicle areas from pedestrians and integrating parking into the building design.
- Utilities, Trash and Recycling - Siting and screening utilities, trash, and recycling enclosures away from public realm.

- Vaults - Integrating and concealing vaults within open areas.
- Stormwater Planters - Integrating stormwater with multiple uses, such as buffering, placemaking, and seating opportunities.
- Long-Term Bicycle Parking - Designing bicycle parking to encourage use by adding bike lobbies and bike repair amenities.

Findings: The proposed new awning on the existing building will not impact the existing parking or other necessary building services on the site. *This guideline is not applicable.*

07: Support the comfort, safety, and dignity of residents, workers, and visitors through thoughtful site and building design.

Possible design approaches may include, but are not limited to:

- Internal Open Spaces - Offering a variety of multi-functional spaces such as balconies, stoops, plazas, play areas, and passive sitting areas.
- Internal Connections - Creating safe and visible pedestrian circulation through sites.
- Vehicles Areas - Ensuring that vehicle areas do not impair the usability and enjoyment of the site.
- Solar Access - Providing solar access to open areas.
- Windows and Entries - Orienting windows and entries toward on-site circulation and open areas.

Findings: The proposed awning will not affect the existing on-site pedestrian circulation system as this area in front of the building is already built for an outdoor garden area. It will weather protection for patrons within the garden area, however. *This guideline is met.*

08: Design for quality, using enduring materials and strategies with a coherent approach.

Possible design approaches may include, but are not limited to:

- Unity - Expressing a clear and coherent design approach to unify building.
- Articulation - Highlighting function, hierarchy, or spaces through small breaks in form.
- Application of Exterior Materials - Expressing the building design with hierarchy, shifts or repetition.
- Quality of Materials - Providing quality, resilience, and durability in construction and execution of details.
- Building Openings - Offering permeability, depth, and texture.

Findings: The awning will extend out from the building and align with the footprint of an existing outdoor garden area that is enclosed with wrought iron fencing. The framing will be attached to the columns and fascia on the existing building. It is fairly integrated in that it aligns with the building arcade and occurs at the end of multi-tenant building so it does not distract from the primary building entry and other prominent building features. The awning cover is a durable fabric awning that resists water, mildew and fading. Its translucence will allow light to the penetrate through down to the plants. It will be attached to an aluminum frame comprised of 4"x4" members. *This guideline is met.*

09: Design for resilience, health, and stewardship of the environment, ensuring adaptability to climate change and the evolving needs of the city.

Possible design approaches may include, but are not limited to:

- Adaptable Buildings - Providing flexibility in building programming, floor.
- Resource Conservation - Prioritizing the use of existing structures or reclaimed and recycled materials.
- Native Landscaping - Integrating native landscaping and large canopy trees to address heat island and provide for pollinators.
- Ecoroofs - Providing and integrating ecoroofs for pollinators and people.
- Bird-Safe - Reducing bird strikes through careful design.
- Daylight and Air - Providing daylight and ventilation and improving indoor air quality.

- On-Site Stormwater - Allowing rain to soak into the ground and filter through lush vegetation and landscaping.

Findings: The existing site is fully developed with multiple buildings and a parking lot. There are no on-site features (i.e., topography, views, or other natural features) to design around. The proposed awning will be over existing pavement. No removal of natural features is proposed. *This guideline is met.*

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 requirements of Title 11 can be met, and 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

The design review process implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of new canopy, per the approved site plans, Exhibits C-1 through C-4, signed and dated 3/15/22, subject to the following conditions:

- As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 22-111801 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- No field changes allowed.

Staff Planner: Staci Monroe



Decision rendered by: _____ **on 3/15/22**

By authority of the Director of the Bureau of Development Services

Decision mailed 3/17/22

Procedural Information. The application for this land use review was submitted on February 9, 2022, and was determined to be complete on February 23, 2022.

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. Therefore, this application was reviewed against the Zoning Code in effect on February 9, 2022.

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 waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on 6/23/22.**

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

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

Conditions of Approval. If approved, 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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **3/17/22** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three 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.

