

Attachment B



City of Phoenix PLANNING & DEVELOPMENT DEPARTMENT

Staff Report: Z-92-17-7 March 23, 2018

Central City [Village Planning Committee](#) Meeting Date

April 9, 2018

[Planning Commission](#) Hearing Date

May 3, 2018

Request From:

[C-3 CMOD](#) (General Commercial District, Capitol Mall Overlay District) (1.91 acres)

Request To:

[C-3 CMOD ACOD](#) (General Commercial District, Capitol Mall Overlay District, Arts, Culture, and Small Business Overlay District) (1.91 acres)

Proposed Use

Expand the Arts, Culture, and Small Business Overlay District to allow a venue and art gallery combination

Location

Approximately 230 feet west of the northwest corner of 7th Avenue and Polk Street

Owner

Wisso, LLC

Applicant

John Lines

Representative

Julie Jennings

Staff Recommendation

Approval

General Plan Conformity			
General Plan Land Use Designation		Commercial	
Street Map Classification	Taylor Street	Local Street	22-foot south half street
	Polk Street	Local Street	33-foot north half street

STRENGTHEN OUR LOCAL ECONOMY: LOCAL & SMALL BUSINESSES; LAND USE PRINCIPLE: *Facilitate adaptive reuse of older, underutilized properties to create mechanisms for new local and small businesses to operate, thrive, and grow.*

Approval of this application to extend the Arts, Culture, and Small Business Overlay District will allow a local and small business to operate and grow on the subject site.

STRENGTHEN OUR LOCAL ECONOMY: ENTREPRENEURS EMERGING ENTERPRISES; LAND USE PRINCIPLE: Encourage land uses that promote the growth of entrepreneurs or new businesses in Phoenix in appropriate locations.

The proposed expansion of the Arts, Culture, and Small Business Overlay District provides the opportunity to allow greater flexibility in land uses and standards for new businesses contributing to the vitality of the downtown area.

CREATE AN EVEN MORE VIBRANT DOWNTOWN CORE VALUE; ARTS, CULTURE & ENTERTAINMENT; LAND USE PRINCIPLE: Create a greater sense of place and draw people downtown by concentrating in areas in downtown with synergetic activities.

The proposed expansion of the Arts, Culture, and Small Business Overlay District allows the subject site to have an art gallery and venue combination. The use will complement similar uses and add to the vitality of the downtown area.

Applicable Plans and Principles

The Capitol Mall Overlay District: The purpose of this district is to prevent a concentration of certain uses which can restrict businesses and residences from functioning normally and contributes to the deterioration of the business and living environment, the downgrading of property values, and the diminishment of health, safety and general welfare conditions in the area. The request to expand the Arts, Culture, and Small Business Overlay District to allow a venue and art gallery combination will not conflict with the intent of the Capitol Mall Overlay District.

Surrounding Land Uses/Zoning

	<u>Land Use</u>	<u>Zoning</u>
On Site	Commercial Building	C-3 CMOD
North (across Taylor Street)	Church	C-3 CMOD
South (across Polk Street)	Vacant building, American Legion Post #1	C-3 CMOD ACOD
East	City of Phoenix Police Judicial Processing, Restaurant	C-3 CMOD, DTC-Van Buren Character Area
West	Auto parts sales	C-3 CMOD ACOD

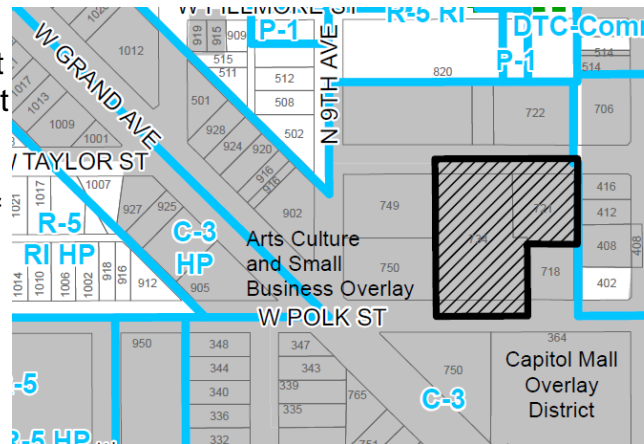
Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone a 1.91-acre site, located approximately 230 feet west of the northwest corner of 7th Avenue and Polk Street from C-3 CMOD (General Commercial District, Capitol Mall Overlay District) to C-3 CMOD ACOD (General Commercial District, Capitol Mall Overlay District, Arts, Culture, and Small Business Overlay District) to expand the Arts, Culture, and Small Business Overlay District to allow for a venue and art gallery combination.
2. The Arts, Culture and Small Business Overlay language and initial mapping was approved by City Council on April 2, 2008. In 2009, a request to allow an expansion of the Arts, Culture and Small Business Overlay was initiated by the Planning Commission on December 9, 2009, and approved by City Council April 7, 2010. This request is to expand the Arts, Culture, and Small Business Overlay to the subject site. The Arts, Culture and Small Business Overlay is intended to allow greater flexibility in land uses and standards that will contribute to the vitality of the downtown area and will enhance community events.

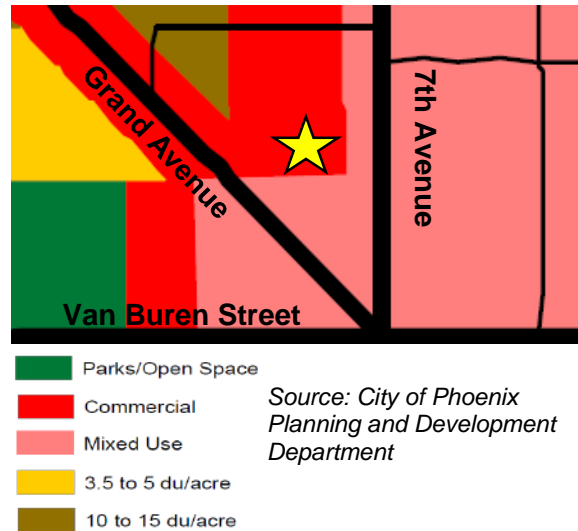
SURROUNDING USES AND ZONING

3. North of the subject site is a church zoned C-3 CMOD. South of the subject site are two uses, a vacant building that previously functioned as an auto dealership and an American Legion, both zoned C-3 CMOD ACOD. West of the subject site is an auto parts sales business zoned C-3 CMOD ACOD. East of the subject site is the City of Phoenix Police Judicial Processing building zoned C-3 CMOD and a restaurant zoned DTC-Van Buren.



Source: City of Phoenix Planning and Development Department

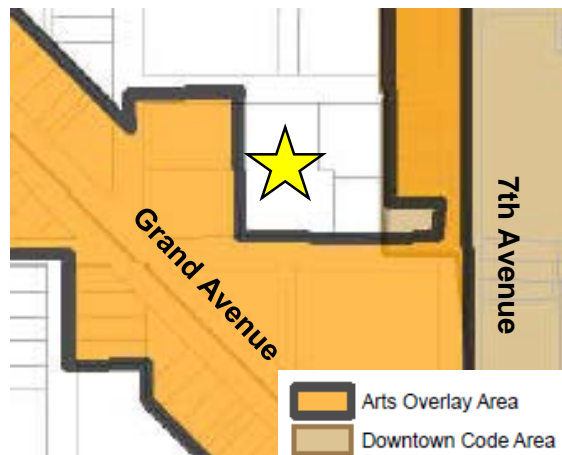
4. The General Plan Land Use Map designation for the subject property is Commercial. The request is consistent with the existing General Plan Land Use designation.



