

INTRODUCED: November 14, 2016

AN ORDINANCE No. 2016-295

To authorize the special use of the property known as 500 West Marshall Street for the purpose of a two-family dwelling and a multifamily dwelling containing up to three dwelling units, upon certain terms and conditions.

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

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

PUBLIC HEARING: DEC 12 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 500 West Marshall Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a two-family dwelling and a multifamily dwelling with up to three dwelling units, which use, among other things, is not currently allowed by section 30-412.1 of the Code of the City of Richmond (2015), as amended; 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

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

ADOPTED:    DEC 12 2016    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

safety, health, morals and general welfare of the community involved, will not 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 500 West Marshall Street and identified as Tax Parcel No. N000-0241/014 in the 2016 records of the City Assessor, being more particularly shown on a survey entitled “Plat of No. 500 West Marshall Street, Richmond, VA.,” prepared by Paciulli, Simmons & Associates, Ltd., and dated September 10, 1986, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted for the purpose of a two-family dwelling and a multifamily dwelling containing up to three dwelling units, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Renovations to 500 West Marshall Street,” prepared by Fultz Architects, and dated November 8, 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 a two-family dwelling and a multifamily dwelling containing up to three dwelling units, served by up to one on-site parking space, substantially as shown on the Plans.

(b) Signage on the Property shall be limited to (i) those signs exempt from the signage regulations of the zoning ordinance by section 30-503 of the Code of the City of Richmond (2015), as amended, (ii) those signs permitted in all zoning districts by section 30-505 of the Code of the City of Richmond (2015), as amended, and (iii) the signage permitted by section 30-506 of the Code of the City of Richmond (2015), as amended.

(c) All building materials, material colors, and site improvements shall be substantially as shown on the Plans, subject to the requirements of Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2015), as amended.

(d) Outdoor lighting shall be located, directed or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights or lighting on emergency vehicles.

(e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(f) The Owner may subdivide the Property substantially as shown on the Plans, by obtaining the required approval from the City and by recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 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) The Owner shall make improvements within the right-of-way substantially as shown on the Plans, including installation of sidewalk, granite curbing, and an entrance along Henry Street, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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, 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 consecutive 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.



# City of Richmond

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

## Item Request

File Number: PRE. 2016-303

4-5812

## O & R REQUEST

OCT 20 2016

### O & R Request

Chief Administration Office  
City of Richmond

**DATE:** October 20, 2016

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** Dwight C. Jones, Mayor (by request) *[Signature]*  
(This in no way reflects a recommendation on behalf of the Mayor)

**THROUGH:** Selena Cuffee Glenn, Chief Administrative Officer *[Signature]*

**THROUGH:** Peter L. Downey, Jr., Deputy Chief Administrative Officer for Economic Development and Planning *[Signature]*

**FROM:** Mark A. Olinger, Director, Dept. of Planning and Development Review *[Signature]*

**RE:** To authorize the special use of 500 West Marshall Street, for the purpose of a two-family dwelling and multi-family dwelling containing up to 3 dwelling units, upon certain terms and conditions.

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

**PURPOSE:** To authorize the special use of 500 West Marshall Street, for the purpose of a two-family dwelling and multi-family dwelling containing up to 3 dwelling units, upon certain terms and conditions.

**REASON:** The applicant is proposing multi-family use of the property, which is not permitted by the underlying zoning of the property. A special use permit is therefore required.

**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 December 5, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property consists of a 0.105 acre (4,574 SF) parcel improved with a



two-family dwelling at the corner of West Marshall Street and North Henry Street and a vacant accessory structure (former garage) fronting North Henry Street. The property is located in the Jackson Ward neighborhood and Downtown (Jackson Ward) planning district and is also located in the Jackson Ward City Old & Historic District.

The subject property is zoned within the R-6 Single-Family Attached Residential District, a zoning district that does not allow multi-family residential use. The special use permit is therefore required.

The subject property falls within a General Urban Area of the Jackson Ward district, as established by the Richmond Downtown Plan. Such areas are "characterized by medium-density, mixed-use development, distributed along medium-sized blocks...This district is characterized by single-family homes, sideyard houses, rowhouses, and small multi-family buildings, such as duplexes, triplexes, and quads. These buildings have variable setbacks and landscaping, and a limited mix of commercial and civic uses. Buildings...are typically no more than three stories in height. The buildings are setback from the street behind a narrow landscaped front yard. The front yard is landscaped to match the public frontage. Uses are less restricted. Parking is located on-street, or at the rear of the lot. If rear alleys exist, parking is accessed from the alley" (p. 3.23).

