

Conditional Use Permit to Enlarge a Non-Conforming Structure

247 Seventh Street



March 1, 2022

Conditional Use Permit to Enlarge a Non-Conforming Structures Setback

Subject Property

Property Address: 247 7TH Street

Map & Tax Lots: 39 1E 09BA Tax Lots: 2800

Zoning: R-2 (Low Density Multiple Family)

Adjacent Zones: R-2

Lot Area: 7100 square feet

Property Owners: Bar-Gem Vineyards, LLC
645 First Street West D
Sonoma, CA 95476

Applicant: Rogue Planning & Development Services
1314-B Center Dr., PMB#457
Medford, OR 97501

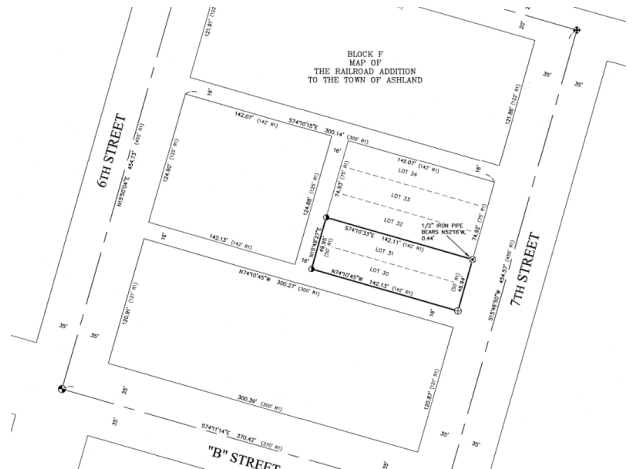
Architect: Carlos Delgado Architect
217 Fourth Street
Ashland, OR 97520

Request:

A request for a Conditional Use Permit approval to enlarge/ expand a non-conforming, historic residence.

Property Description:

The subject property consists of Lots 30 and 31, Block F, Ashland Railroad Addition Subdivision. The property is on the west side of Seventh Street, with a 16-foot-wide public alley adjacent to the south property line and a 16-foot-wide alley adjacent to the west property line. The lot has 50-feet of frontage on Seventh Street and extends 142.12-feet west with 7,106 square feet in area.



The subject property and the adjacent properties are zoned R-2, Low Density, Multi-Family Residential. The lot slopes approximately three percent downhill to the north.

The property is occupied by a historic, contributing residence. The house is a cottage vernacular, constructed circa 1902. The house retains fairly high integrity and effectively relates its historic period of development.

The residence was constructed well before building codes and land use regulations required setbacks from property lines. The portion of the building that was 247 ½ Seventh Street is a two-story addition at the rear of the single story volume. This portion of the building is adjacent to and within inches of the south property line. Where this portion of the structure connects to the single-story volume which complies with setbacks, there is a bathroom. This bathroom is very small, lacks seven feet of headroom and has limited functionality. The request seeks to enlarge this space by 19.2 square feet (1' 9-3/4" X 10'). The proposed addition encroaches into the required six-foot side yard setback.

The residence has 2,061 square feet on the first floor and a 397 square foot second floor. The assessed area is 2,437 square feet in area. To the rear of the residence, an attached two car garage was recently removed and a new accessory unit is nearing finished construction adjacent to the west alley.

Seventh Street has a 70-foot wide right-of-way and is improved with curb, gutter, sidewalk, parkrow and street trees along the frontage of the property.

Proposal:

The request is to add on to the south side of the residence to allow for a minor floor area increase and an increased headroom for a remodeled bathroom area. The existing structure does not comply with the minimum side yard setback and the expanded floor area is within the setback.

The existing structure setbacks were developed before regulations were in place, and they are considered pre-existing, non-conforming. According to AMC 18.1.4.030.B., a Conditional Use Permit is required to expand or enlarge a lawfully constructed, non-conforming structure.

The existing residence is oriented towards Seventh Street. The proposed addition will substantially not alter the historic, primary orientation towards the public street. The addition is proposed to have a shed roof dormer to provide adequate head room and egress window. The second-floor addition does not increase the bulk or the mass when viewed from the public street. The addition to the structure on the ground floor also does not increase the bulk, massing or scale of the structure substantially or in a way that is not consistent with the Historic District Design Standards.