Applying for your 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:

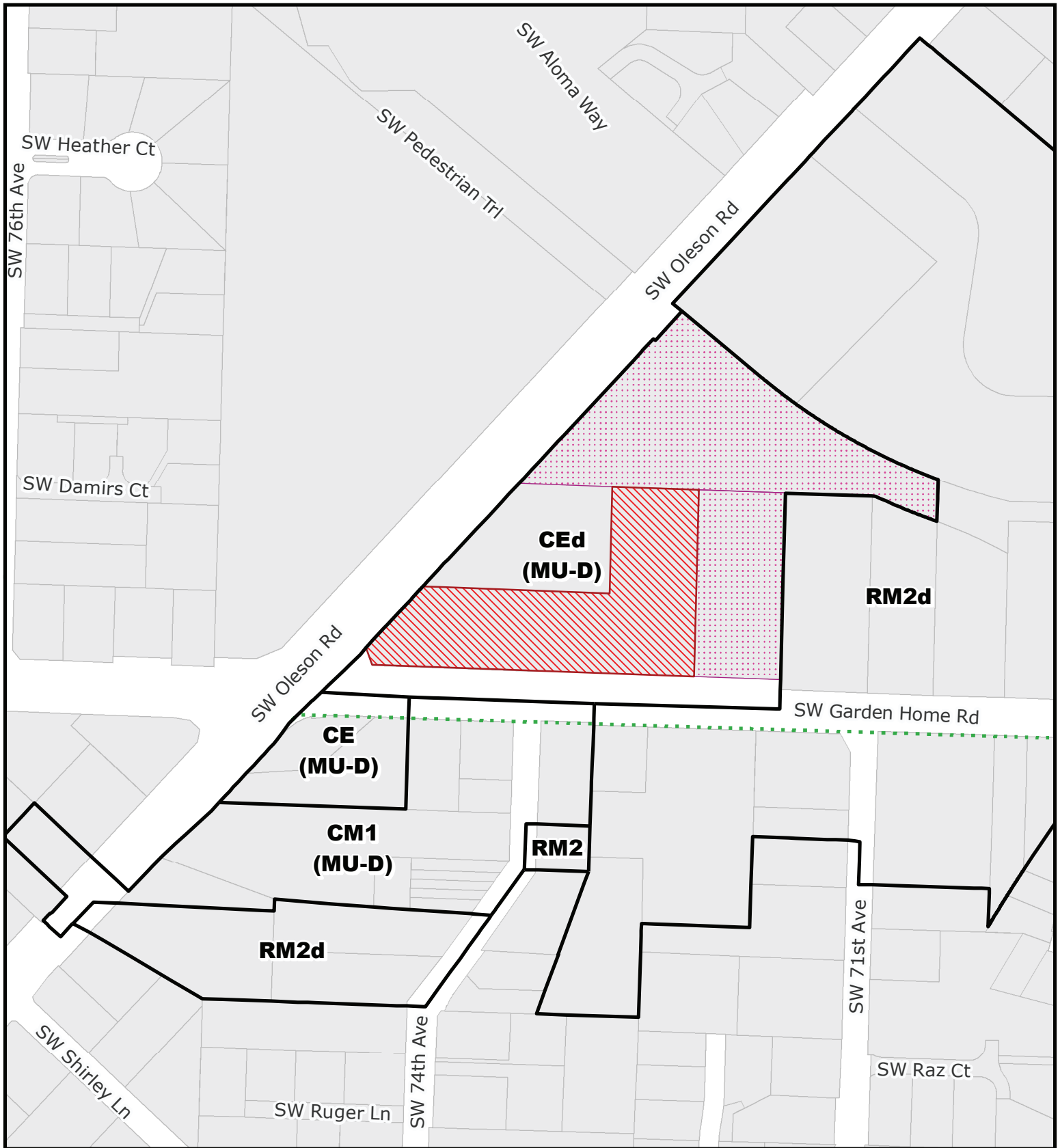
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Zoning summary & approval criteria responses
 - 2. Photos of existing conditions and similar installations
 - 3. Structural calculations
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Enlarged awning elevation (attached)
 - 3. West elevation of tenant
 - 4. Awning details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter dated 2/17/22