All adjacent properties are located within the same R-6 Single-Family Attached Residential District as the subject property. A mix of residential (single-, two-, and multi-family), commercial, mixed-use, and institutional land uses are present within the vicinity.

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

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

**BUDGET AMENDMENT NECESSARY:** No.

**REVENUE TO CITY:** \$1,800

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** November 14, 2016

**CITY COUNCIL PUBLIC HEARING DATE:** December 12, 2016

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None.

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, December 5, 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 ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance, Application Form & Applicant's Report, Plans, Survey, Map

**STAFF:** Matthew J. Ebinger, AICP, Senior Planner  
Land Use Administration (Room 511)  
804-646-6308

*PDR O&R No. 16-31*



# 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/>

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: 500 W. Marshall Garage Date: 5/10/2016

Property Address: 500 W. Marshall St, Richmond VA. Tax Map #: \_\_\_\_\_

Fee: \_\_\_\_\_ Total area of affected site in acres: .105  
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

### Zoning

Current Zoning: R-6

### Proposed Use

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

Existing Use: Duplex and Garage  
Is this property subject to any previous land use cases?

Yes  No   
 If Yes,  please list the Ordinance Number.

into three residential apartments

Applicant/Contact Person: Jay Som

Company: \_\_\_\_\_

Mailing Address: 21 W. Clay St.

City: Richmond State: VA Zip Code: 23220

Telephone: (240) 426 8845 Fax: ( )

Email: jaysom@gmail.com

Property Owner: Jay Som & Jessica Selway

If Business Entity, name and title of authorized signee: \_\_\_\_\_

(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: See above

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: ( ) Fax: ( )

Email: \_\_\_\_\_

Property Owner Signature: [Signature]

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

The applicant proposes to renovate an existing garage located at 500 W. Marshall St. into three separate apartments. The applicant is not aware of the last time the garage has been used in that capacity. Neither the applicant nor the previous owner used the garage for the temporary storage of vehicles. This time period encompasses at least the previous five years. It is the applicant's understanding that the garage has not been used to store vehicles for at least the previous ten years and maybe longer. The applicant has not been able to offer the garage for rent as a vehicle storage location despite the use of a commercial realtor and property management agent.

The property comprises of a duplex on the southern portion of the lot, a small yard and then a large garage without internal partitions. It is currently zoned R-8. The Duplex consists of one two bedroom apartment and one three bedroom apartment. Due to the six bay garage this is a conforming R-8 arrangement. However, if the garage is converted into three two bedroom apartments the applicant will require a Special Use Permit as there is no appropriate zoning available to the applicant.

The Property is located in Jackson Ward, one block north of Broad St. and one block East of Belvidere St. It is located close to Virginia Commonwealth University. The buildings surrounding the property are typically historic homes which have primarily been repurposed as student housing. Due to the proximity of VCU, Kroger Supermarket (less than one mile) and Rite Aid, the necessity of a vehicle is limited. The applicant's average vehicle to tenant ratio in the duplex is .2, or, one in five tenants typically has a vehicle.

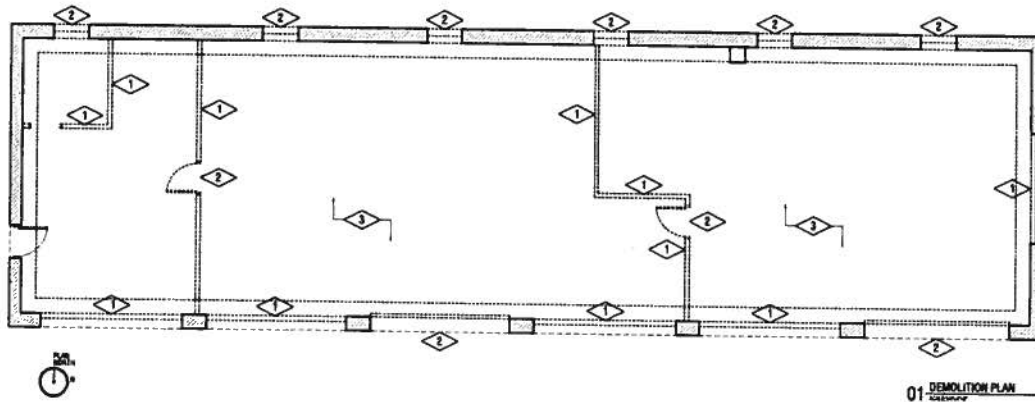
The proposed apartments will be a high end product and will all have two bedrooms, one bathroom and one kitchen. The approximate square footage will be of the units shall be between 700 and 790 Sq. Ft. The units shall have electric appliances with the exception of a gas furnace. There currently exists six garage bay door openings. Four of these openings are infilled with plywood. Two of the openings have working manually operated garage doors. The proposed renovation will emplace architectural storefronts into the openings of a style currently used in Jackson Ward ( for example the Ram Cat Alley building). The building shall obtain power from a pole (per consultation with Dominion Power) located on the north side of the alley running to the north side of the building. Natural gas lines are within 90 feet of the building.