The proposal complies with Maximum Permitted Floor Area in the historic district.

Lot area: 7,100 X .85 = 6,035 X .40 = 2,414 square feet maximum permitted floor area

Based on the project architect measurements, the existing area of the residence is 2,316 square feet. The additional area is just short of 30 square feet (29.75 SF) thus in addition to the existing 2,316 square feet in area, the proposal is compliant with the allowed MPFA.

The proposed addition to the historic residence are historically appropriate development for the Historic Railroad District. The proposed development is similar in bulk, scale and coverage as other historic residences on the small parcels that are found in the Railroad District. The new addition uses similar as to the existing siding material and reveal to be provided and, matching window style and shapes are also proposed.

The proposal complies with the lot coverage standards in the R-2 zone as well. The property has 4,615 square feet of impervious surfaces, 52 percent coverage, less than the maximum of 65 percent.

Findings addressing the criteria for the approval of a conditional use permit for the use of the expansion of a non-conforming setback at 247 Seventh Street are attached. The criteria from the Ashland Municipal Code is in Calibri font and the applicant's findings are in Times New Roman.

Excerpt from Ashland Historic Resources Inventory for the Railroad Historic District.



According to the City of Ashland Historic Resources Inventory, the site is occupied by a historic, contributing residence. The McClung-Peter House is a Cottage vernacular, constructed circa 1902.

A simple hipped-roof wood-frame vernacular cottage with a full front porch, this dwelling was probably constructed c1902 after Clyde H. McClung purchased the site from George H. Andrews. McClune, a SP fireman sold the house to Nels Peterson, a car inspector for SP, in 1904.

After a series of rapid sales, Sherman Morehouse, an investor with several properties in the Railroad District, purchased the property in 1909. The Morehouse family retained ownership for rental use until 1923 when Carrie B. Morehouse sold the house to George Sapannaus. Raymond Taylor lived here in 1948 and in 1964, apparently a rental, the house was occupied by Raymond J. Powell with a second unit at 247 ½ is listed as vacant. The McClung-Peter House retains fairly high integrity and effectively relates its historic period of development.

Findings of Fact Addressing the Criteria from the Ashland Municipal Code

Conditional Use Permit

18.5.4.050

Approval Criteria

A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant comprehensive plan policies that are not implemented by any city, state, or federal law or program.

Finding:

The proposed minor addition to expand the existing non-conforming structure within the Railroad Historic District is consistent with the majority of the current standards within the zoning district and is in conformance with the Comprehensive Plan.

2. That adequate capacity of city facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.

Finding:

Adequate utilities, including water, sewer, electricity and storm drainage are currently in place at the location and they will continue to be provided. To the applicant's knowledge there are no system deficiencies and the existing residential units are connected to the City's system and not changes are proposed.

There is paved access to the site from Seventh Street and through the alleys. There is a buffered public sidewalk along Seventh Street. Adequate transportation through walking, biking, driving is available.

3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone pursuant with subsection 18.5.4.050. A.5. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.

Finding:

The requested conditional use permit can be compared to using the property as a residence with second unit or ARU which is the use of the property. There is a primary residence and an accessory residential unit.

a) Similarity in scale, bulk and coverage.

Finding:

The small addition to allow for the existing bathroom to have a functional headroom and useable floor area increases the scale, bulk or coverage by a deminis amount. The additional area is less than 30 SF and is proposed to utilize materials compatible to the existing residence and match where possible.

b) Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit are considered beneficial regardless of capacity of facilities.

Finding:

No change.

c) Architectural compatibility with the impact area.

Finding:

The proposed exterior architecture of the historic contributing structure uses roof pitches found on the existing structure. The addition will utilize a similar siding material and reveal as the existing residence. The windows on the addition will be similar to windows found on the existing residence.

d) Air quality, including the generation of dust, odors, or other environmental pollutants.

Finding:

The proposed addition will only generate small amounts of dust during construction then, the use of the home will not generate dust, odor or other environmental pollutants more than the allowed residential uses in the area create.

e) Generation of noise, light, and glare.

