



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

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: March 9, 2016
To: Interested Person
From: Sylvia Cate, Land Use Services
503-823-7771 / Sylvia.Cate@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a 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 15-221399 CU

GENERAL INFORMATION

Applicant: Shanin Prusia
10376 SE Sunburst Way
Portland, OR 97266-6884

Owner: University Of Portland
5000 N Willamette Blvd
Portland, OR 97203-5798

Site Address: 5000 N WILLAMETTE BLVD

Legal Description: TL 100 80.73 ACRES, SECTION 18 1N 1E
Tax Account No.: R941180010, R941180010
State ID No.: 1N1E18A 00100, 1N1E18A 00100
Quarter Section: 2424
Neighborhood: University Park, contact Tom Karwaki at chair@universityparkneighbors.org

Business District: None
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Zoning: R2, Multi-Dwelling Residential 2,000
Case Type: CU, Conditional Use
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

Verizon Wireless requests a Conditional Use approval to install a new wireless facility atop the existing Mehling Hall building on the University of Portland campus. The 9-story building provides sufficient height for the antennas that would otherwise require 120-foot monopole to achieve. The applicant proposes to construct an extension onto the existing penthouse and install up to 8 antennas within the extension, which will be constructed out of a material that allows the wireless signals to pass through, but otherwise visually screens the antennas. The screening material will have a faux brick finish that matches the existing penthouse.

Associated equipment cabinets will also be placed on the rooftop of the building, set back 18 feet from the edge of the roof parapet.

Relevant Approval Criteria:

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

- 33.815.225.A.1-3, *Conditional Use Approval Criteria*

ANALYSIS

Site and Vicinity: The University of Portland (“University”) is located on the east bank of the Willamette River in North Portland. The northern boundary of the campus, east of N. Portsmouth Avenue, extends to N. Willamette Boulevard. West of N. Portsmouth Avenue, the northern campus boundary extends a half block north of N. Warren Street. The river bluffs form the western and southern boundaries of the campus, with an irregular western boundary extending to N. Monteith Avenue.

The University maintains an inventory of approximately 30 buildings on the campus, with approximately 1.1 million square feet of floor area. Several larger facilities are also located on the campus, including Chiles Center, Merlo Soccer Field, and Pilot Baseball Stadium.

The structure on which the new radio frequency transmission facility is proposed, Mehling Hall, a 9-story dormitory in the northwest portion of the campus.

Zoning: R2, Multi-Dwelling Residential 2,000

The R2 zone is a low density multi-dwelling zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

Land Use History: City records indicate numerous prior land use reviews. The University of Portland has been the subject of more than 30 land use reviews, dating back at least to the early 1960s. Previous land use reviews that directly relate to the current proposal are limited to amendments to the University’s Conditional Use Master Plan to allow radio frequency transmission facilities to be located on campus buildings, including a roof top installation on Mehling Hall, approved under LUR 97-00138 CU MS; and a previous roof top installation on the Buckley Center, which was approved under LUR 97-00143 CU MS. A Conditional Use approved in 2004 (LU 04-027390 CU) modified the antennae on Buckley Center, allowing the replacement of three whip antennae with 12 panel antennae. A Conditional Use was approved in 2005 for the installation of a radio frequency transmission facility on the rooftop of the Swindell’s Hall building (The University’s current Conditional Use Master Plan allows the installation of rooftop radio frequency transmission facilities without an amendment to the Master Plan). LU 06-134210 CU approved the Conditional Use to install radio frequency facility on the rooftop of Buckley Center Building.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **September 15, 2015**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 15, 2015. No written responses have been received from either the Neighborhood Association

or notified property owners in response to the proposal. After notice was sent out, Verizon asked to place this review on hold in order to make minor modifications to the overall configuration of the facility.