The applicant has garnered the support and formal approval of the community through its association, the Historic Jackson Ward Association (HJWA). The HJWA approved the redevelopment without requiring any parking be included in the plan. Since the approval of the proposed plans, the applicant has been able to add one parking spot on the property.

The proposed development does not have the requisite parking for a normal re-zoning and thus the necessity of this Special use Permit. However, the location, size, character of the development obviate the need for the prescribed amount of parking.

1. The Proposed use will not be detrimental to the safety, health, morals and general welfare of the community involved.
  - A. The proposed re-development satisfies the requirements above. Located in the heart of Jackson Ward and being close to major developments being planned by Virginia Commonwealth University and the Broad Street corridor revitalization project, the proposed apartments will contribute to the intent of both plans; modern urban redevelopment. The apartments will provide much needed housing in the area and serve the highest and best use of the parcel. Furthermore, the proposed plan has already been approved by the Historic Jackson Ward Association. The proposed development is located along a pedestrian thoroughfare used to transit the neighborhood in a north-south axis by people using convenience stores located on Broad St. Unfortunately, the property has been a constant target of graffiti (some gang related) which leads to a blighted appearance and constant re-painting by the City. By redeveloping the property and placing windows and residents on street level, the graffiti will likely abate and improve the character of the neighborhood.
  
2. The proposed development will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.
  - A. The proposed development will add a maximum of six residents to the property. Due to the proximity of the property to GRTC public transportation as well as the Bus Rapid Transit system, there will be no discernible added congestion in the area. Furthermore, the likely tenants will be associated with VCU either as undergraduate students, graduate students or employees of local businesses. As such, they will likely choose to live in the apartments due to its proximity to amenities without requiring the use of a motor-vehicle. In addition, numerous buildings in the vicinity have unused back-yards which are suitable for parking. The tenants of these buildings park on the street but have the option of parking in the rear if necessary. In effect the net loss of parking will be negligible at best.
  
3. The proposed development will not create hazards from fire, panic or other dangers.
  - A. The proposed development is a brick garage with a metal roof and concrete floors. Interior partition walls will be fire rated per code. The risk of fire is very low. In addition, a fire hydrant exists within 90 feet of the building on the southern side of the intersection of Henry and Marshall St. Furthermore, the appliances will be electric except for the furnace which will be natural gas.
  
4. The proposed development will not tend to cause overcrowding of land and an undue concentration of population.
  - A. As previously stated, the structure will contain a maximum of six individuals.





**DEMOLITION LEGEND**

- STRUCTURE TO BE DEMOLISHED
- STRUCTURE TO BE DEMOLISHED

**DEMOLITION PLAN NOTES**

1. REMOVE ALL STRUCTURE TO BE DEMOLISHED AND DEMOLISHED WITH THE EXISTING STRUCTURE TO BE DEMOLISHED.
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**DEMOLITION PLAN NOTES**

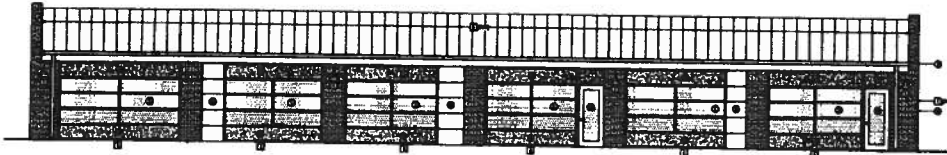
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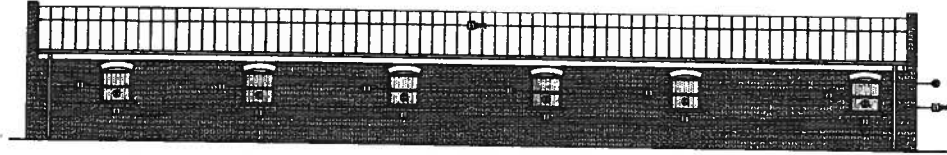
**RENOVATIONS TO  
500 W. MARSHALL STREET**  
500 W. MARSHALL ST., RICHMOND, VA 23220