Finding:

The minor addition will create similar noise as expected in the neighborhood from residential dwelling units. Light and glare would be similar as a residential use.

f) The development of adjacent properties as envisioned in the comprehensive plan.

Finding:

The approval of the requested conditional use permit will not have an impact on the development of the adjacent properties as envisioned in the comprehensive plan.

g) Other factors found to be relevant by the approval authority for review of the proposed use.

Finding:

There are no other factors known to the applicant and project team that would affect the review of this application.

4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.

Finding:

The small addition to the south side of the residence is not a use and the additional area is compliant with the required building codes for residential construction.

5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.

c) R-2:

Finding:

The proposed small addition to the residence is compliant with the purpose of the residential zone.

Site Development Standards for Additions to Historic Structures

18.4.2.050 Historic District Development

B. Historic District Design Standards.

The property is occupied by a historic contributing, residence. A small, 29.75 square foot addition is proposed on the south side of the existing historic residence. The proposed addition uses similar materials and finishes as the existing historic contributing residence.

The adjacent properties are developed with single and multi-family residences and their accessory structures.

Height: The proposed addition area is lower in height than the existing structure and the proposed shed roof is cut into the structure just above the existing eave line. The addition is minor and will not impact the overall height of the building.

Scale: The scale of the proposed addition is within the allowed MPFA of the historic districts. The additional area is minor and the additional area is historically compatible with the residence and with other architecture found in the immediate vicinity.

Massing: Through the incorporation of a single shed roof, and oriented towards the alley, the proposed addition is smaller in mass than the existing structure and the addition will join the newer rear portion to the historic home better than the present bathroom area which was also

a small addition to the historic home. The proposed addition expands this slightly in area and in height and will improve the mass of the alley façade.

Setback: The front (Seventh Street) setbacks are not proposed to be altered as construction of the addition.

Roof: The proposed addition has a matching roof pitch as the historic contributing structure. The existing residence has both gable roofs with the primary roof type as a hipped roof. The addition is proposed to have a shed roof that is matched to the existing pitches of the shed dormers and less than the pitch of the primary roof of the main body of the historic home. The addition is clearly an addition and not part of the original construction. The proposed addition is substantially lower in height than the historic residence and will not detract from the historic residence.

Rhythm of Openings: The proposed addition is consistent with rhythm of openings found on residential structures in the vicinity and on the existing structure. Fixed panel or awning style window is proposed adjacent to the alley in the expanded bathroom. This is typical alley façade treatment.

Base or Platform: The area of the addition has a base to match the existing residence. A 'typical' poured concrete footing, same as the existing residence.

Form: The form of the residence is a traditional residential form found throughout the Railroad Historic District.

Entrances: The primary residence has an entrance that faces the public street. There is not a change to the Seventh Street façade.

Imitation: The proposed addition structure has a matching roof pitch to the other pitches on the cottage hipped roof. The existing residence has a hipped gable roof as the primary roof type and gable roofs. The addition has a hipped roof that matches the primary roof pitch.

The siding, trim, etc. are proposed to match the existing.

Garage Placement: No garage is proposed.



