

INTRODUCED: September 12, 2016

AN ORDINANCE No. 2016-241

To authorize the special use of the property known as 404 North 33<sup>rd</sup> Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Jones (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: OCT 10 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 404 North 33<sup>rd</sup> Street, which is situated in a R-8 Urban Residential District, desires to use such property for the purpose of a two-family detached dwelling, which use, among other things, is not currently allowed by section 30-413.14 of the Code of the City of Richmond (2015), as amended, due to lot area and lot width requirements; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    OCT 10 2016    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 404 North 33<sup>rd</sup> Street and identified as Tax Parcel No. E000-0810/011 in the 2016 records of the City Assessor, being more particularly shown on a survey entitled “The Property Known as #404 N. 33<sup>rd</sup> Street in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, dated March 15, 2016, a copy of which appears as an inset on sheet A5 of the plans entitled “404 North 33<sup>rd</sup> Street, Special Use Permit Plans,” and is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a two-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “404 North 33<sup>rd</sup> Street, Special Use Permit Plans,” prepared by Obsidian, Inc., dated March 16, 2016, and last revised July 5, 2016, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The use of the property shall be as a two-family detached dwelling, substantially as shown on the Plans.

(b) Two off-street parking spaces will be provided to the rear of the property, adjacent to the public alley.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be

governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

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§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-204

RECEIVED

AUG 01 2016

File Number: PRE. 2016-204

OFFICE OF CITY ATTORNEY

To authorize the special use of the property known as 404 North 33rd Street for the purpose of permitting a two-family detached dwelling, upon certain terms and conditions.

4-5464

O & R Request

O & R REQUEST

JUL 29 2016

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request) (This In no way reflects a recommendation on behalf of the Mayor.)

Chief Administration Office
City of Richmond

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

SUBJECT: To authorize the special use of the property known as 404 North 33rd Street for the purpose of permitting a two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No. \_\_\_\_\_

PURPOSE: To authorize the special use of the property known as 404 North 33rd Street for the purpose of permitting a two-family detached dwelling, upon certain terms and conditions.

REASON: The applicant is proposing the renovation of the existing single-family detached dwelling into a two-family detached dwelling. While such a use is permitted in the R-8 district, the subject property does not meet the minimum lot area or minimum lot width requirements for a two-family detached dwelling in the R-8 district. Therefore, the applicant is requesting a special use permit.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its October 3, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is improved with a vacant 2,962 square foot two-story single-family detached wood framed residential dwelling located at 404 North 33rd Street between 16' public alley to the north and North 33rd Street to the south and East Marshall Street to the west. The proposed two-family detached dwelling is comprised of a first floor 2-bedroom unit and a

second floor 1-bedroom unit.

Per the City of Richmond Zoning Ordinance, an R-8 lot must be not less than 3,400 square feet in area with a width of not less than 28 feet to accommodate a two-family detached dwelling. The subject property is 4,962 square feet in area with a width of 24 feet.

Per the Zoning Ordinance, a total of two parking spaces are required for the two dwelling units. Two spaces have been provided on the subject property and are accessible via the alley to the rear of the property. All surrounding properties are also located in the R-8 district. The predominant land uses on the 400 block of 33rd Street are single and two-family detached.

The City of Richmond's Master Plan speaks of Land Use policies and strategies within the East Planning District. It states, "A continued need exists to stabilize older low-income residential neighborhoods throughout the District, particularly north of Broad Street in the Church Hill, Oakwood/ Chimborazo, and Fairmount neighborhoods" (Page 163) Designations for the subject property along 33rd Street is for Single-Family (Medium Density) land use. Primary uses in this category are single-family and two-family dwelling units, both detached and attached, at densities of 8 to 20 units per acre (p. 133). However the plan also states that, "Residential infill development should be similar in density, architectural character, and use to what currently existing in the surrounding area and should enhance the character and quality of the neighborhoods." (p. 166) In general the plan shows that it is in keeping with traditional residential development patterns for the district in regards to density.

