



- Site improvements include new uplights set within the concrete at the base of the alcoves.

The value of the project triggers nonconforming upgrades per Section 33.258.070.D. The only applicable standard is for short-term bike parking, which the project will pay into the Bike Fund at time of building permit.

Design Review is required for exterior building alterations per Section 33.420.041.

**Relevant Approval Criteria:**

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

- Central City Fundamental Design Guidelines

## ANALYSIS

**Site and Vicinity:** The 9,000 SF site is located at the southeast corner of the SW Stark and SW 12<sup>th</sup> intersection. The site is developed with a 2-s story commercial building consisting of 18,000 SF and built out to the property lines. Surrounding development consists of a mixture of two- and multi-story buildings of commercial and residential occupancy. The property lies within the Downtown Pedestrian District and both of its frontages on SW 12<sup>th</sup> and SW Stark are local service streets.

**Zoning:** The Central Residential (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

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.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the West End sub area of the Downtown sub district of this plan district.

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

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **April 1, 2014**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E-1)
- Bureau of Transportation Engineering (Exhibit E-2)

- Water Bureau (Exhibit E-3)
- Fire Bureau (Exhibit E-4)
- Site Development Section of BDS (Exhibit E-5)
- Plan Review Section of BDS (Exhibit E-6)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on April 1, 2014. 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 ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

#### 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 Central City Fundamental Design Guidelines.

### Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

### Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

**A4. Use Unifying Elements.** Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

**A5. Enhance, Embellish, and Identify Areas.** Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

**Findings for A4 and A5:** The use of common urban elements such as awnings, operable sliding doors, and recessed entries along both building frontages will re-connect what is currently an architectural and visual anomaly to the local streetscape. *These guidelines have been met.*

**A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

**Findings:** The exterior masonry piers and parapet are to be restored via patching and re-painting, while the internal heavy timber structure is to be refurbished from fire damage via sandblasting. New storefronts, entries, and awnings will be installed within existing openings in order to preserve the major existing structural elements of the building. *This guideline has been met.*

**A8. Contribute to a Vibrant Streetscape.** Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

**B1. Reinforce and Enhance the Pedestrian System.** Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

**B6. Develop Weather Protection.** Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

**C1. Enhance View Opportunities.** Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

**C8. Differentiate the Sidewalk-Level of Buildings.** Differentiate the sidewalk-level of the exterior materials, awnings, signs, and large windows.

**C10. Integrate Encroachments.** Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

**Findings for A8, B1, B6, C1, C8 and C10:** Removal of ground and upper level walls to provide new full-height glazing and the use of operable sliding windows will provide a visual permeability to the building currently sorely lacking. The new face of the storefront is intended to be situated roughly one foot back from the property line, in doing so providing more space for shelter and outdoor activity and seating, as well as articulation along the building façade. By recessing the primary face of glass within existing openings, the proposal is able to take advantage in-ground well lights, thereby employing both a unique lighting strategy and dramatic sense of depth providing safety and interest along the pedestrian environment. The awnings above the entries and storefronts and integrated within the storefront bays and provide shelter for those along the sidewalks and accessing the building. *These guidelines have been met.*

**B7. Integrate Barrier-Free Design.** Integrate access systems for all people with the building's overall design concept.

**Findings:** The existing ground level floor slab will be completely demolished and reconstructed to account for varying sidewalk heights and to provide an accessible point of entry to each lobby and tenant space. *This guideline has been met.*

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**Findings:** The proposal includes a mix of painted concrete, aluminum storefront, steel awnings, assorted metal trim, and wood doors for the exterior palette, which are common, high quality materials for the area that will weather in a graceful and lasting manner. *This guideline has been met.*

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**Findings for C3 and C5:** The major elements of the existing structure (masonry piers, concrete and wood parapet) will be expressed in a prominent fashion by recessing the primary face of glass, in doing so creating a clear architectural language founded on old - exoskeleton/structural and new - innerskin/nonstructural. By painting the existing structure a uniform color, the visual clutter that exists with the current disjointed paint scheme will be alleviated, while employing consistent strategies for entries and storefronts in the openings serves to create an overall coherent composition. *These guidelines have been met.*

**C4. Complement the Context of Existing Buildings.** Complement the context of existing buildings by using and adding to the local design vocabulary.