DESCRIPTION	DATE
N.C. BATH EXP.	2022.12.05

FOR CONSTRUCTION

DRAWN : CHECKED:
TS CD
DATE :
09/02/21
PROJECT :
BARNIER_21
SHEET :
A0.1
OF SHEETS

11X17 SHEETS ARE HALF SCALE

VICINITY MAP

ABBREVIATIONS

A.B. ANCHOR BOLT	K.D. KILN DRIED
A.B.P. ALTERNATE BRACE PANEL	LAM. LAMINATED
ACOUST. ACOUSTICAL	LT. LIVE LOAD
ADJ. ADJUSTABLE	MFR. MANUFACTURER
ASC AIR CONDITIONER	MIECH. MECHANICAL
AFF ABOVE FINISH FLOOR	M.I.W. MAKE IT WORK
A.H. AIR HANDLER	MTL. METAL
A.C. ASPHALT CONCRETE	M.C. MOISTURE CONTENT
B.O.F. BOTTOM OF FOOTING	(N) NEW
BM BEAM	N.I.C. NOT IN CONTRACT
BLDG. BUILDING	N.T.S. NOT TO SCALE
B.P. BRACE PANEL	OB.S. OBSCURE
CAB. CABINET	O.C. ON CENTER
CLG. CEILING	O.H. OVERHEAD
CTR. CENTER	PR. PAIR
CL. CENTERLINE	PL. PLASTIC OR PLATE
COL. COLUMN	PLAM. PLASTIC LAMINATE
CONC. CONCRETE	PLYWD. PLYWOOD
C.M.U. CONCRETE MASONRY UNIT	P.T. PRESSURE TREATED
	PROPERTY LINE
	P.L.
CONT. CONTINUOUS	R. RADIUS
C.J. CONTROL JOINT	REFR. REFRIGERATOR
CSK. COUNTERSINK	REG. REGISTER
D.L. DEAD LOAD	REINF. REINFORCING
DEEP DEEP	REO'D. REQUIRED
DM. DIAMETER	R.H. RIGHT HAND
DM. DIMENSION	RD. ROOF DRAIN
DBL. DOUBLE	RM. ROOM
D.S. DOWN SPOUT	R.O. ROUGH OPENING
DWG. DRAWING	R.B. RUBBER BASE
D.F. DRINKING FOUNTAIN	
	S.J. SAWN JOINT
EA. EACH	SECT. SECTION
E.S. EACH SIDE	SHT. SHEET
E.W. EACH WAY	STD. STANDARD
ELEC. ELECTRIC	STL. STEEL
ELEV. ELEVATION	SIM. SIMILAR
ENCL. ENCLOSURE	SL. SLIDING
E.N. EDGE NAILING	S.C. SOLID CORE
EXH. EXHAUST	SPKR. SPEAKER
EXST. EXISTING	SPEC. SPECIFICATIONS
EXP. EXPANSION	SQ. SQUARE
E.J. EXPANSION JOINT	S.S. STAINLESS STEEL
EXT. EXTERIOR	STD. STANDARD
	STL. STEEL
F.G. FIBERGLASS	STRUCT. STRUCTURAL
FN. FINISH	SUSP. SUSPENDED
F.F. FINISH FLOOR	TEL. TELEPHONE
F.D. FACE OF ...	TEMP. TEMPERED OR
FLR. FLOOR	TEMPORARY
	T&G. TONGUE & GROOVE
GALV. GALVANIZED	T.J. TOOLED JOINT
GA. GAUGE	T.O. TOP OF ...
G.D. GARBAGE DISPOSAL	TYP. TYPICAL
G.L. GLASS	
G.L.B. GLUE LAM BEAM	
GYP.BD. GYPSUM WALL BOARD	
	W.R. WATER RESISTANT
HDW. HARDWARE	W.P. WEATHER PROOF
HDR. HEADER	WWM. WELDED WIRE MESH
HGT. HEIGHT	W. WITH
H.V.A.C. HEATING VENTILATING & AIR CONDITIONING	W/O. WITHOUT
HC HOLLOW CORE	WD. WOOD
H.M. HOLLOW METAL	
HORIZ. HORIZONTAL	
H.B. HOSE BIBB	

LEGEND

	ELEVATION	FINISH ELEVATION TAG
	ASSEMBLY TYPES (FLOOR, WALLS, ROOF)	
	BUILDING SECTION	
	SECTION DETAIL	
	REVISION	
	DOOR NUMBER	
	WINDOW NUMBER	
	EQUIPMENT ID TAG	
	ROOM NAME	
	ELEVATION KEY NOTE	
	INTERIOR ELEVATIONS	
	BUILDING SECTIONS	
	NEW WOOD STUD FRAME CONSTR. - FULL HT.	
	NEW WOOD STUD FRAME CONSTR. - PARTIAL HT.	
	ONE-HOUR RATED AREA SEPARATION WALLS	
	SHEAR WALLS	
	HOLD-DOWNS	

DRAWING INDEX

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A2.2	EXTERIOR ELEVATIONS
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PROJECT DIRECTORY