**FISCAL IMPACT:** The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

**COST TO CITY:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**REVENUE TO CITY:** \$300 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** September 12, 2016

**CITY COUNCIL PUBLIC HEARING DATE:** October 10, 2016

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, October 3, 2016

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)  
City Assessor (for preparation of mailing labels for public notice)

**RELATIONSHIP TO EXISTING ORDINANCES:** None.

**ATTACHMENTS:** Application Form, Applicant's Letter, Draft Ordinance, Survey, Plans

**STAFF:** Leigh V. Kelley, Planner II  
Land Use Administration (Room 511) 646-6384

PDR No. 2016-22

# 404 North 33rd Street

## Special Use Permit Plans

### Owner

3308 E Broad, LLC  
 c/o Mason Wyatt  
 203 N 36th Street  
 Richmond, VA 23223  
 804.240.1001  
 mason@housecontrol.net

### Engineer

Obsidian, Inc.  
 Charles R. Field, P.E.  
 515 North 22nd Street  
 Richmond, VA 23223  
 804.647.1589  
 crfield@obsidian.pro

### Table of Contents

A1	Title Sheet
A2	First Floor Plans
A3	Second Floor Plans
A4	Details
A5	Survey Plat
A6	Parking Site Plan

### Property Information

Parcel ID: E0000810011  
 Zoning: R-8  
 Use: Residential

### General Notes

- The structure will be constructed in accordance with the 2012 edition of the "International Residential Code", the Statewide Uniform Building Code and the applicable City of Richmond ordinances.
- The contractor is responsible for compliance with City, State and Federal job site safety requirements.
- The contractor shall verify all dimensions and conditions prior to start of work, and any discrepancies will immediately be brought to the attention of the engineer.
- The construction type is V-8.
- There are 2 stories.
- Load criteria: Bearing wall capacity = 2000 psf  
 Floor live load = 40 psf  
 Floor dead load = 10 psf  
 Roof live load = 20 psf  
 Roof dead load = 10 psf  
 Snow loads = 20 psf

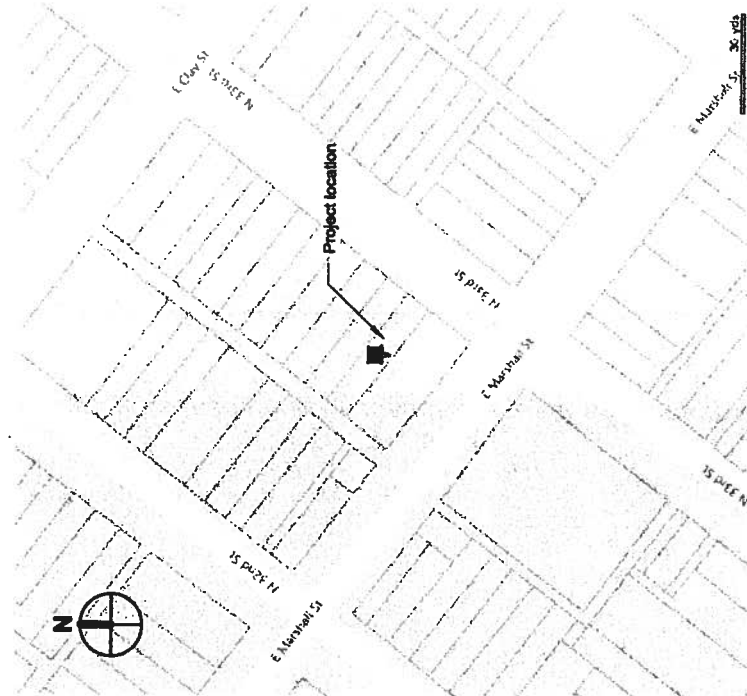
- IRC 2012 minimum insulation and fenestration requirements:  
 • Fenestration U-factor : 0.35  
 • Ceiling R-value : 38  
 • Wood frame wall R-value : 15  
 • Mass wall R-value : 8/13  
 • Floor R-value : 19  
 • Basement wall R-value : 10/13  
 • Slab R-value & depth: 10, 2ft  
 • Crawlspace wall R-value : 10/13