PROPOSAL

5. The overlay may be applicable to land bounded by the Interstate 10 Inner Loop (Papago Freeway) on the north, 20th Street to the east, Buckeye Road to the south and 19th Avenue to the west.

Parcels located within the specified boundaries are eligible for the Arts, Culture, and Small Business Overlay subject to approval by the City Council through the rezoning process. At the time the overlay was approved, it was anticipated that future expansions would be considered after the overlay had been in place for a year.



Major benefits of the overlay include adaptive reuse opportunities for small businesses. The overlay (see exhibits) provides greater flexibility and relief from ordinance standards to encourage adaptive reuse.

The overlay exists directly adjacent to the south and west boundaries of the subject site. Staff is supportive of expansion of the overlay to properties within the boundaries, especially applications that are contiguous to the overlay.

COMMUNITY INPUT

6. At the time the staff report was written, no correspondence by the public was received by staff.

INTERDEPARTMENTAL COMMENTS

7. The Aviation Department stated that the site is in close proximity to the Phoenix Sky Harbor International Airport (PHX).
8. The Water Services Departments commented that the property has existing city water and sewer mains that can serve the development.
9. The Floodplain Management division indicated that the parcel is not in a Special Flood Hazard Area (SFHA), is located in Shaded Zone X, on panel 2205 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
10. The Fire Department does not anticipate any problems with this case. They noted that the site and/or buildings shall comply with the Phoenix Fire Code.
11. The Street Transportation Department is not requiring any dedications as there is no planned on site construction at this time.
12. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials.

OTHER

13. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. The application site is contiguous to the existing boundaries of the Arts, Culture and Small Business Overlay District. Approval of the additional properties within the Arts, Culture and Small Business Overlay District will contribute to the vitality of the broader downtown area and enhance community events.
2. The request is consistent with the goals and values of the City of Phoenix 2015 General Plan. Approval of the application will allow local and small businesses to operate and grow on the subject site.

Staff Report: Z-92-17-7

March 23, 2018

Page 6 of 6

Writer

Elyse DiMartino

March 23, 2018

Team Leader

Samantha Keating

Exhibits

Sketch Map

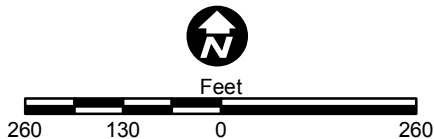
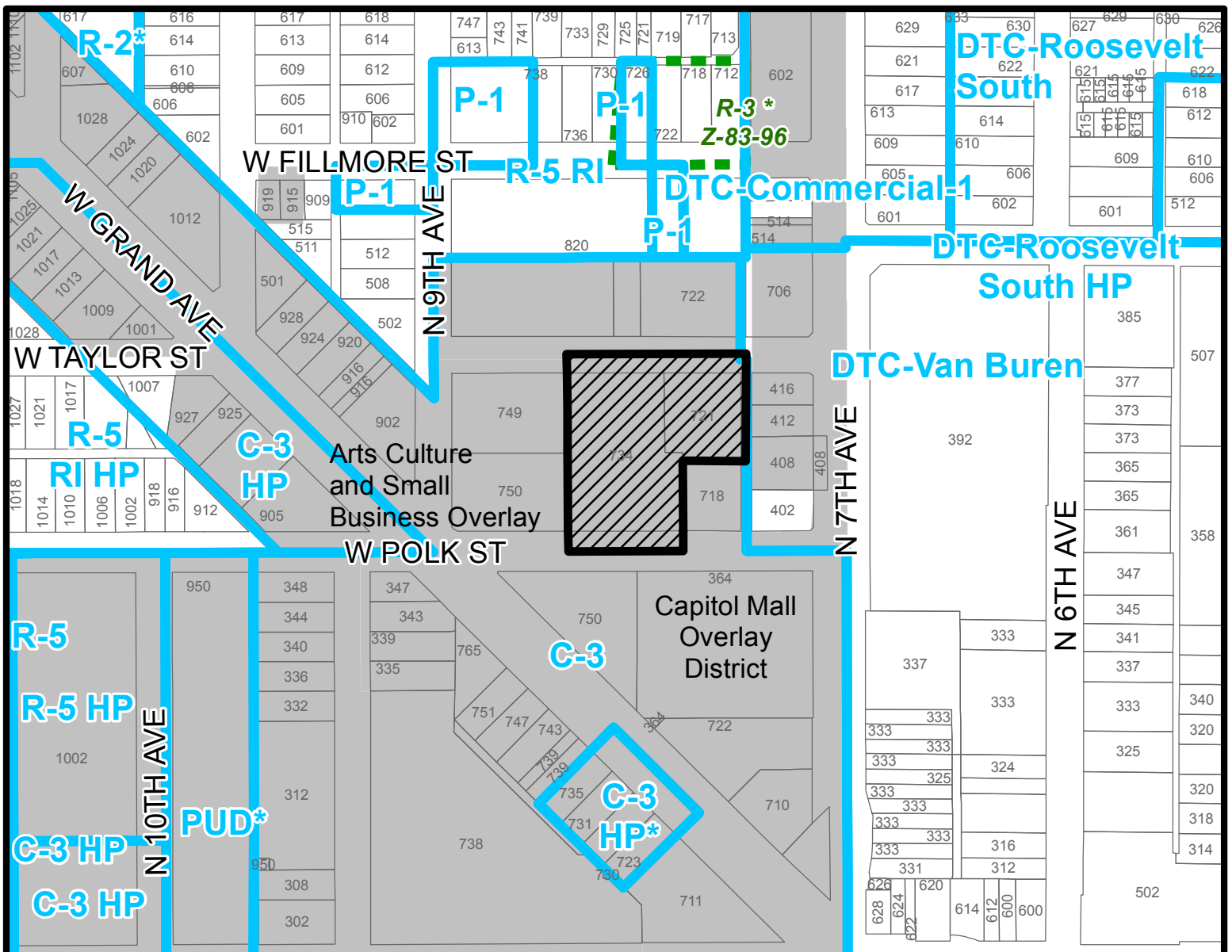
Aerial

Arts, Culture, and Small Business Overlay District (5 Pages)

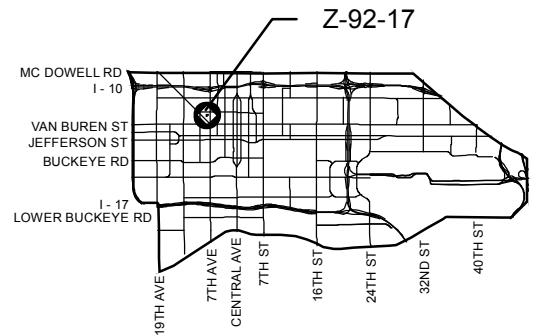
Site Plan, Date Stamped December 29, 2017 (1 Page)

Floor Plan, Date Stamped December 29, 2017 (1 Page)

Elevations, Date Stamped December 29, 2017 (1 Page)



CENTRAL CITY VILLAGE
CITY COUNCIL DISTRICT: 7



APPLICANT'S NAME: John Lines

APPLICATION NO. Z-92-17

GROSS AREA INCLUDING 1/2 STREET
AND ALLEY DEDICATION IS APPROX.