ZONING CODE APPROVAL CRITERIA

33.815.225 Radio Frequency Transmission Facilities

These approval criteria allow Radio Frequency Transmission Facilities in locations where there are few impacts on nearby properties. The approval criteria are:

- A. Approval criteria for personal wireless service facilities proposing to locate on an existing building or other non-broadcast structure in an OS or R zone or in a C, E, or I zone within 50 feet of an R zone:

1. The visual impact of an antenna must be minimized. For instance, it can be hidden behind a compatible building feature such as a dormer, mounted flush to the facade of the building and painted to match, mounted on a structure designed with minimal bulk and painted to fade into the background, or mounted by other technique that equally minimizes the visual impact of the antenna;

Findings: Verizon proposes to locate the site on the rooftop of Mehling Hall, a 9-story dormitory in the Northwest end of campus. By utilizing the height of this existing building the visual impacts are minimized. The proposal will place up to 8 antennas inside a triangular penthouse extension, which will be created of RF transparent material, and covered in a faux brick to match the existing penthouse in the center of the roof. Base station equipment cabinets will be located on the roof, 18 feet from the parapet edge. A 3 foot microwave dish will be mounted to the exterior of the adjacent penthouse to provide fiber service to the site. The proposed configuration of the facility will fully screen the antennas behind the RF transparent material from view. The associated equipment cabinets are set well back from the edge of the roof so that they are not visible to passers-by. This criterion is met.

2. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area and be adequately screened; and

Findings: All accessory equipment will be located 18 feet from the parapet edge, in the center of the roof. The equipment cabinets will not be visible from grade. This location as well as the setback from the edge of the roof will provide adequate screening. This criterion is met.

3. The regulations of Chapter 33.274, *Radio Frequency Transmission Facilities* are met.

Findings: The relevant regulations and standards for this proposal are discussed below, under the mandatory development standards of Chapter 33.274 - *Radio Frequency Transmission Facilities*. As discussed below, all applicable regulations are met; therefore, this criterion 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 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.

33.274.040 Development Standards

C. General requirements

1. Tower sharing. New facilities must co-locate on existing towers or other structures to avoid construction of new towers, unless precluded by structural limitations, inability to obtain authorization by the owner of an alternative location, or where an alternative location will not meet the service coverage objectives of the applicant. Requests for a new tower must be accompanied by evidence that application was made to locate on existing towers or other structures, with no success; or that location on an existing tower or other structure is infeasible.
2. Grouping of towers. The grouping of towers that support radio or television broadcast facilities on a site is encouraged where technically feasible. Tower grouping may not result in radio frequency emission levels exceeding the standards stated in C.5, below.
3. Tower finish. For towers not regulated by the Oregon Aeronautics Division or Federal Aviation Administration, a finish (paint/surface) must be provided that reduces the visibility of the structure.
4. Tower illumination. Towers must not be illuminated except as required for the Oregon State Aeronautics Division or the Federal Aviation Administration.

Findings: The wireless facility reviewed in this application is mounted on a rooftop of an existing building. These criteria are not applicable.

5. Radio frequency emission levels and exposure limits. All Radio Frequency Transmission Facilities must operate within the radio frequency emissions levels and comply with the exposure limits established by the Federal Communications Commission (FCC). Applicants must certify that the proposed facility will be in compliance with FCC emissions standards with the permit application.

Findings: The applicant has submitted an engineering letter from an RF engineer that provides an emissions analysis that documents all of the antennas will operate well within FCC emission standards. This criterion is met.

6. Antenna requirements. Antennas must be secured from public access, either by vertical or horizontal separation, fencing, locked access, or other measures as appropriate.

Findings: The applicant notes that all of the antennas will be located on the rooftop that cannot be accessed by the public. Access to the roof is via locked and secured door. This criterion is met.

7. Setbacks.
 - a. All towers must be set back at least a distance equal to 20 percent of the height of the tower or 15 feet, whichever is greater, from all abutting R and OS zoned property and public streets.
 - b. Accessory equipment or structures must meet the base zone setback standards that apply to accessory structures.
 - c. Tower guy anchors must meet the base zone setback standards that apply to buildings.

Findings: The facility complies with all setbacks. This criterion is met.