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



For Zoning Code in effect Post August 1, 2021



Site

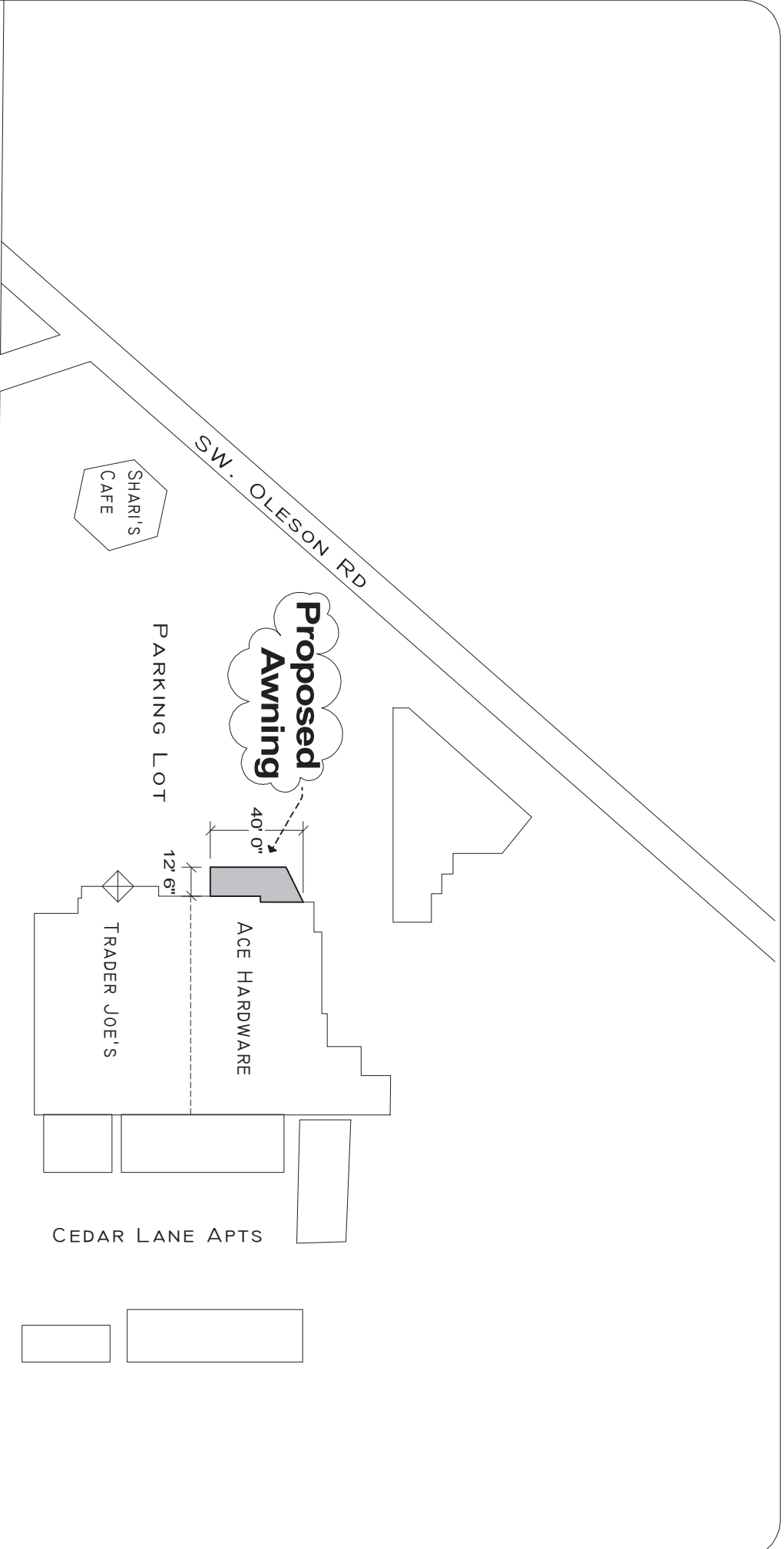


Also Owned Parcels



Recreational Trails

File No.	LU 22 - 111801 DZ
1/4 Section	3822
Scale	1 inch = 200 feet
State ID	1S124DB 01100
Exhibit	B Feb 10, 2022