### Scope of Work

Scope of work will generally consist of the conversion of an existing single family home into a duplex in accordance with these plans and the IRC, 2012.  
 The work includes interior renovations to bring the house into compliance with the building code fire separation requirements and general maintenance of the exterior to include replacing rotted wood siding with hardiplank siding.



Rev.	Date	Description
1	7/5/16	Revised scope of work to include exterior renovations



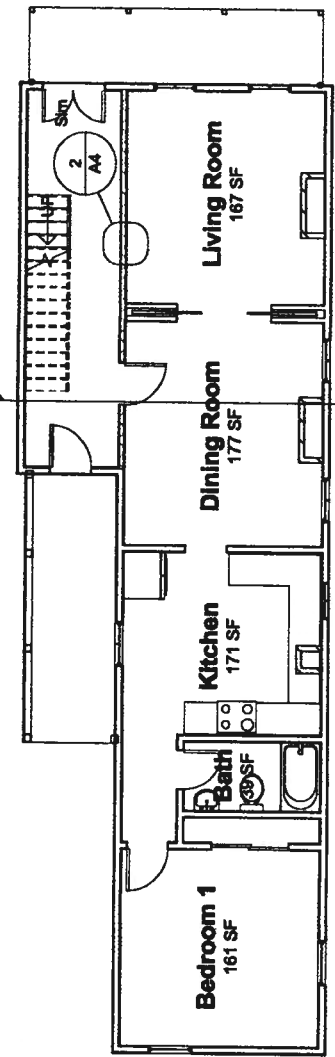
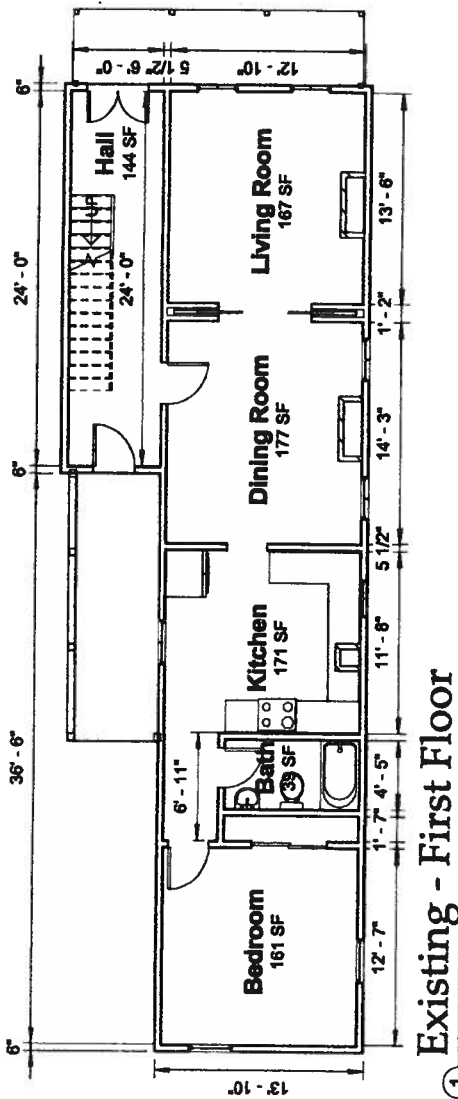
### Vicinity Map



Obsidian, Inc.  
 515 North 22nd Street  
 Richmond, VA 23223  
 804.647.1589  
 crfield@obsidian.pro