1.91 Acres

DATE: 2/9/2018
REVISION DATES:

AERIAL PHOTO &
QUARTER SEC. NO.

QS 11-26

ZONING MAP

F-8

REQUESTED CHANGE:

FROM: C-3 CMOD (1.91 a.c.)

TO: C-3 CMOD ACOD (1.91 a.c.)

MULTIPLES PERMITTED

C-3 CMOD

C-3 CMOD ACOD

CONVENTIONAL OPTION

27

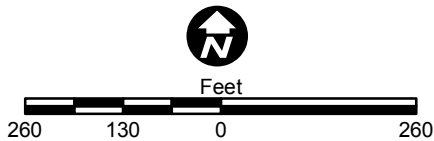
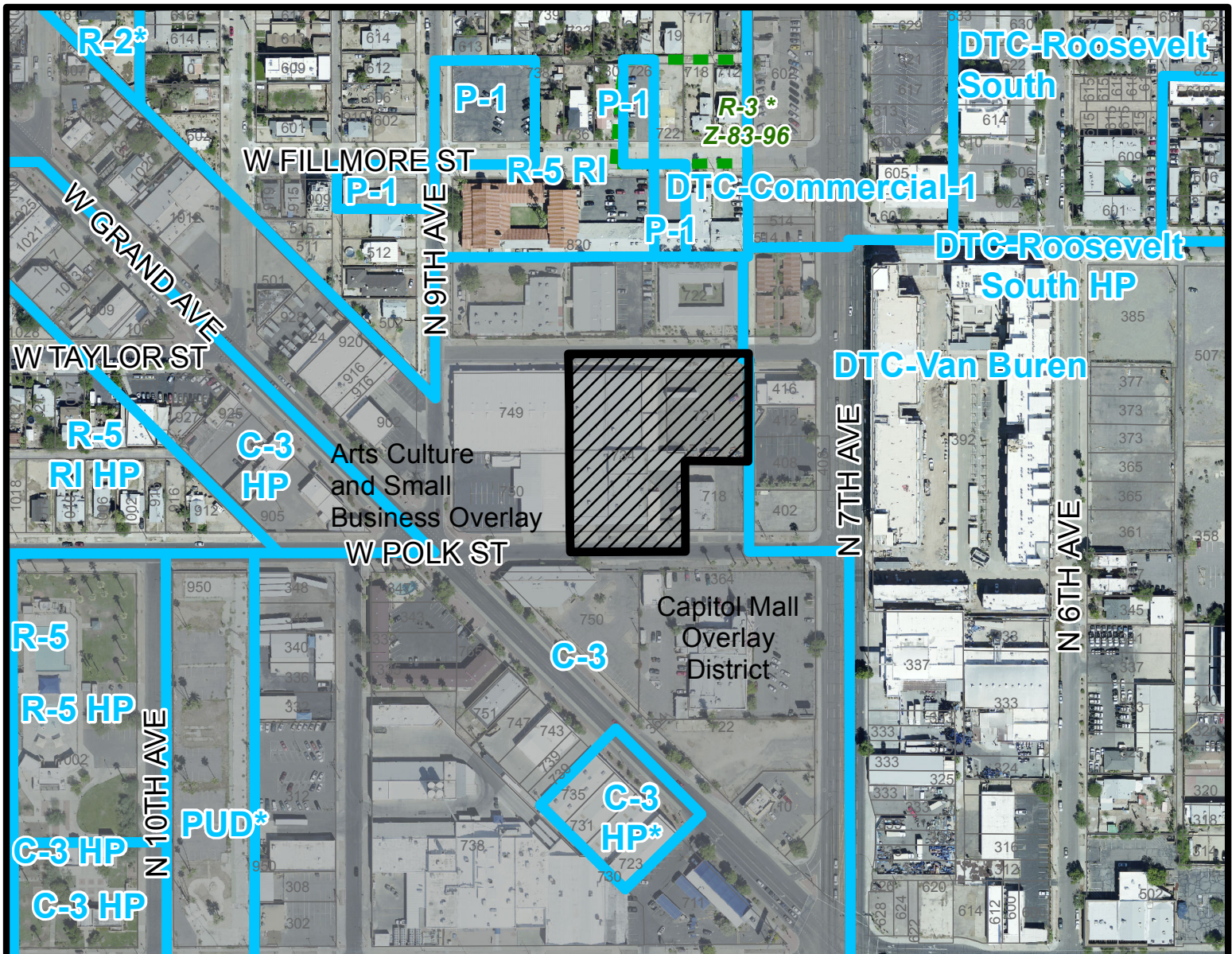
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* UNITS P.R.D. OPTION

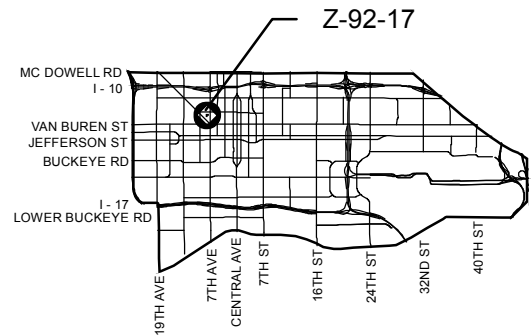
33

33

* Maximum Units Allowed with P.R.D. Bonus



CENTRAL CITY VILLAGE
CITY COUNCIL DISTRICT: 7



APPLICANT'S NAME: John Lines

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CONVENTIONAL OPTION

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* UNITS P.R.D. OPTION

33

33

* Maximum Units Allowed with P.R.D. Bonus

669 Arts, Culture and Small Business Overlay (ACOD) District. +1



A. **Purpose.** The Arts, Culture and Small Business Overlay is intended to allow greater flexibility in land uses and standards that will contribute to the vitality of the downtown area and will enhance community events.

B. **Applicability.** The Arts, Culture and Small Business Overlay may be applied to land bounded by Interstate 10 Inner Loop (Papago Freeway) on the north, 20th Street to the east, Buckeye Road to the south and 19th Avenue to the west. The application of the overlay on specific parcels will occur subject to approval by City Council through the rezoning process in accordance with zoning map amendment section of the Zoning Ordinance. The regulations governing the uses of land and structures shall be as set forth in the underlying zoning districts or other overlay districts, except as expressly modified by the following regulations and as regulated by other provisions of City Code. Where there is a conflict with other Zoning Ordinance provisions, the more permissive shall apply.

C. Permitted Uses.

1. **In the R-5 Zoning District**, the following additional uses are permitted for structures existing as of May 2, 2008.