**Findings:** The West End neighborhood incorporates a blend of active storefronts, distinctive signage, metal awnings, and expansive openings for restaurant seating. The project has been designed to incorporate all of these elements. *This guideline has been met.*

**C7. Design Corners that Build Active Intersections.** Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

**Findings:** The major leading corner of the building at the intersection of SW 12th Avenue and SW Stark Street will serve as the primary entry for the anchor tenant of the building, and will be recessed to allow for openness and access from each direction. In addition, operable sliding door panels with continuous overhead awnings at the four cornermost bays will further highlight the importance of the leading corner to the streetscape. *This guideline has been met.*

**B2. Protect the Pedestrian.** Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

**C11. Integrate Roofs and Use Rooftops.** Integrate roof function, shape, surface materials,

and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

**Findings for B2 and C11:** The majority of the rooftop mechanical units have been corralled in the southeast corner of the roof, the furthest point from the street facades. A steel mesh screen will help obscure these utilitarian objects from distant vantage points. Several other units (exhaust and air supply fans) have been located outside the screen, however, the lower height of the units and set back locations will limit their visibility. The new roof headhouse and outdoor deck with railing are centered along the south edge of the roof and pulled back from the street facades. The headhouse incorporates a similar modern aesthetic as the storefront remodel utilizing a dark gray metal panel and aluminum windows and doors. *These guidelines have been met.*

**C12. Integrate Exterior Lighting.** Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

**Findings:** New exterior lighting will be concealed in-ground and directed upward at existing columns within each bay opening, thereby providing a dramatic sense of depth and rhythm when lit. *This guideline has been 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 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 exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. As discussed in detail in the above findings, the proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of the following exterior alterations to a 2-story commercial building in the West End sub area of the Central City Plan District, Downtown Sub District.

- New aluminum windows and sliding doors on both floors, glass guardrails on upper floor, custom wood entry doors, and painted steel awnings on the north and west facades.
- Several alternative designs for the storefront systems (3 and 4 panel aluminum slider with and without awnings), and smoked mirror panels in the alcove ceilings are also proposed.
- New condenser units surrounded by a steel bar grate screen enclosure, an exhaust hood, intake fan, and an elevator headhouse with adjacent deck and railing on the rooftop.
- New uplights set within the concrete at the base of the alcoves.

Per the approved site plans, Exhibits C-1 through C-19, signed and dated 6/4/14, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.19. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-111201 DZ. No field changes allowed."

**Staff Planner: Staci Monroe**



**Decision rendered by:** \_\_\_\_\_ **on June 4, 2014**

By authority of the Director of the Bureau of Development Services

**Decision mailed: June 6, 2014**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on January 29, 2014, and was determined to be complete on March 27, 2014.

*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 January 29, 2014.

*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.

**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.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 20, 2014** at 1900 SW

Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional 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](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **June 23, 2014**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034. 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 of 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. Applicant's Response to Incomplete Letter dated 3/26/14
  - 2. Responses to the Approval Criteria
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Ground level Plan
  - 3. Upper level Plan
  - 4. Roof Plan (attached)
  - 5. North and West Elevations (attached)
  - 6. Enlarged Ground Floor Elevations
  - 7. Enlarged Ground Floor Elevations
  - 8. Wall Sections
  - 9. Plan Details
  - 10. Section Details
  - 11. Exterior Door Details
  - 12. Mechanical Roof Screen Details
  - 13. Storefront Alternatives
  - 14. Materials
  - 15. Lighting
  - 16. Street Tree
  - 17. Rooftop Mechanical Unit Cutsheet
  - 18. Ground Floor Window Calculation
  - 19. Ground Floor Active Use Calculation
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services (Exhibit E-1)
  - 2. Bureau of Transportation Engineering (Exhibit E-2)
  - 3. Water Bureau (Exhibit E-3)
  - 4. Fire Bureau (Exhibit E-4)
  - 5. Site Development Section of BDS (Exhibit E-5)
  - 6. Plan Review Section of BDS (Exhibit E-6)
- 7. Correspondence: none
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter dated 2/24/14