Title Sheet  
 404 North 33rd Street  
 3308 E Broad, LLC

rev. 7/5/2016  
 March 16, 2016



Rev.	Date	Description

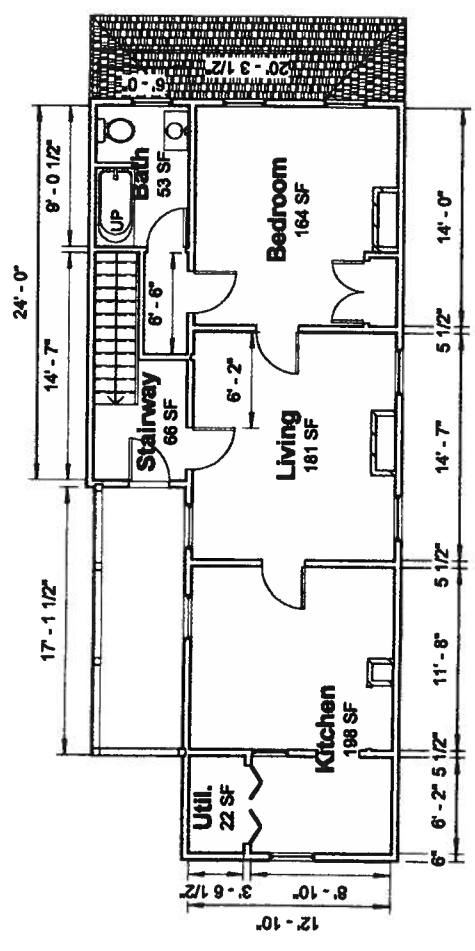


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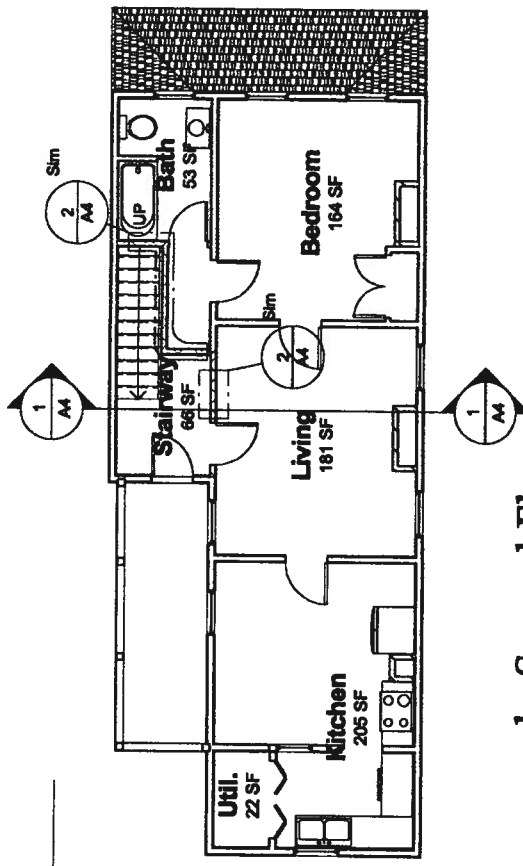
**First Floor Plans**  
 404 North 33rd Street  
 3308 E Broad, LLC

rev. 7/5/2016  
 March 16, 2016





1 Existing - Second Floor  
 1/8" = 1'-0"



2 Proposed - Second Floor  
 1/8" = 1'-0"



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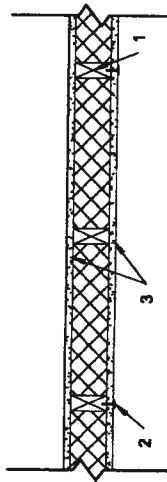
**Second Floor Plans**  
 404 North 33rd Street  
 3308 E Broad, LLC