OWNER:	BAR-GEM VINEYARDS LLC 247 SEVENTH ST. ASHLAND OR 97520 707.935.3205
ARCHITECT:	CARLOS DELGADO ARCHITECT 217 FOURTH ST. ASHLAND, OR 97520 541.552.9502
CONTRACTOR:	MARK LACKEY INTEGRITY BUILDING CONTRACTORS 541.890.2371 541.890.2371 FAX
STRUCTURAL ENGINEER:	STRUCTURAL SOLUTIONS INC. 3559 NATIONAL DR., #103 MEDFORD OR 97504 541.608.8117

SITE PLAN - NOT TO SCALE (REFER TO AS1.0)

SITE PLAN

1/8" = 1'-0"

ORSC ADDT. MEASURES

2021 ORSC - All conditioned spaces within residential buildings must comply with 1 measure from below Table N1101.1(2);

- HIGH EFFICIENCY HVAC SYSTEM:
a. Gas-fired furnace or boiler AFUE 94% (sealed combustion air ducted directly from outdoors if furnace or boiler is within conditioned space) or
b. Air-source heat pump 10/14.0 SEER cooling or
c. Ground source heat pump COP 3.5 or Energy Star rated
- HIGH EFFICIENCY WATER HEATING SYSTEM:
a. Natural gas/propane water heater with UEF 0.90 or
b. Electric heat pump water heater with min. 2.0 COP or
c. Natural gas/propane tankless instantaneous heater with min. 0.80UEF and Drain Water Heat Recovery Unit installed on min. of one shower / tub/shower.
- WALL INSULATION UPGRADE:
Exterior walls - U-0.045/R-21 conv. framing with R-5.0 cont.insul.
- ADVANCED ENVELOPE:
Windows - U-0.21 (average) and Flat ceiling - U-0.017/R-60 and Framed floors - U-0.026/R-38 or slab edge insul. to F-0.48 or less (R-10 for 48"; R-15 for 36" or R-5 fully insulated slab)
- DUCTLESS HEAT PUMP
For dwelling units with all elect. heat Provide:
ductless heat pump of min. HSPF 10 in primary zone replaces zonal elect. heat sources and
Programmable thermostat for all heaters in bedrooms
- HIGH EFFICIENCY THERMAL ENVELOPE UA
Proposed UA is 8% lower than the code UA
- GLAZING AREA
Glazing area, measured as the total of framed opening is less than 12% of Conditioned floor area
- 3 ACH AIR LEAKAGE CONTROL AND EFFICIENT VENTILATION
Achieve a max. of 3.0 ACH 50 whole-house air leakage when third party tested and provide a whole -house ventilation system including heat recovery with a min. sensible heat recovery efficiency of not less than 66%

BUILDING CODE SUMMARY

BUILDING CODE:	OREGON RESIDENTIAL SPECIALTY CODE 2021
CONSTRUCTION TYPE:	TYPE V - WOOD FRAMED
OCCUPANCY TYPE:	R - RESIDENTIAL
STRUCTURAL LOADS:	SEE STRUCTURAL CALCS
ENERGY EFFICIENCY:	ORSC TABLE N1101.1(1)
	CODE VALUES DESIGN VALUES
WALL INSULATION ABOVE GRADE	R-21 R-28
WALL INSULATION BELOW GRADE	R-15/R-21 N/A
FLAT CEILINGS	R-49 R-60
VAULTED CEILINGS	R-30 N/A
UNDERFLOORS	R-30 R-30
SLAB EDGE PERIMETER	R-15 N/A
HEATED SLAB INTERIOR	R-10 N/A
WINDOWS	U-0.27 U-0.27
WINDOW AREA LIMITATION	N/A N/A
SKYLIGHTS	U-0.50 U-0.60
EXTERIOR DOORS	U-0.20 U-0.20
EXTERIOR DOORS W/ 2.5% GLAZING	U-0.40 U-0.40
FORCED AIR DUCT INSULATION	R-8 - W/ R-19 R-8 - W/ R-19