**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

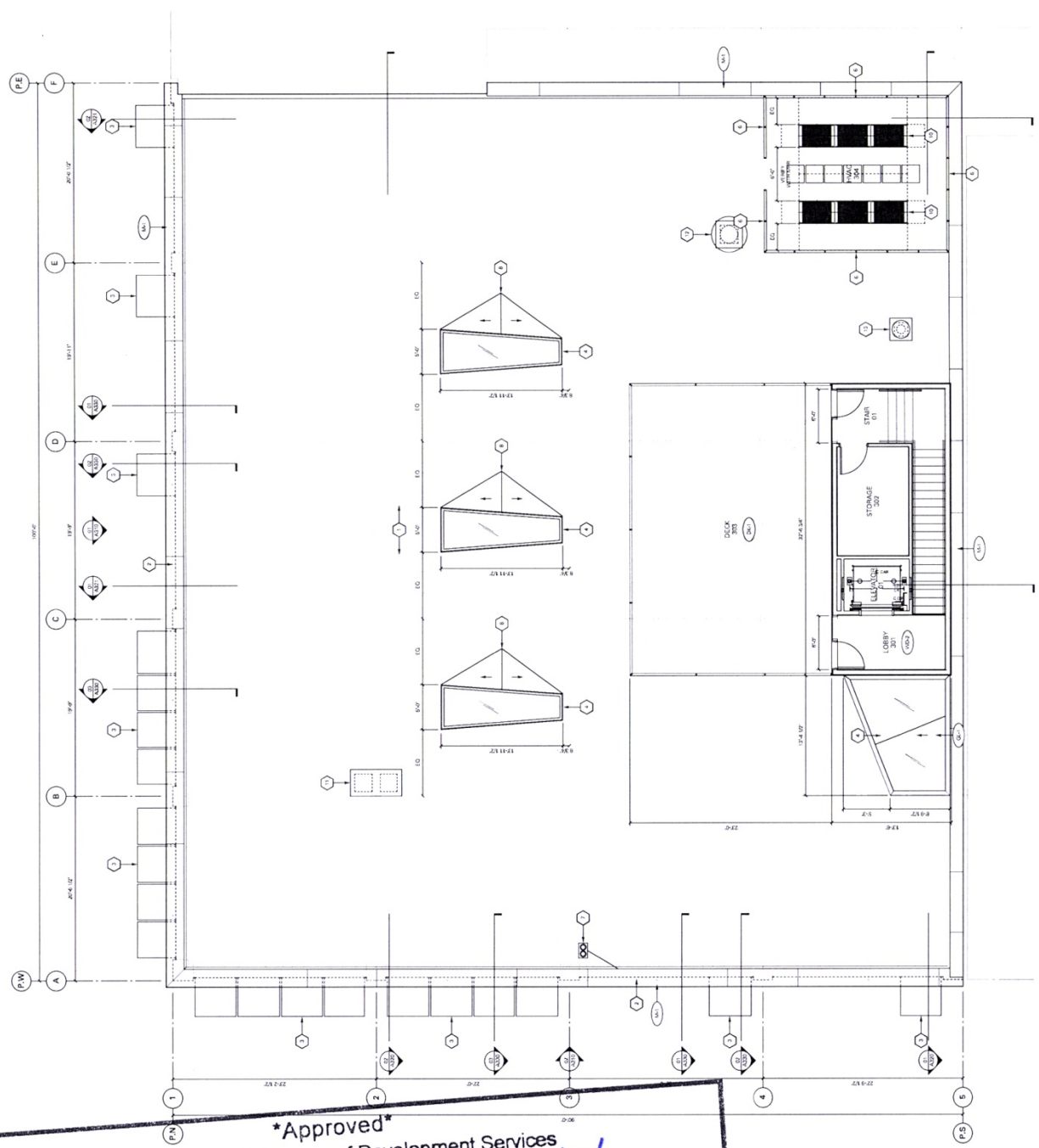
-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:  
**CENTRAL CITY PLAN DISTRICT**  
**DOWNTOWN**  
**WEST END**

File No. LU 14-111201 DZ  
 1/4 Section 3028  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E33DD 1900  
 Exhibit B (Feb 03, 2014)





- KEY NOTES**
- 1. IN UNLESS NOTED TO THE CONTRARY, SEE GROUND FOR ALL CONSTRUCTION.
  - 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2012 INTERNATIONAL BUILDING CODE (IBC) WITH THE 2012 INTERNATIONAL MECHANICAL CODE (IMC).
  - 3. ALL UNFINISHED STEEL SHALL BE PAINTED.
  - 4. ALL UNFINISHED STEEL SHALL BE PAINTED WITH A FLAME RESISTANT FINISH.
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  - 20. ALL UNFINISHED STEEL SHALL BE PAINTED WITH A FLAME RESISTANT FINISH.
- LEGEND**
- NEW WELDED CONSTRUCTION
  - EXISTING WALL CONSTRUCTION TO REMAIN
  - ELIMINATED BELOW
  - ELIMINATED ABOVE
- SCALE**  
3/32" = 1'-0"