rev. 7/5/2016  
 March 16, 2016



Rev.	Date	Description

**Design No. U305**  
 Bearing Wall Rating - 1 Hr.  
 STC Rating - 56



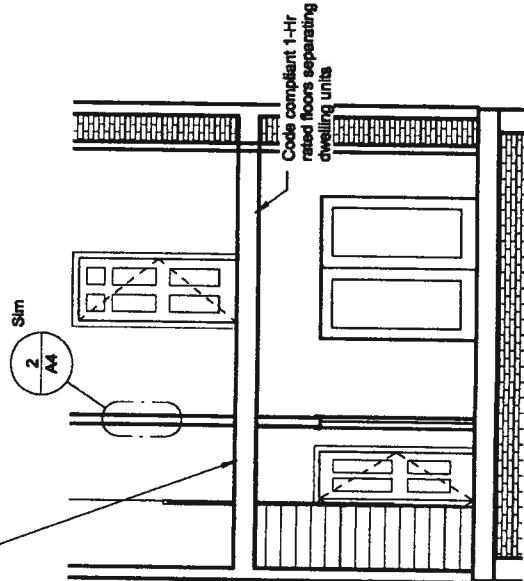
1. Wood Studs — Nom 2 by 4 in. spaced 16 in. OC max. effectively firestopped.
2. Joints and Nail-Heads — Joints covered with joint compound and paper tape. Joint compound and paper tape may be omitted when square edge boards are used. As an alternate, nom 3/32 in. thick gypsum veneer plaster may be applied to the entire surface of Classified veneer baseboard with the joints reinforced with paper tape. Nailheads exposed or covered with joint compound.
3. Balts and Blankets — The cavities formed by the studs shall be filled with R-19 unfaced fiberglass insulation batts measuring 6-1/4 in. thick and 15-1/4 in. wide.
4. Steel Framing Members — Type RSIC-1 clips shall be used to attach gypsum board to studs on either side of the wall assembly.
5. Caulking and Sealants — A bead of acoustical sealant shall be applied around the partition perimeter for sound control.
6. Gypsum Board\* — 5/8 in. thick paper or vinyl surfaced, with beveled, square, or tapered edges, applied either horizontally or vertically. Gypsum panels nailed 7 in. OC with 6d cement coated nails 1-7/8 in. long, 0.0915 in. shank diam and 15/64 in. diam heads. When used in widths other than 48 in., gypsum panels are to be installed horizontally.

Exterior grade drywall to be used on exterior walls.

**Floor Section**

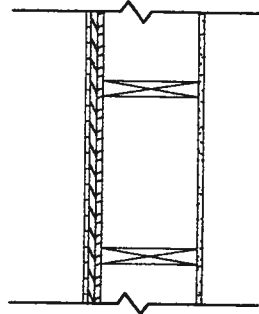
① 3/16" = 1'-0"

Existing L501 floor assembly to remain.  
 STC ratings to be achieved with the installation of RST-10 Gentle Mats to subfloor throughout



**UL Assembly Design No. L501**

Fire Rating - 1 Hr.



1. 44 oz carpet and 40 oz pad atop flooring.
2. Finish Flooring - 1 by 4 in. T&G, laid perpendicular to joists; or 18/32 in. thick wood structural panels, min grade "underlayment" or "single floor". Face grain of plywood or strength axis of panel to be perpendicular to joists with joints staggered.
3. Vapor Barrier - Commercial resin-sized, 0.010 in. thick.
4. Subflooring - 1 by 6 in. T&G, fastened diagonally to joists; or 15/32 in. thick plywood or 7/16 in. thick oriented strand board (OSB) wood structural panels, min grade "C-D" or "Sheathing". Face grain of plywood or strength axis of panel to be perpendicular to joists with joints staggered.
5. Wood Joists - 2 by 10 in. spaced 16 in. OC, firestopped.
6. Historic plaster and lathe ceiling.