- a. Art galleries, including sales.
- b. Arts and crafts retail sales.
- c. Beauty and barber shops.
- d. Book stores, not including adult book stores.
- e. Exercise studios.
- f. Restaurants, subject to the following conditions or limitations:
 - 1) Sales of alcoholic beverages are permitted upon conformance with the following conditions:
 - a) The obtaining of a use permit in accordance with the provisions of the Zoning Administrator Section of the Zoning Ordinance. The use permit shall specifically address noise from the use, including parking lot noise, screening of lighting from vehicle headlights and light standards on site, parking access, and access to adjacent neighborhoods.
 - b) Approval by the Zoning Administrator or the Board of Adjustment of a specific floor plan for the restaurant facility.

2) Music or entertainment shall be limited to recorded music or one entertainer unless a use permit is obtained in accordance with the provisions of the zoning Administrator Section of the Zoning Ordinance.

3) Outdoor dining, subject to obtaining a use permit in accordance with the provisions of the Zoning Administrator Section of the Zoning Ordinance.

g. Retail clothing sales.

h. Retail food sales, not including alcohol.

i. Teaching of visual and performing arts, not including adult entertainment or erotic dance.

2. **In the A-1 District**, residential uses are permitted in structures existing as of May 2, 2008 for up to a maximum of thirty percent of the gross square footage of the building.

3. **Outdoor cultural events and performances.** In the R-5, C-1, C-2, C-3, A-1, A-2, DC and UR Zoning Districts, outdoor events or performances that are open to the public and that feature visual art, music, dance, theater, performance art, science, design or cultural heritage are permitted, subject to the following:

a. The outdoor event or performance must be presented by an existing business on the property and must comply with all applicable codes and ordinances.

b. The business' regularly stocked items may be displayed outdoors and be available for purchase during the event or performance but payment for all items shall occur indoors. No other items may be displayed for sale outdoors during the event or performance.

c. Outdoor events or performances are limited to Fridays, Saturdays and Sundays only.

d. Friday and Saturday outdoor events or performances shall be limited to the hours between 10:00 a.m. and 12:00 a.m. In the A-1 and A-2 Districts Friday and Saturday outdoor events or performances shall be limited to the hours between 10:00 a.m. and 2:00 a.m. No amplified music or loudspeakers may be used outside after 10:00 p.m. in the R-5, C-1, C-2 or C-3 Districts.

e. Sunday outdoor events or performances shall be limited to the hours between 10:00 a.m. and 10:00 p.m. No amplified music or loudspeakers may be used outside after 8:00 p.m. in the R-5, C-1, C-2 or C-3 Districts.

f. Hours and days of outdoor events or performances may be extended subject to obtaining a use permit in accordance with the standards and procedures of the Zoning Administrator Section of the Zoning Ordinance.

g. Outdoor events or performances in the R-5, C-1 or C-2 Districts shall be a minimum of 300 feet from a single-family zoning district.

4. Accessory uses.

a. In the R-3, R-3A, R-4, R-4A, and R-5 Districts, home occupations are permitted subject to the following:

- 1) Employees are permitted, subject to obtaining a use permit in accordance with the provisions of Zoning Administrator Section of the Zoning Ordinance.
- 2) No more than fifty percent of the dwelling unit may be used for any home occupation.

b. In the C-1, C-2, and C-3 Zoning Districts, the following accessory uses are permitted:

- 1) Outdoor dining as accessory to a restaurant is permitted subject to the following:
 - a) The outdoor dining area shall be a minimum of thirty (30) feet from a single-family residential district.
 - b) The outdoor dining area and accessory public space shall be clearly delineated by a minimum three (3) foot high continuous fence, wall or planter.
 - c) The outdoor dining area shall not be more than twenty-five percent of the primary building's ground level gross floor area. The outdoor dining area may exceed twenty-five percent to a maximum of fifty percent subject to obtaining a use permit.
 - d) Hours of operation for outdoor dining area shall not extend beyond restaurant hours of operation.
 - e) The outdoor dining area shall not restrict or impede accessible access to the building or parking area.
- 2) Outdoor crafting of art associated with the business inside the building when the subject parcel abuts an arterial or collector street is permitted and subject to the following:
 - a) Storage of materials associated with the crafting area shall not exceed eight (8) feet in height and be limited to the rear or side yard.
 - b) Storage area shall be fully screened with a solid wall or landscaping.
 - c) Storage of materials associated with the crafting area exceeding eight (8) feet in height shall be subject to obtaining a use permit in accordance with the provisions of the Zoning Administrator Section of the Zoning Ordinance.

D. Signs.

1. A-frame signs are permitted on private property, subject to the following:
 - a. No off site advertising is permitted.
 - b. A maximum of one (1) A-frame sign is permitted per twenty-five (25) feet of street frontage.
 - c. A maximum of six (6) square feet of signage per side of the A-frame sign is permitted.
 - d. There shall be a maximum height of three (3) feet from natural grade.
 - e. All signs shall be removed daily at close of business or event.
2. Shingle signs are permitted subject to the following:
 - a. A maximum of one (1) sign is permitted for each business per facade if access to the business is available from that facade.
 - b. A minimum clearance of eight (8) feet from finished grade to the bottom of the sign shall be provided.
 - c. A maximum of five (5) square feet in area shall is permitted per side.
 - d. No back lit or cabinet signs are permitted.
3. Wall and window signs are permitted for structures existing as of May 2, 2008 as follows:
 - a. Wall signs.
 - 1) The maximum square footage permitted per Section 705.D. may be increased by twenty-five percent.
 - 2) The maximum square footage permitted may be increased by an additional ten percent if graphics comprise a minimum of ten percent of the overall square footage of the sign.
 - b. Window signs.
 - 1) The total area of such signs shall not exceed forty percent of each window area located on the ground floor of the building.