8. Landscaping and screening. The base of a tower and all accessory equipment or structures located at grade must be fully screened from the street and any abutting sites as follows:

- a. In C, E or I zones more than 50 feet from an R zone. A tower and all accessory equipment or structures located in the C, E, or I zones more than 50 feet from an R zone must meet the following landscape standard:
 - (1) Generally. Except as provided in (2), below, a landscaped area that is at least 5 feet deep and meets the L3 standard must be provided around the base of a tower and all accessory equipment or structures.
 - (2) Exception. If the base of the tower and any accessory equipment or structures are screened by an existing building or fence, then some or all of the required landscaping may be relocated subject to all of the following standards.
 - The building or fence must be on the site;
 - The fence must be at least six feet in height and be totally sight-obscuring;
 - The relocated landscaping must meet the L2 standard. The relocated landscaping cannot substitute for any other landscaping required by this Title;
 - The applicant must demonstrate that the lease includes provisions for planting and ongoing maintenance of the substitute landscaped area; and
 - If any part of the base of the tower or accessory equipment is not screened by a building or fence, 5 feet of L3 landscaping must be provided.
- b. In OS or R zones or within 50 feet of an R zone. A tower and all accessory equipment or structures located in an OS or R zone or within 50 feet of an R zoned site must meet the following landscape standards:
 - (1) Tower landscaping. A landscaped area that is at least 15 feet deep and meets the L3 standard must be provided around the base of the tower.
 - (2) Accessory equipment and structures. A landscaped area that is at least 10 feet deep and meets the L3 standard must be provided around the base of all accessory equipment or structures located at grade.
- c. In all zones, equipment cabinets or shelters located on private property that are associated with Radio Transmission Facilities mounted in a right-of-way must be screened from the street and any adjacent properties by walls, fences or vegetation. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment.

Findings: The accessory equipment is located on the rooftop, not at grade. This criterion is not applicable.

9. Tower design.

- a. For a tower accommodating a radio or television broadcast facility, the tower must be designed to support at least two additional radio or television broadcast transmitter/antenna systems and one microwave facility, and at least three two-way antennas for every 40 feet of tower over 200 feet of height above ground.
- b. For any other tower, the design must accommodate at least three two-way antennas for every 40 feet of tower, or at least one two-way antenna for every 20 feet of tower and one microwave facility.

- c. The requirements of Subparagraphs a. and b. above may be modified by the City to provide the maximum number of compatible users within the radio frequency emission levels.

Findings: The proposal does not include a tower. These criteria are not applicable.

10. Mounting device. The mounting device or mounting structure used to mount facilities to an existing building or other non-broadcast structure may exceed the height limit of the base zone but may not project more than 10 feet above the roof or parapet of the building or other non-broadcast structure.

Findings: Based on the plans submitted, the proposed configuration complies with this standard. This criterion is met.

11. Abandoned facilities. A tower or mounting device on a non-broadcast structure erected to support one or more Federal Communication Commission licensed Radio Frequency Transmission Facilities must be removed from a site if no facility on the tower or mounting device has been in use for more than six months.

Findings: The applicant notes this requirement, but the proposal is for a new facility, not a decommission of an existing facility. Per the lease agreement with University of Portland, Verizon Wireless and/or its successors, agrees to remove any and all equipment following its discontinuation of use. This criterion is met.

D. Additional requirements.

1. Personal wireless service facilities located in OS, R, C, or EX zones, and personal wireless service facilities located in EG or I zones within 50 feet of an R zone must meet all of the following standards:
 - a. Antennas mounted on towers. Triangular “top hat” style antenna mounts are prohibited. Antennas must be mounted to a tower either on davit arms that are no longer than 5 feet, flush with the tower, within a unicast style top cylinder, or other similar mounting technique that minimizes visual impact.
 - b. Lattice. Lattice towers are not allowed.
2. The minimum site area required for a tower in an R zone is 40,000 square feet.
3. Applications to locate or replace accessory equipment in or within 50 feet of an R zone must be accompanied by a signed and stamped acoustical engineer’s report demonstrating that noise levels from the equipment is in full compliance with Title 18 (Noise) regulations, or demonstrating that with appropriate sound proofing mitigation, that the equipment will comply with Title 18.