**1 Hr Wall - Stud, U305**

② 1" = 1'-0"

**1 Hr Floor - Wood Joist, L501**

③ 1" = 1'-0"

Rev.	Date	Description



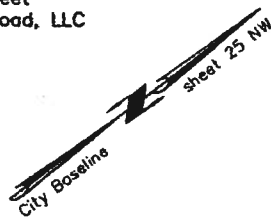
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**Details**  
 404 North 33rd Street  
 3308 E Broad, LLC

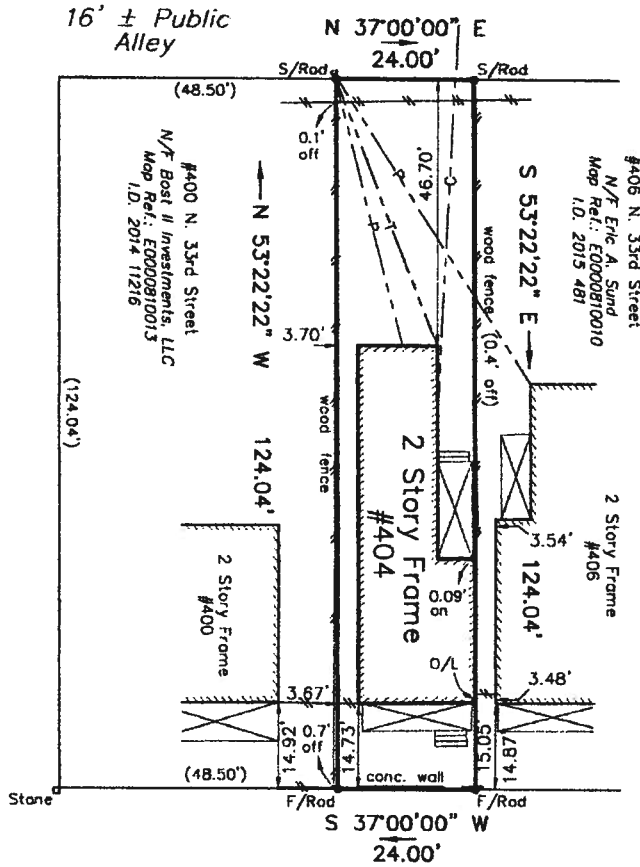
rev. 7/5/2016  
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Address: #404 N. 33rd Street  
 Current Owner: 3308 E. Broad, LLC  
 Map Ref.: E0000810011  
 I.D. 2008 16193

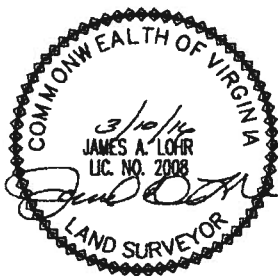
Note: Bearings protracted from City  
 Baseline sheet 25 NW.



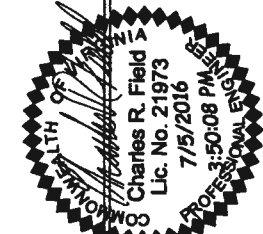
E. MARSHALL STREET



N. 33rd STREET



Survey and Plat of  
**The Property Known as  
 #404 N. 33rd Street in  
 the City of Richmond, VA**



This is to certify that on 03/10/16 I made an accurate field survey of the premises shown hereon that all improvements and easements known or visible are shown hereon, that there are no encroachments by improvements either from adjoining premises or from subject premises upon adjoining premises other than shown hereon. THIS PLAT WAS MADE WITHOUT THE BENEFIT OF A TITLE SURVEY OR REPORT.

FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE X of the Flood Insurance Rate Map; Community Panel No. 5101290043E effective date of 07/16/14.

Exact designations can only be determined by an Elevation Certificate. Based on the above information, this property IS NOT in a Special Flood Hazard Area.