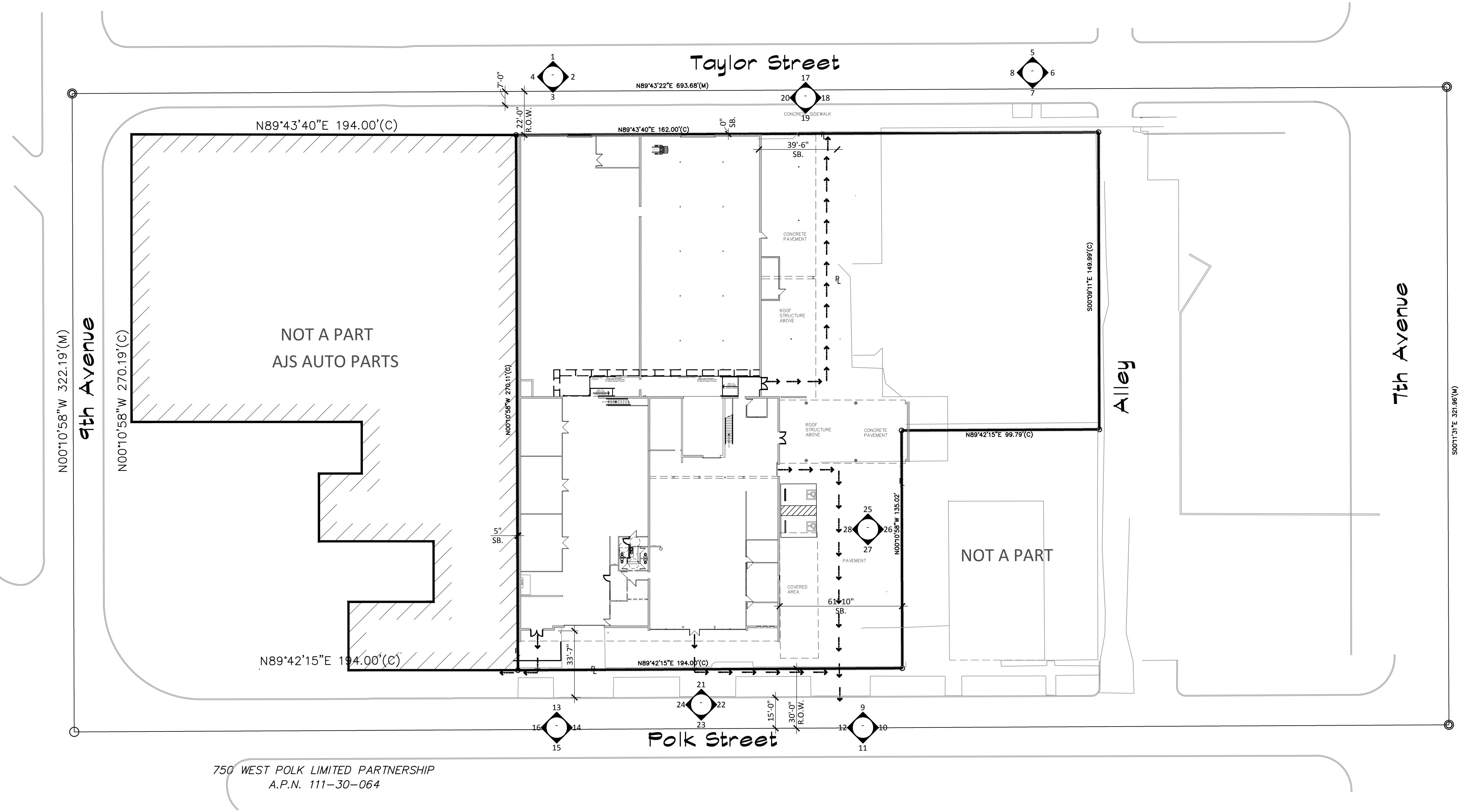
E. Parking, Yard and Area Requirements For Non Residential Uses or Mixed Use Containing Non Residential Uses.

1. For parking, yard and area requirements for structures existing as of May 2, 2008:

- a. Regardless of change of use or occupancy no additional parking or landscaping shall be required.
 - b. Structures may be expanded a total of either 500 gross square feet or twenty-five percent of the existing structure, whichever is greater, and shall not require additional parking or landscaping.
 - c. Building additions may exceed the lot coverage of the underlying zoning district by twenty-five percent, excluding those with historic preservation overlays.
 - d. Interior setbacks may be reduced by a maximum of twenty-five percent of that required by the underlying zoning district, excluding those with historic preservation overlays.
2. Outdoor dining which does not exceed twenty-five percent of the primary building's ground level gross floor area shall not require any additional parking. The outdoor dining area may exceed twenty-five percent to a maximum of fifty percent subject to obtaining a use permit.
 3. Vehicles are permitted to maneuver in the alley subject to approval by the Planning and Development Department when paving, adequate maneuvering space and visibility are addressed. When vehicular access to the site is provided from an alley, no landscape setback is required adjacent to the alley.

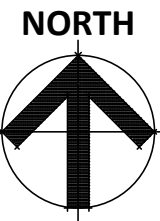
Date of Addition/Revision/Deletion - Section 669

+1 Addition on April 2, 2008 by Ordinance No. G-5138, eff. 5-2-2008



SITE PLAN

SCALE: 1" = 30'-0"



CITY OF PHOENIX

DEC 29 2017

Planning & Development Department

SITE INFORMATION

NAME: UNEXPECTED PROJECT (NEW ADAPTIVE RE-USE PROJECT)
ADDRESS: 734 WEST POLK STREET, PHOENIX, ARIZONA 85007
ASSESSOR PARCEL NO: 111-30-071B
PROPERTY SIZE: 67,369 SQ. FT.
ACRES: 1.54 ACRES
BUILDING S.F. = 32,489
LOT COVERAGE 48%
LOT NUMBER: 9,10,11,12,13,14,15
SUBDIVISION: UNIVERSITY ADDITION
S/T/R: 6 1N 3E
ZONING: C-3

CODE DATA

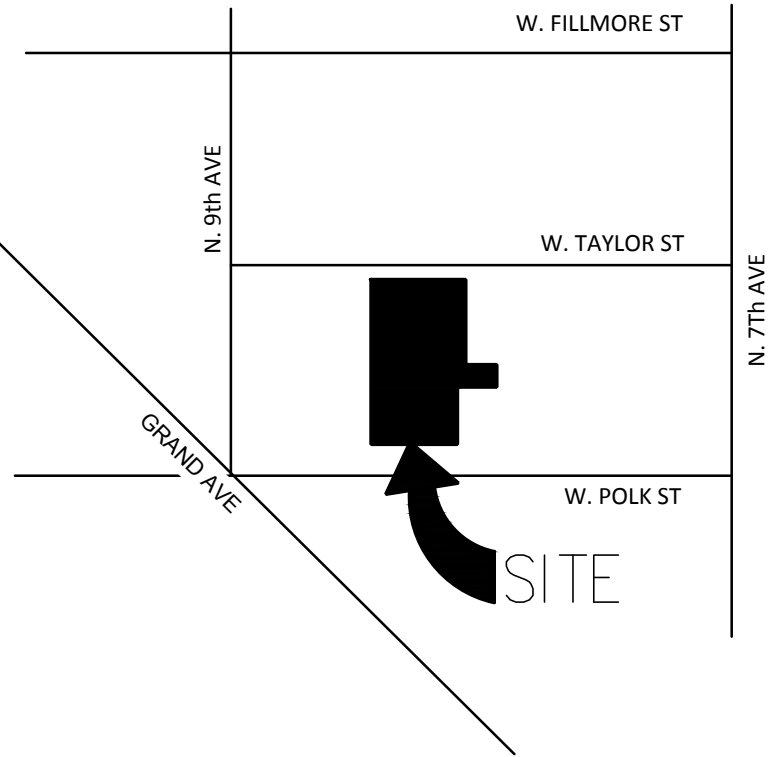
2012 INTERNATIONAL BUILDING CODE
2011 NATIONAL ELECTRICAL CODE IRC 107
2012 INTERNATIONAL ENERGY CONSERVATION CODE
2012 INTERNATIONAL EXISTING BUILDING CODE
2012 INTERNATIONAL FUEL GAS CODE
2012 INTERNATIONAL MECHANICAL CODE
2012 INTERNATIONAL FIRE CODE
2012 INTERNATIONAL PLUMBING CODE
2010 ADA STANDARDS/ANSI 117.1
2012 NFPA 1

PROJECT DESCRIPTION

THIS PROJECT SCOPE CONSISTS OF A PARTIAL INTERIOR REMODEL OF AN EXISTING BUILDING. NEW RESTROOMS, FAMILY ROOM, JANITORS ROOM AND BREAK AREA, PLUS TWO NEW CMU OPENINGS AND MINOR ELECTRICAL WORK.