Findings: The proposal does not include a tower, so 1.a. & b. and 2 are not applicable. Because the site is zoned R2, Residential 2,000, the applicant has included an Acoustical Report [Exhibit A-2] documenting that the facility will comply with Title 18. This criterion 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 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

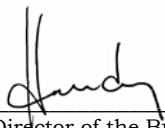
The applicant requests Conditional Use approval to locate a wireless communications facility on top of the Mehling Building within the interior of the University of Portland campus. As noted in this report, the proposal meets all of the applicable approval criteria and therefore should be approved.

ADMINISTRATIVE DECISION

Approval of:

- Conditional Use for a wireless telecommunications facility, per the approved site plans, Exhibits C-4 through C-8, signed and dated March 4, 2016, subject to the following condition:
 - 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.4-C.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-221399 CU."

Staff Planner: Sylvia Cate

Decision rendered by:  **on March 4, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 9, 2016

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 August 28, 2015, and was determined to be complete on September 9, 2015.

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 August 28, 2015.

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. This application is also subject to the FCC 'shot clock' review period. In this case, the applicant requested that both the 120-day review period and the FCC shot clock be extended a total of 180 days, per Exhibits A-3 and A-4. Unless further extended by the applicant, **the FCC shot clock and the 120 day clock will expire on: May 2, 2016.**

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 Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 23, 2016** 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 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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.

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 Hearings Officer 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 Hearings Officer 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 **March 24, 2016 – (the day following the last day to appeal)**.
- 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:

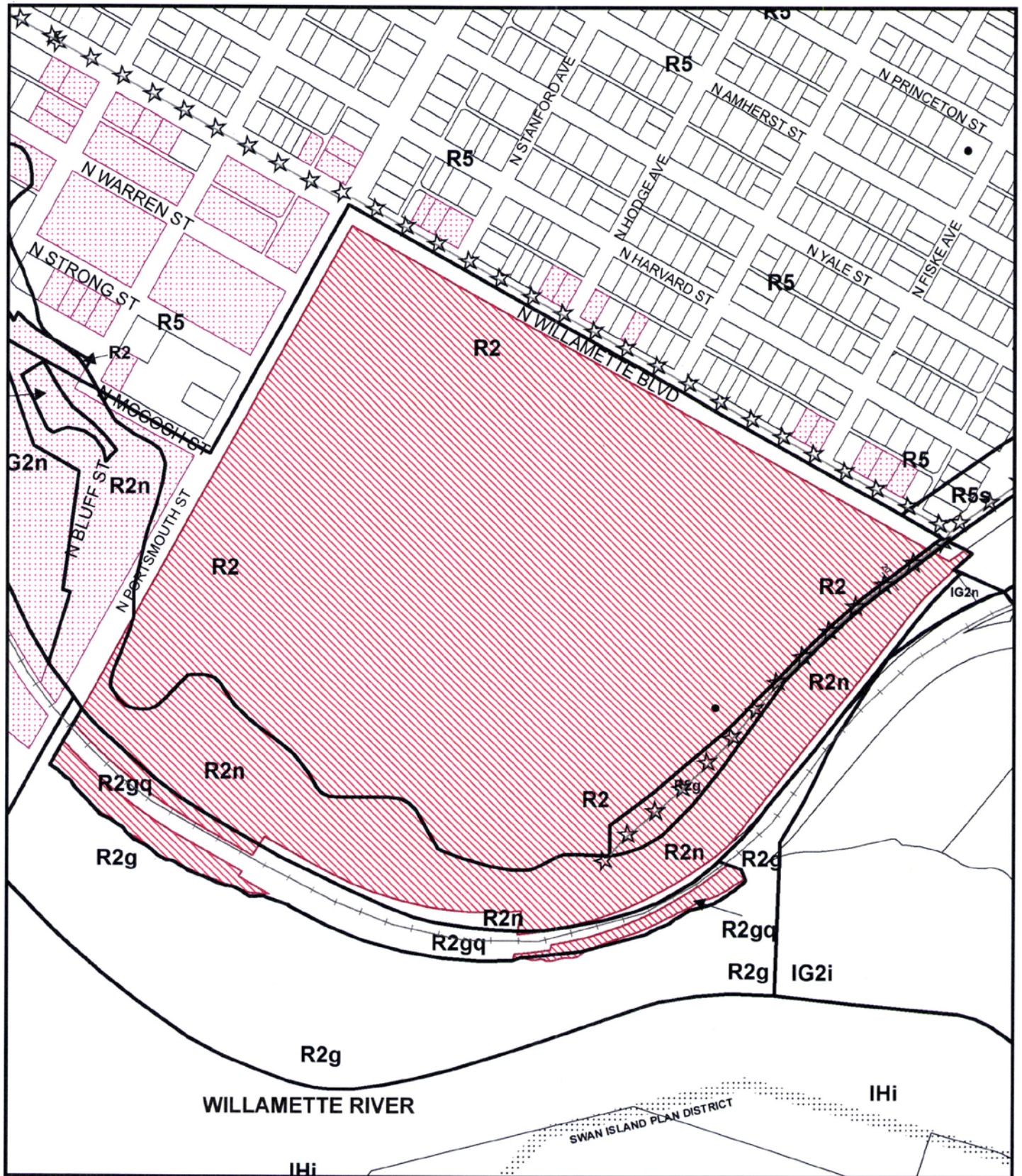
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Amended Narrative
 - 2. Acoustical Engineer's Report
 - 3. FCC and State Land Use clocks extended
 - 4. FCC and State Land Use clocks extended
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Cover Sheet
 - 2. General Notes
 - 3. Roof Survey with detail pictures
 - 4. Site Plan (attached)
 - 5. Overall Roof Plan
 - 6. Enlarged Roof Plan
 - 7. Southeast Elevation (attached)
 - 8. Northeast Elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Plans Examiner Review Section of BDS
 - 7. Parks Bureau-Urban Forestry
- F. Correspondence: *None received*
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete letter, September 2, 2015; re: need additional information