Edwards, Kratz, Lohr & Associates, PLLC

Land Surveyors-Planners

Virginia-North Carolina

1900 Byrd Avenue, Suite 103  
 Richmond, Virginia, 23230  
 Phone (804) 673-9666  
 Fax (804) 673-9990

Scale: 1"=25'  
 Drawn: TCJ  
 Job: 1089-16

Date: 03/15/16  
 Checked: JAL

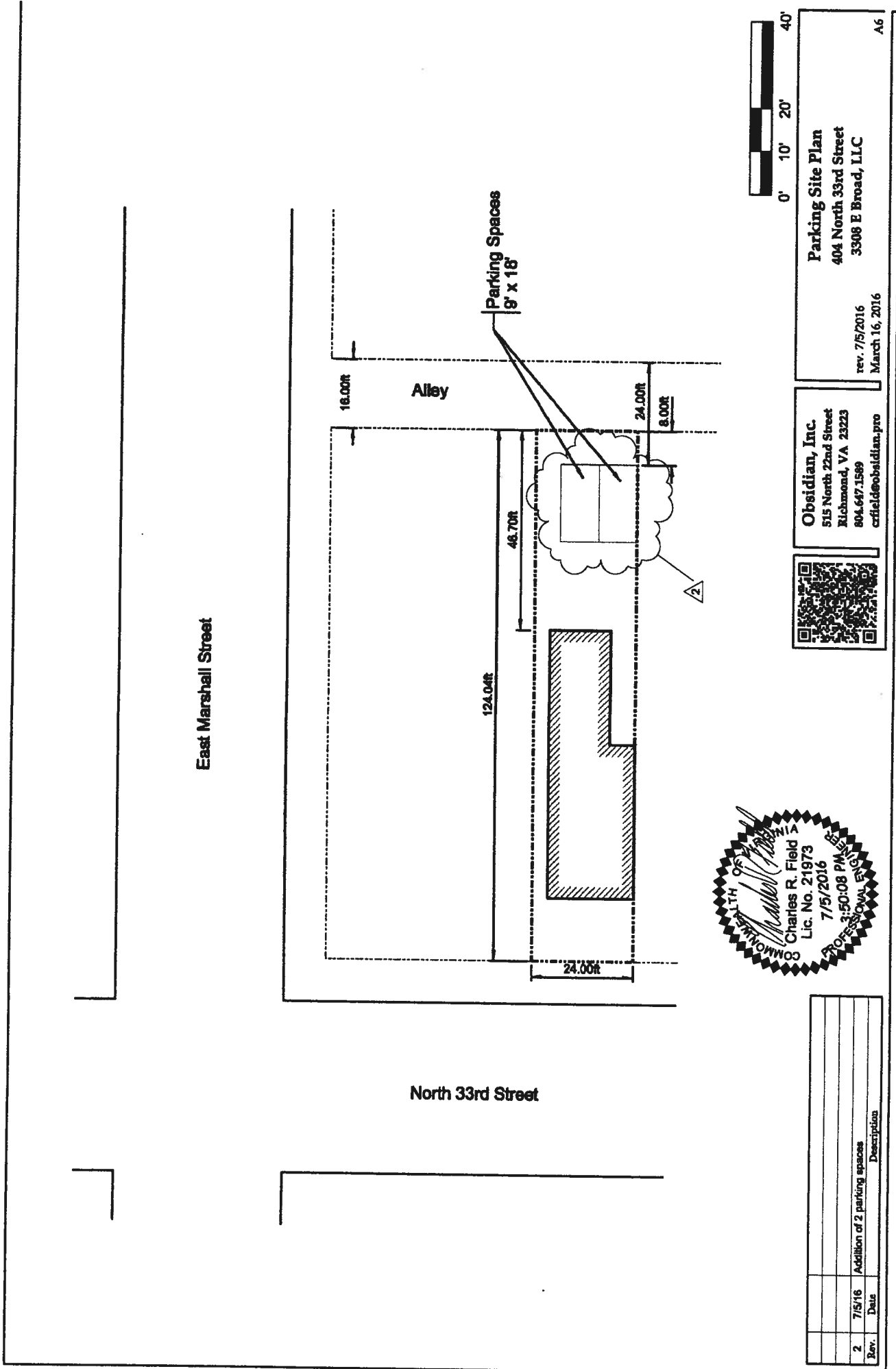
Rev.	Date	Description

**Survey Plat**  
 404 North 33rd Street  
 3308 E Broad, LLC

Obsidian, Inc.  
 515 North 22nd Street  
 Richmond, VA 23223  
 804.647.1589  
 cfield@obsidian.pro