PROJECT NO.	DATE	SCALE	DATE	DATE	DATE
21004	9 JUNE 2016	1/8"=1'-0"	1/8"=1'-0"	1/8"=1'-0"	1/8"=1'-0"
<b>DEMOLITION PLAN</b>					
<b>AD1.01</b>					

DATE: 04/15/2019



01- EXTERIOR ELEVATION



02- EXTERIOR ELEVATION



03- EXTERIOR ELEVATION

04- EXTERIOR ELEVATION

DATE: 04/15/2019

FAÇADE RESTORATION NOTES

- 1. All masonry work shall be in accordance with the specifications and standards of the International Masonry Institute (IMI).
- 2. All brickwork shall be laid in a running bond pattern.
- 3. All mortar shall be Type S and applied in accordance with the specifications and standards of the IMI.
- 4. All window openings shall be finished with a minimum of 1/2" thick leaded glass.
- 5. All door openings shall be finished with a minimum of 1/2" thick leaded glass.
- 6. All exterior surfaces shall be finished with a minimum of 1/2" thick leaded glass.
- 7. All exterior surfaces shall be finished with a minimum of 1/2" thick leaded glass.
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- 9. All exterior surfaces shall be finished with a minimum of 1/2" thick leaded glass.
- 10. All exterior surfaces shall be finished with a minimum of 1/2" thick leaded glass.



RENOVATIONS TO  
500 W. MARSHALL STREET  
500 W. MARSHALL ST., CHICAGO, IL 60610

ELEVATION NOTES

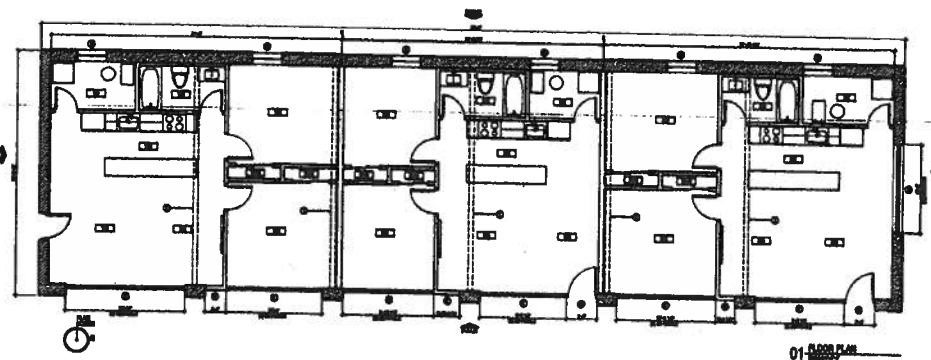
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DATE	04/15/2019	SCALE	1/8" = 1'-0"	PROJECT	RENOVATIONS TO 500 W. MARSHALL STREET
PROJECT	RENOVATIONS TO 500 W. MARSHALL STREET	DATE	04/15/2019	SCALE	1/8" = 1'-0"
EXTERIOR ELEVATIONS					
A4.01					



DATE: 02/20/2018

PROJECT: 500 W. MARSHALL STREET



**ROOM SCHEDULE**

NO.	ROOM	AREA
101	RECEPTION	150
102	OFFICE	120
103	CONFERENCE	180
104	RESTROOM	80
105	STORAGE	60
106	MEETING	100
107	OFFICE	110
108	OFFICE	110
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200	OFFICE	110

**LEGEND**

**PLAN NOTES**

**SCHEDULE OF FINISHES**

NO.	FINISH
1	CEILING
2	FLOOR
3	WALL
4	DOOR
5	WINDOW
6	GLASS
7	STAIR
8	ELEVATOR
9	MECHANICAL
10	ELECTRICAL
11	PLUMBING
12	PAINT
13	TRIM
14	ROOF
15	FOUNDATION
16	CONCRETE
17	BRICK
18	STONE
19	WOOD
20	METAL
21	GLASS
22	PLASTER
23	GYP
24	CEILING
25	FLOOR
26	WALL
27	DOOR
28	WINDOW
29	GLASS
30	STAIR
31	ELEVATOR
32	MECHANICAL
33	ELECTRICAL
34	PLUMBING
35	PAINT
36	TRIM
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97	WINDOW
98	GLASS
99	STAIR
100	ELEVATOR



**RENOVATIONS TO  
500 W. MARSHALL STREET**  
500 W. MARSHALL ST., RICHMOND, VA 23220

DATE	2/20/2018	SCALE	AS SHOWN
PROJECT	500 W. MARSHALL STREET	NO.	A1.01
FLOOR PLAN			