Approved
 City of Portland
 Bureau of Development Services

Planner M. Moore
 Date 03-15-2022

*** This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.**

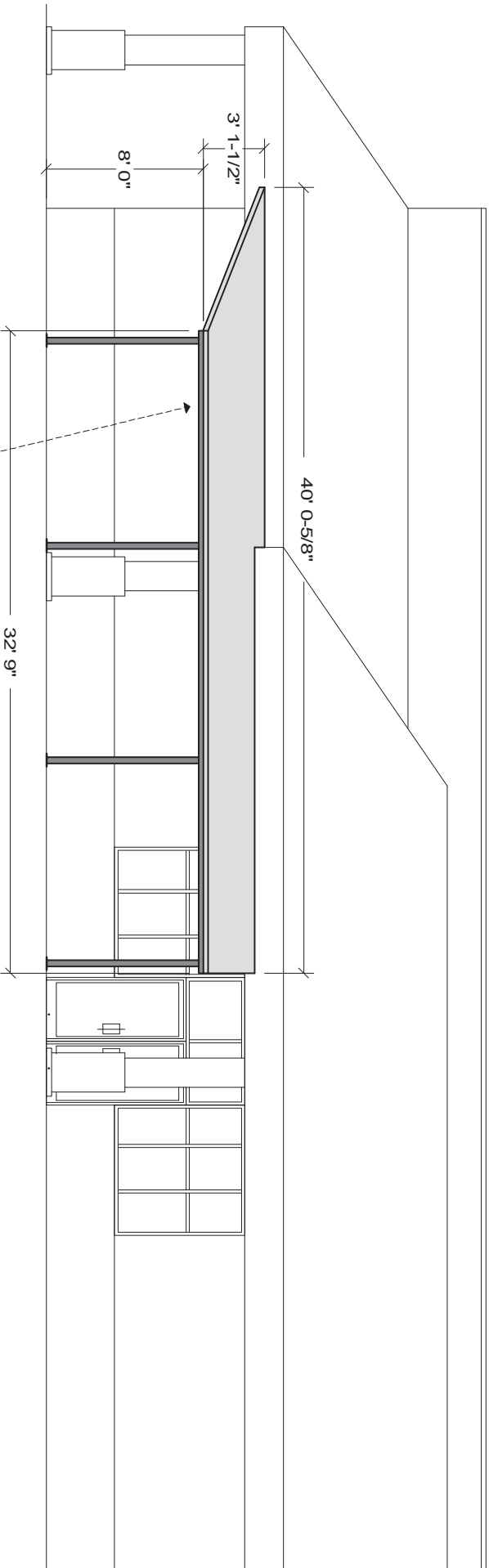


7300 SW LANDMARK LN.
 PORTLAND OR 97232
 PH#(503) 924-5600
 FX#(503) 968-5440
 dan@pikeawing.com

DATE: 11/23/2021	PROJECT: ACE HARDWARE	DESCRIPTION: FABRIC CANOPY	QTY: 1
BY: DAN SPEARING	7225 SW GARDEN HOME RD.	FABRIC: AWNNAX #1160 COOL WHITE	
SHEET: 1	PORTLAND, OR, 97223	FRAME: ALUMINUM	
SCALE: 1/64" = 1'-0"		POWDER COAT: BK-08 BLACK	

50 FT





FRONT VIEW

WEST ELEVATION

New Fabric Awning

COVER = AWNNMAX #1160 COOL WHITE
 FRAME = ALUMINUM - POWDER COATED BLACK

* Approved*
 City of Portland
 Bureau of Development Services

Planner _____

Date _____

03-15-2022

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



7300 SW LANDMARK LN
 PORTLAND OR 97232
 PH: (503) 624-5600
 FX: (503) 968-5640
 dan@pikeawr.com

DATE: 11/23/2021
 BY: DAN SPEARING
 SHEET: 1
 SCALE: 1/64" = 1'-0"

PROJECT: ACE HARDWARE
 7225 SW GARDEN HOME RD.
 PORTLAND, OR. 97223

DESCRIPTION: Q.TY:
 STYLE: FABRIC CANOPY
 FABRIC: AWNNMAX #1160 COOL WHITE
 FRAME: ALUMINUM
 POWDER COAT: BK-08 BLACK