NOTE:
NO EXTERIOR CHANGES ON ADDITIONS

VICINITY MAP

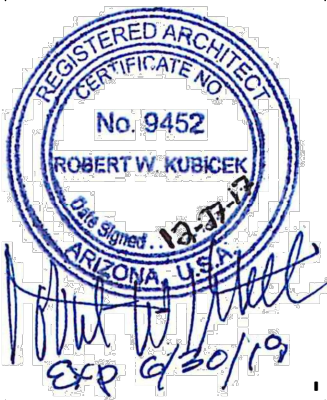


KEYNOTES

- 1. ARROW DENOTES DIRECTION OF TRAVEL TO AREA OF REFUSE



IRKA
ARCHITECTS
2233 EAST THOMAS ROAD, PHOENIX, ARIZONA 85016
602-955-3900



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THIS CONTRACT MAY ALLOW THE OWNER TO REQUIRE THE SUBMISSION OF BILLING OR ESTIMATES IN BILLING CYCLES OTHER THAN THIRTY DAYS. THIS CONTRACT MAY ALLOW OWNER TO HAVE PAYMENT CERTIFICATION AND APPROVAL OF BILLING AND ESTIMATES. A WRITTEN DESCRIPTION OF SUCH OTHER BILLING CYCLE APPLICABLE TO THE PROJECT IS AVAILABLE FROM OWNER OR DESIGNATED AGENT.
NAME: _____
ADDRESS: _____
CONTACT: Name _____
PHONE: _____

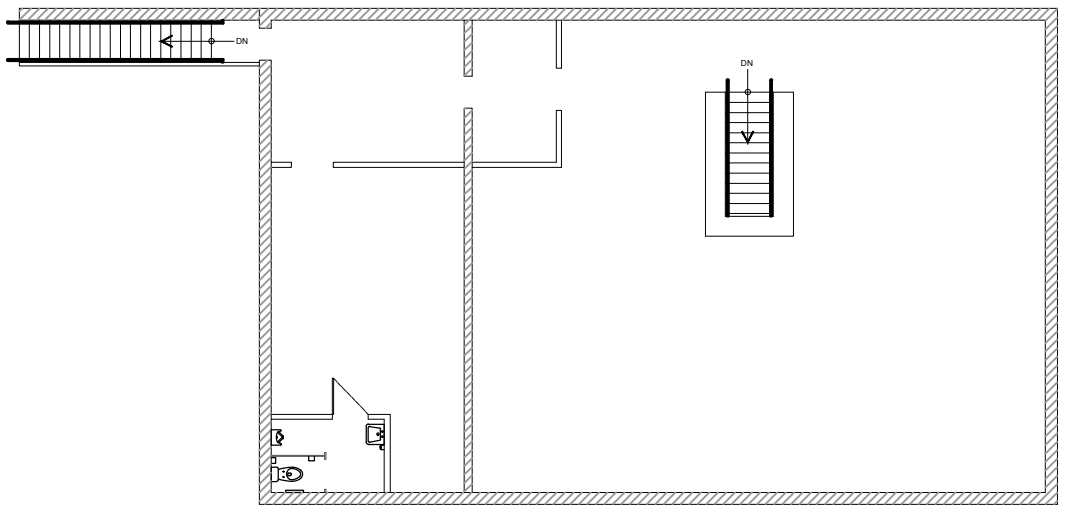
UNEXPECTED PROJECT
734 W. POLK ST.
PHOENIX, AZ 85007

ZONING PLAN

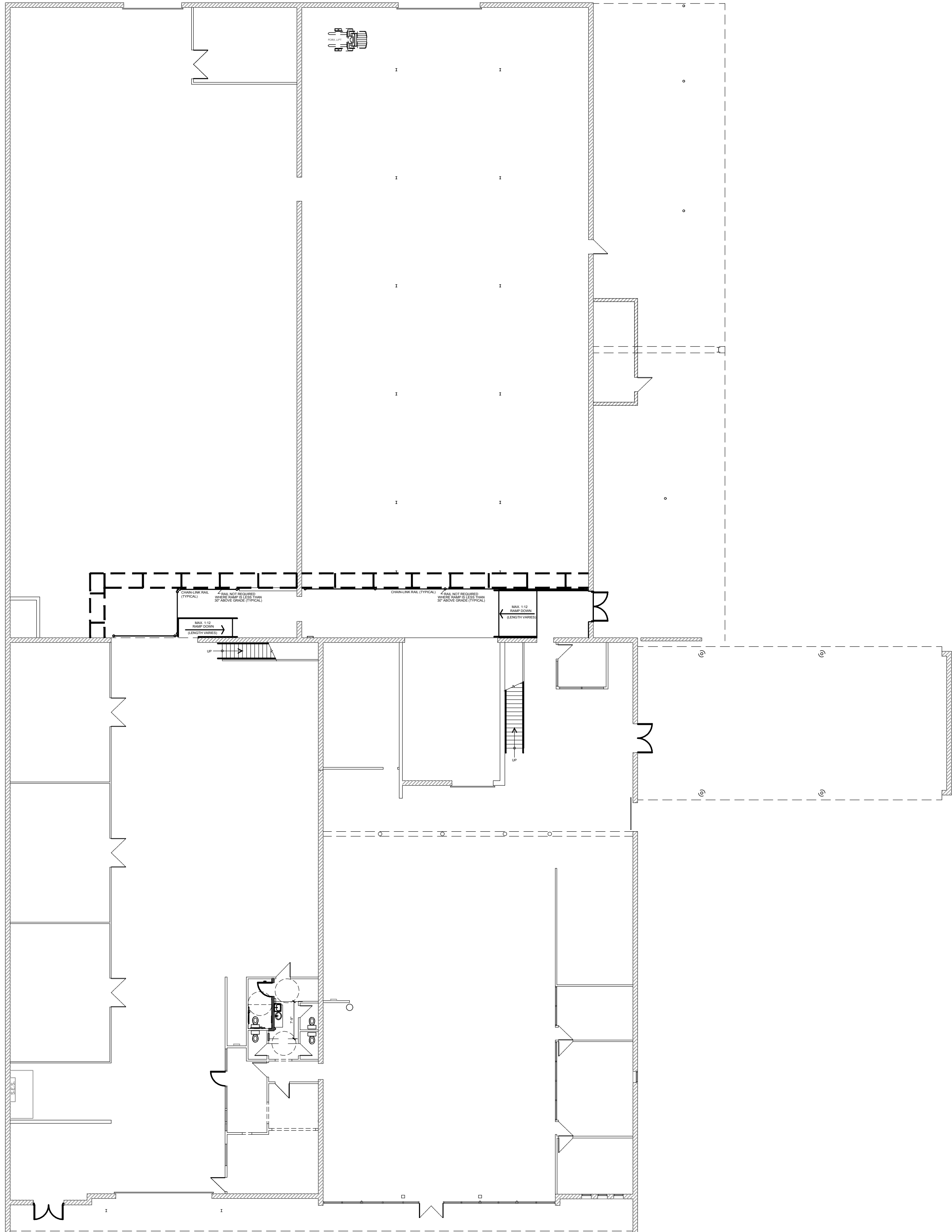
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design by: RH
drawn by: RH
checked by: SN