**\*Approved\***

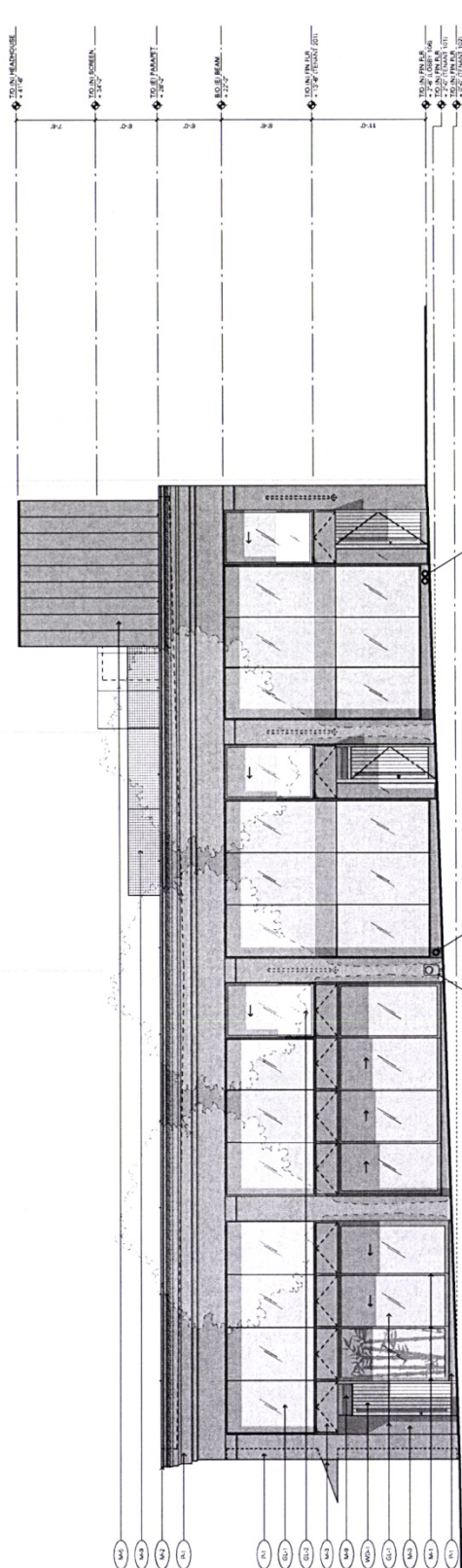
City of Portland - Bureau of Development Services

Planner *[Signature]* Date 6/4/14

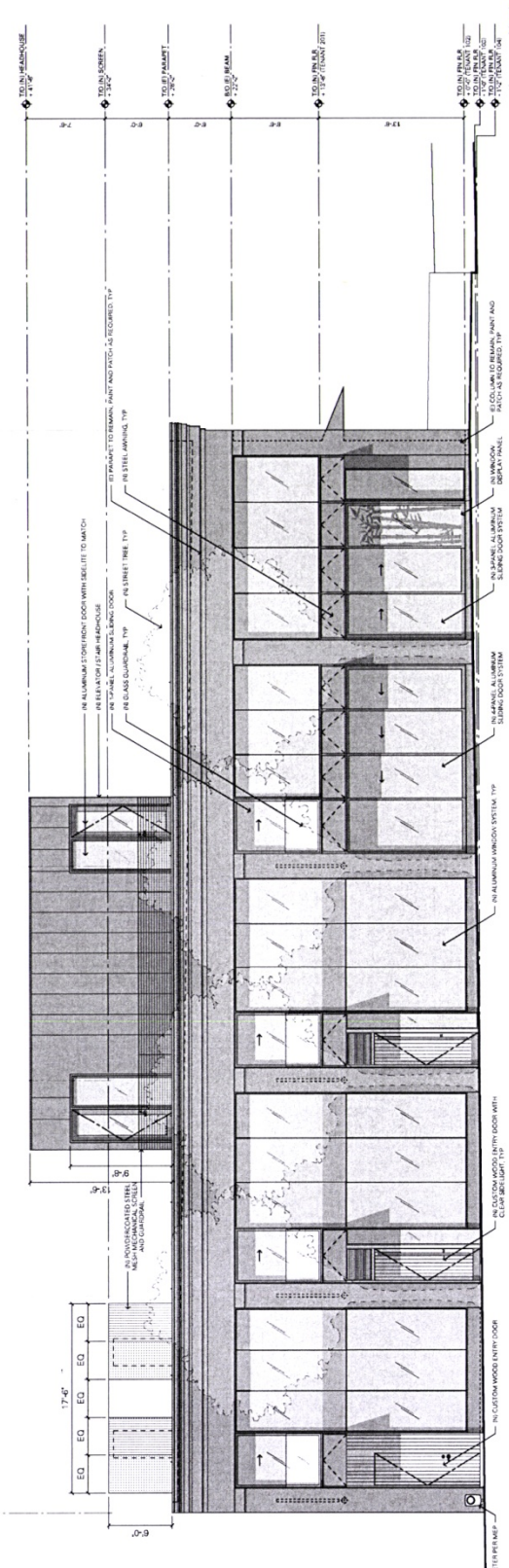
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 14-111201 DZ  
EX. C-4





West  
3/32" = 1'-0"



North  
3/32" = 1'-0"

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner *J. Moran* Date 6/4/14  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 14-111201 DZ  
EX.C-5