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 Parcels
- ☆ Recreational Trails
- Historic Landmark

File No. LU 15-221399 CU

1/4 Section 3033

Scale 1 inch = 400 feet

State_Id 1N1E18A 100

Exhibit B (Aug 28, 2015)

NOT SCALE DRAWING. CONSULT WITH CITY OF PORTLAND AND PORTLAND COMMUNITY DEVELOPMENT DEPARTMENT FOR MORE INFORMATION. THIS DRAWING IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A CONTRACT. THE CITY OF PORTLAND AND PORTLAND COMMUNITY DEVELOPMENT DEPARTMENT ARE NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE CITY OF PORTLAND AND PORTLAND COMMUNITY DEVELOPMENT DEPARTMENT ARE NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.

No.	Date	Revised
1	03/03/16	100% FINAL SET
2	03/03/16	100% FINAL SET
3	03/03/16	100% FINAL SET

verizon

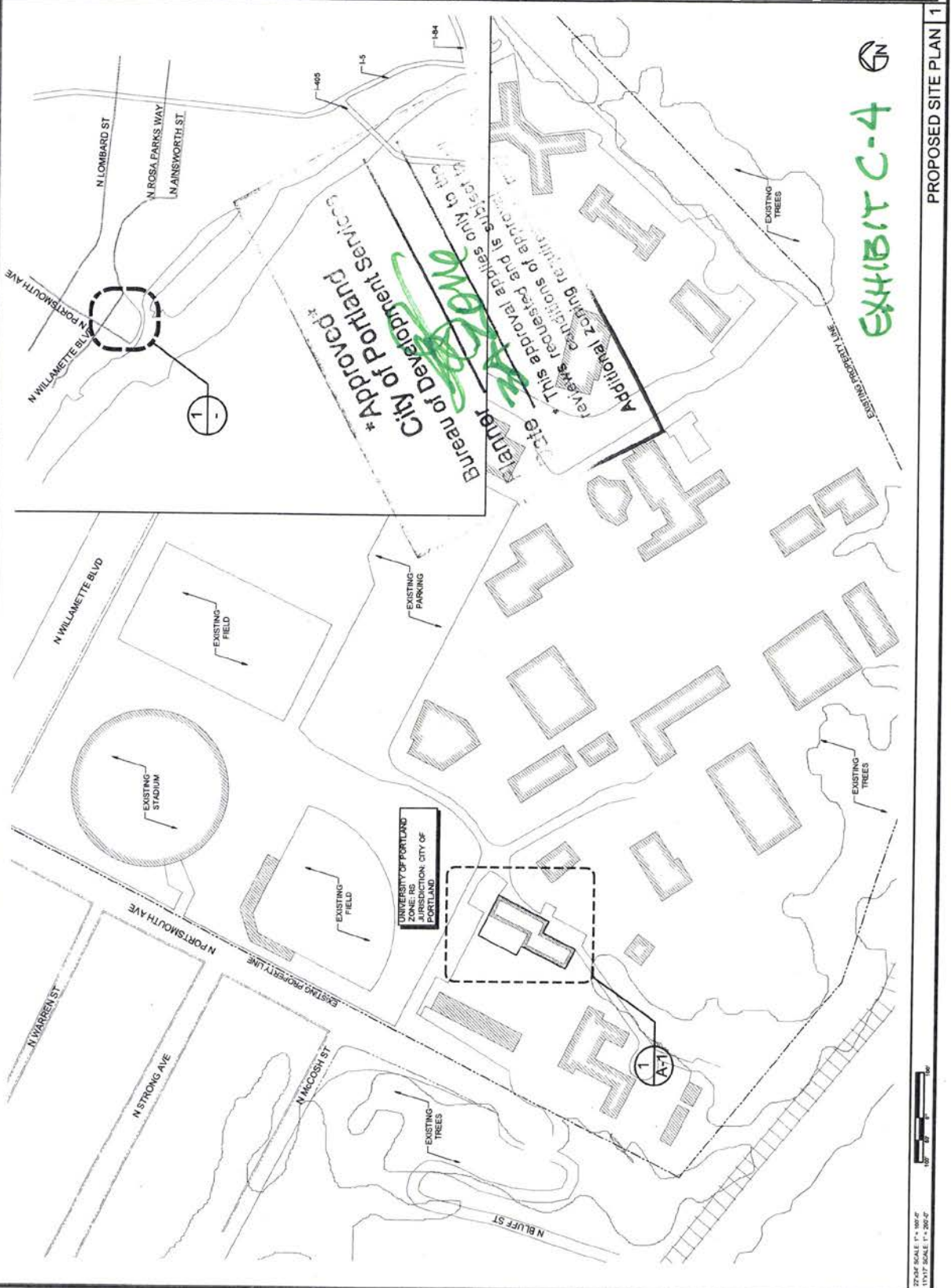
Urban Wireless Inc.

Acom CONSULTING INC.

POR PILOTS
500 N. WILLAMETTE BLVD
PORTLAND, OR 97201

PROPOSED SITE PLAN

Project Number:	030316
Client:	Urban Wireless Inc.
Designer:	Urban Wireless Inc.
Checker:	Urban Wireless Inc.
Project Manager:	Urban Wireless Inc.
Project Engineer:	Urban Wireless Inc.
Project Surveyor:	Urban Wireless Inc.
Project Architect:	Urban Wireless Inc.
Project Engineer:	Urban Wireless Inc.
Project Surveyor:	Urban Wireless Inc.
Project Architect:	Urban Wireless Inc.



2700' SCALE 1" = 100'-0"
100' SCALE 1" = 200'-0"

B	A-3
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PROPOSED SOUTHEAST ELEVATION	1
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Additional material