A0.0
project #: 17260.05



2 **SECOND FLOOR PLAN**
SCALE: 1/16" = 1'-0"



1 **FLOOR PLAN**
SCALE: 1/16" = 1'-0"

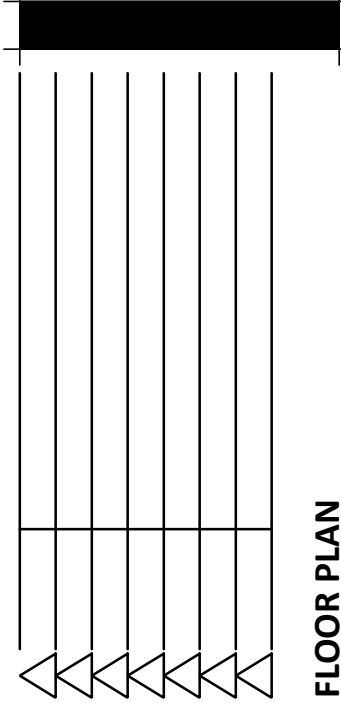
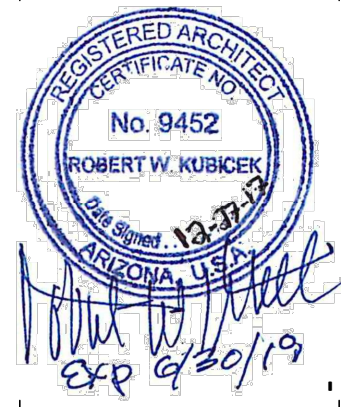
CITY OF PHOENIX

DEC 29 2017

Planning & Development Department



IRKAA
ARCHITECTS
2233 EAST THOMAS ROAD, PHOENIX, ARIZONA 85016
602-955-3900
IRKAA.com



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THIS CONTRACT MAY ALLOW THE OWNER TO REQUIRE
THE SUBMISSION OF BILLING OR ESTIMATES IN
BILLING CYCLES OTHER THAN THIRTY DAYS. THIS
CONTRACT MAY ALLOW THE OWNER TO MAKE PAYMENT
ON A MONTHLY BASIS. THE OWNER SHALL BE REQUIRED TO
CERTIFICATION AND APPROVAL OF BILLING AND
ESTIMATES. A WRITTEN DESCRIPTION OF SUCH CHANGES
BILLING CYCLE APPLICABLE TO THE PROJECT IS
AVAILABLE FROM OWNER OR DESIGNATED AGENT.
NAME:
ADDRESS:
CONTACT: Name:
PHONE:

UNEXPECTED PROJECT
734 W. POLK ST.
PHOENIX, AZ 85007
ZONING PLAN

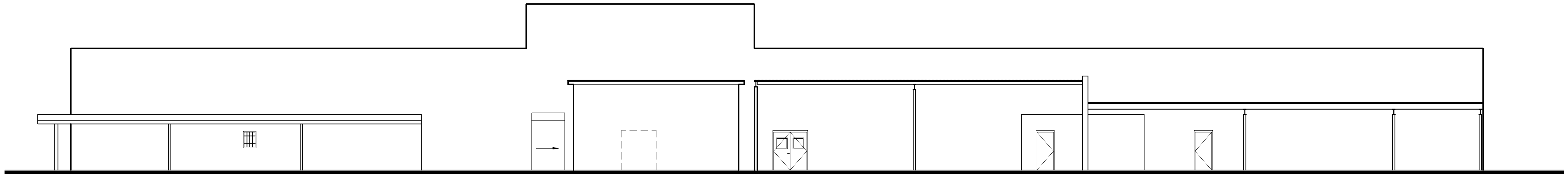
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FLOOR PLAN

design by: RH
drawn by: RH
checked by: SN

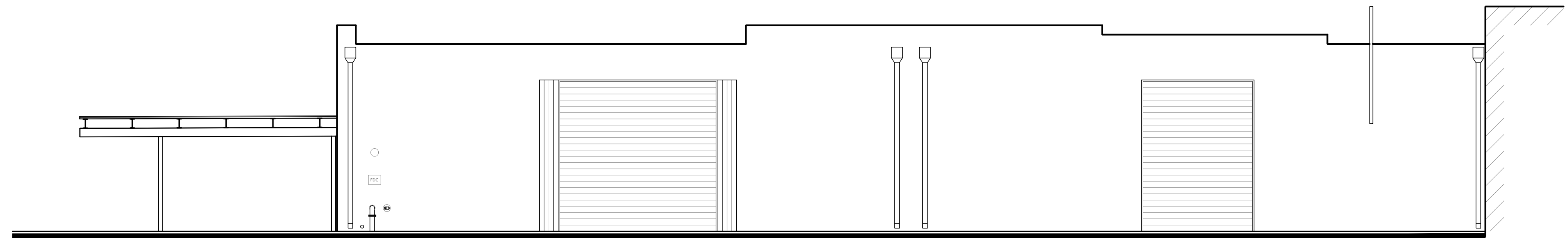
A1.0
project #: 17260.05



1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
SCALE: 3/32" = 1'-0"