rev. 7/5/2016  
 March 16, 2016



**Parking Site Plan**  
 404 North 33rd Street  
 3308 E Broad, LLC

rev. 7/5/2016  
 March 16, 2016

**Obsidian, Inc.**  
 515 North 22nd Street  
 Richmond, VA 23223  
 804.647.1589  
 crfield@obsidian.pro



Rev.	Date	Description
2	7/5/16	Addition of 2 parking spaces



# Application for SPECIAL USE PERMIT

Department of Planning and Development Review  
Land Use Administration Division  
900 E. Broad Street, Room 511  
Richmond, Virginia 23219  
(804) 646-6304  
<http://www.richmondgov.com/>

9839

RECEIVED  
MAR 16 2016

LAND USE ADMINISTRATION

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

### Project Name/Location

Project Name: 404 North 33rd Street - House to Duplex Conversion Date: 02/17/2016

Property Address: 404 North 33rd Street Tax Map #: E0000810011

Fee: \$300 Total area of affected site in acres: .068  
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

### Zoning

Current Zoning: R-8

### Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: Single family residence

Is this property subject to any previous land use cases? Convert single family dwelling into duplex.

Yes  No   
 If Yes,  please list the Ordinance Number:

Applicant/Contact Person: Charles R. Field, P.E.

Company: Obsidian, Inc.

Mailing Address: 515 North 22nd Street

City: Richmond State: VA Zip Code: 23223

Telephone: ( 804 ) 647-1589 Fax: ( )

Email: crfield@obsidian.pro

Property Owner: 3308 E Broad, LLC

If Business Entity, name and title of authorized signer: Warwick M Wyatt

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 203 North 36th Street

City: Richmond State: VA Zip Code: 23223

Telephone: ( 804 ) 240-1001 Fax: ( )

Email: mason@citysoundproofing.com

Property Owner Signature: [Signature], MASON WYATT MANAGING MEMBER

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

# Applicant's Report for 404 North 33<sup>rd</sup> Street

## I. Special Use Permit Request

This report is submitted as a "Special Use Request" for the conversion of a single family home into a duplex.

## II. Subject Property

Parcel Address: 404 North 33<sup>rd</sup> Street  
Council District: Church Hill North  
Applicant: 3308 E Broad, LLC  
Present Use: Residential, single-family  
Proposed Use: Residential, duplex

## III. Site Improvements:

There will be no change in the site. The current structure will be converted from a single-family residence to a duplex involving interior renovations only.

Key Features of Required Site Improvements: N/A

## IV. Applicant's Request

404 North 33<sup>rd</sup> Street Richmond, VA 23223 has historically been used as a duplex but is currently considered a single family home by the City of Richmond. We are requesting that the city reclassify the property as a duplex.

## V. Current Parcel Characteristics & Conditions

The house is a historic home original to the neighborhood. It has alley access where off-street parking will be provided. The house has no additions and the historic fabric is largely intact. There are no proposed changes to the exterior.

## VI. Plans, Policies, and Land Use

The plans necessary for the interior renovation and the addition of the required fire separations are attached.

## VII. Design Documentation

Plans titled "404 North 33<sup>rd</sup> Street – Special Use Permit Plans" and dated February 17, 2016 are attached. The plans contain:

- A1 Title Sheet and Vicinity Map
- A2 First Floor Plans
- A3 Second Floor Plans
- A4 Section & Details