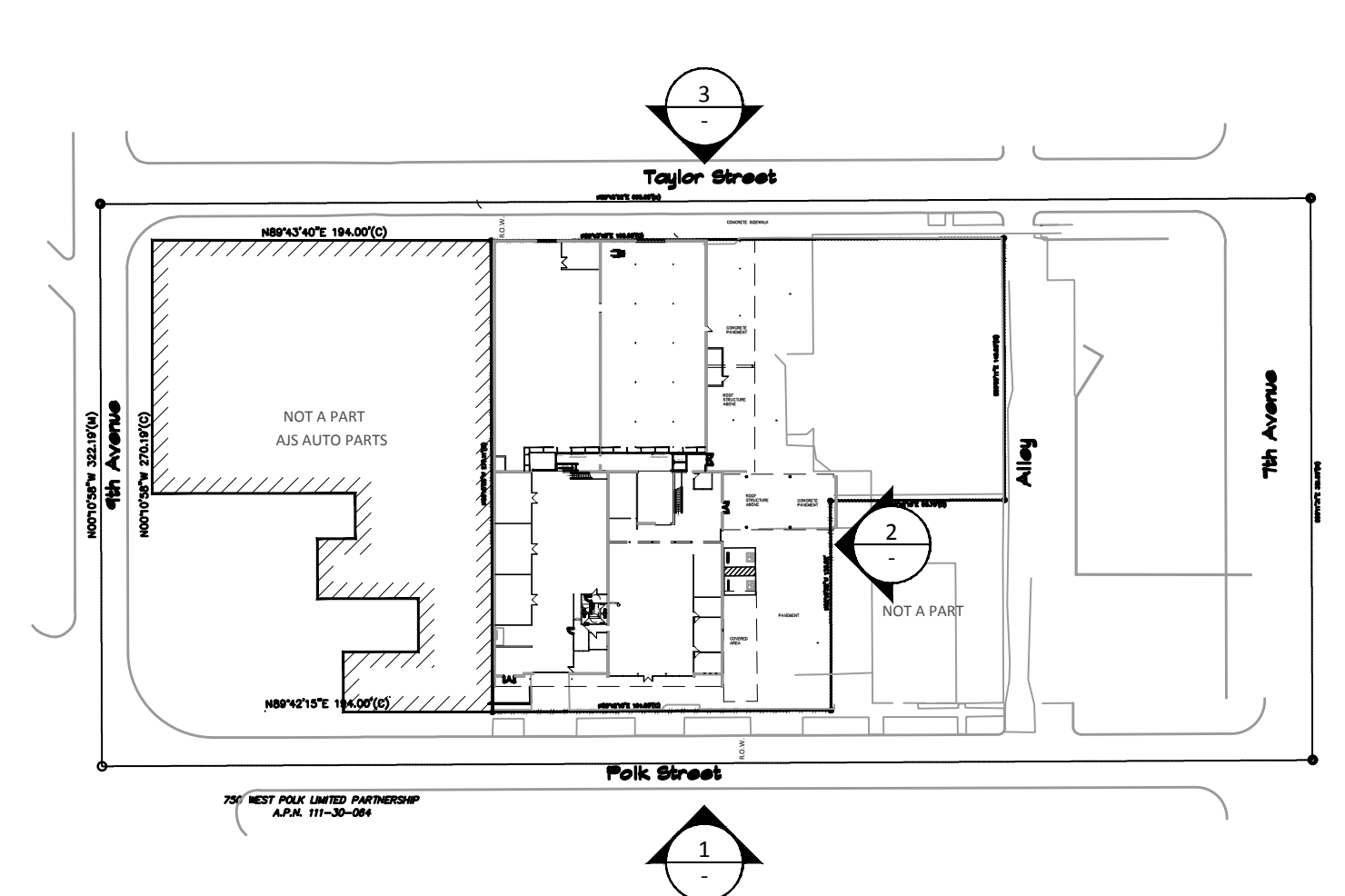


3 EAST ELEVATION
SCALE: 1/8" = 1'-0"

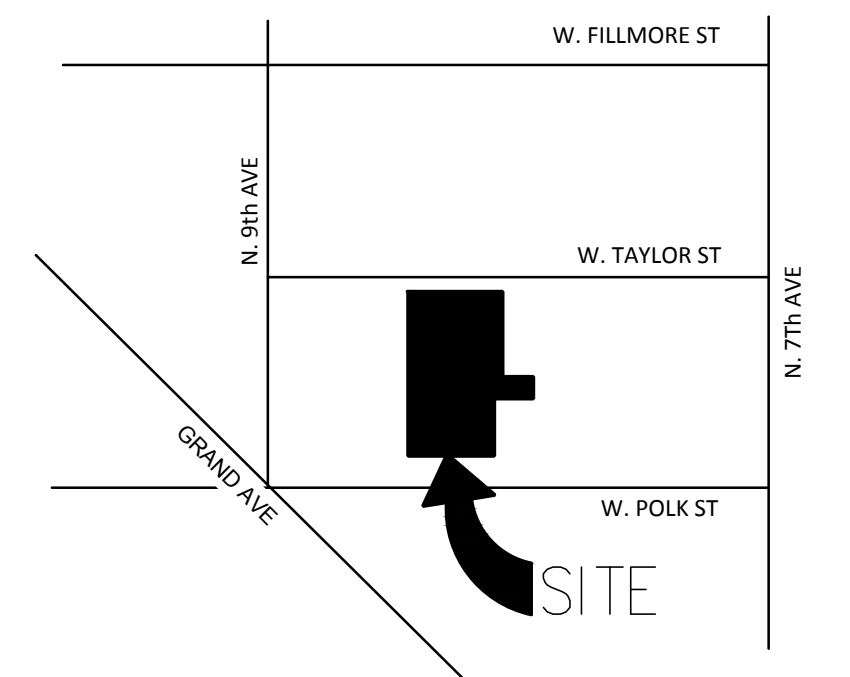
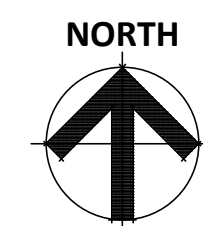
CITY OF PHOENIX

DEC 29 2017

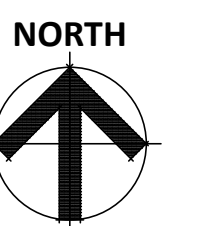
Planning & Development Department



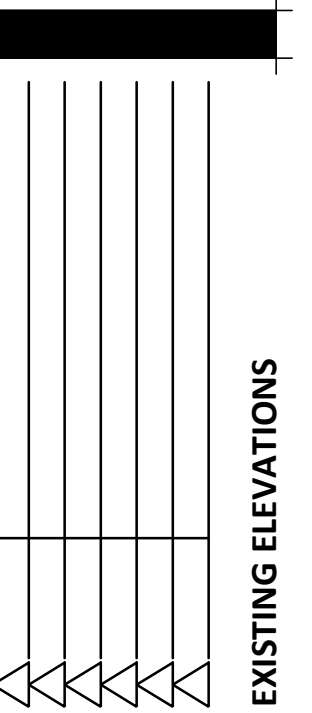
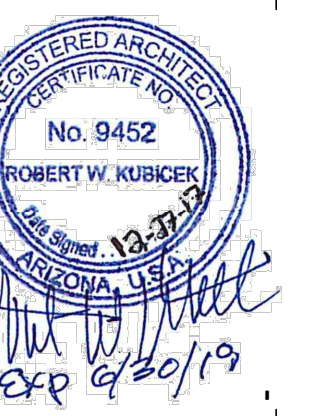
KEY MAP
SCALE: 1" = 100'-0"



VICINITY MAP
SCALE: N.T.S.



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ARCHITECTS
2233 EAST THOMAS ROAD, PHOENIX, ARIZONA 85016
602-955-3900



NOTICE OF ALTERNATE BILLING OR PAYMENT CYCLE:
THIS CONTRACT MAY ALLOW THE OWNER TO REQUIRE
THE SUBMISSION OF BILLING OR ESTIMATES IN
BILLING CYCLES OTHER THAN THIRTY DAYS. THIS
CONTRACT MAY ALLOW OWNER TO MAKE PAYMENT
ON A 15 DAY CYCLE. A BILLING CYCLE AFTER
CERTIFICATION AND APPROVAL OF BILLING AND
ESTIMATES. A WRITTEN DESCRIPTION OF SUCH OTHER
BILLING CYCLE APPLICABLE TO THE PROJECT IS
AVAILABLE FROM OWNER OR DESIGNATED AGENT.
NAME:
ADDRESS:
CONTACT: Name:
PHONE:

UNEXPECTED PROJECT
734 W. POLK ST.
PHOENIX, AZ 85007
ZONING PLAN

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design by: RH
drawn by: RH
checked by: SN

A2.0
project #: 17260.05