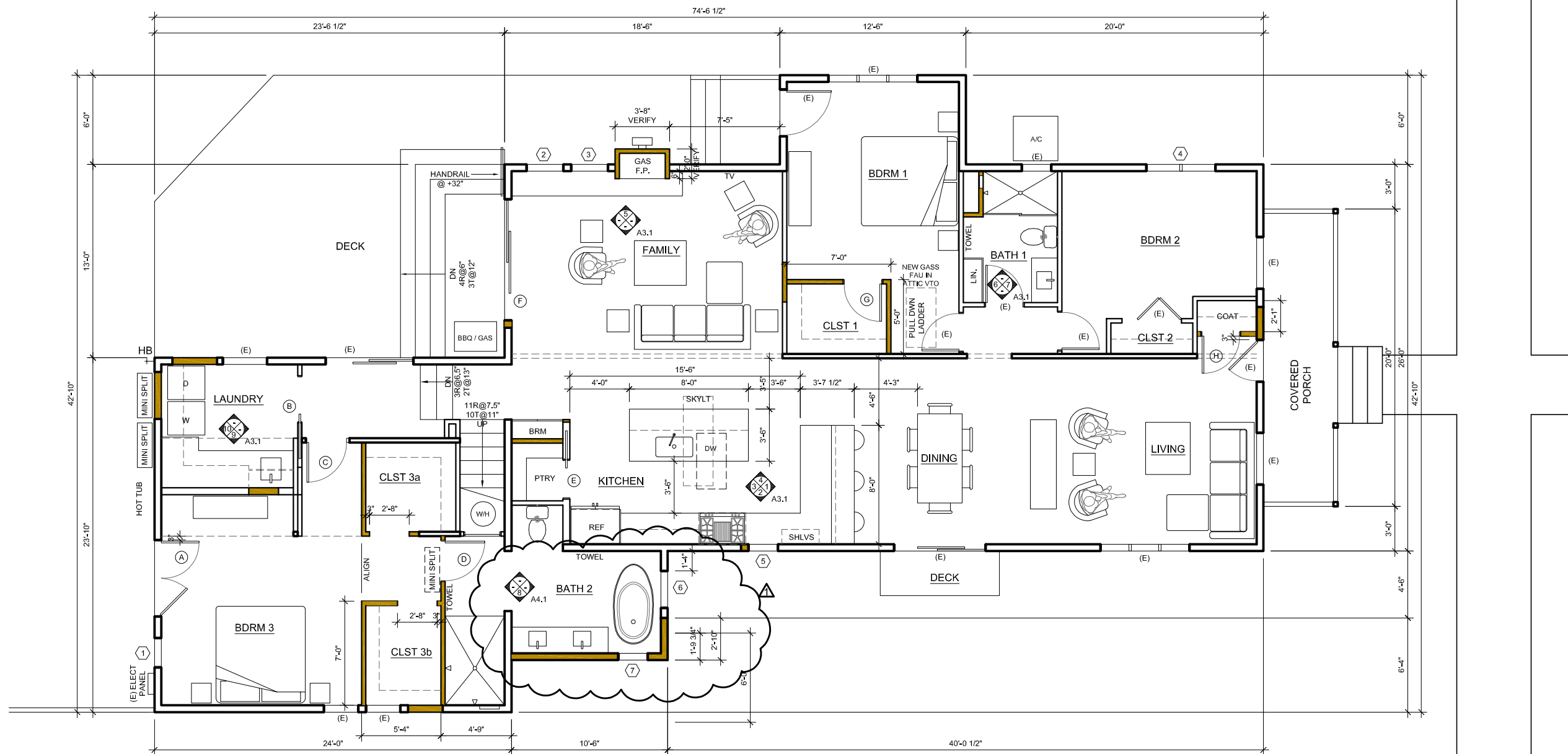
DESCRIPTION	DATE
N.C. BATH EXP.	2022 12 05

INT. RESIDENTIAL REMODEL
JEAN BARNIER AND JOHN MACCONAGHY
247 SEVENTH ST.
ASHLAND OR 97520
ASSESSOR'S MAP NO. 391E 09AB TAX LOT NO. 2800

FOR CONSTRUCTION

11X17 SHEETS ARE HALF SCALE

DRAWN : CHECKED:
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MAIN FLOOR PLAN



- FULL HT. WALLS
- PARTIAL HT. WALLS
- WALLS TO REMAIN
- WALLS TO BE REMOVED

SCALE: 1/4" = 1'-0"

NORTH



DESCRIPTION	DATE
N.C. BATH EXP.	2022 12 05

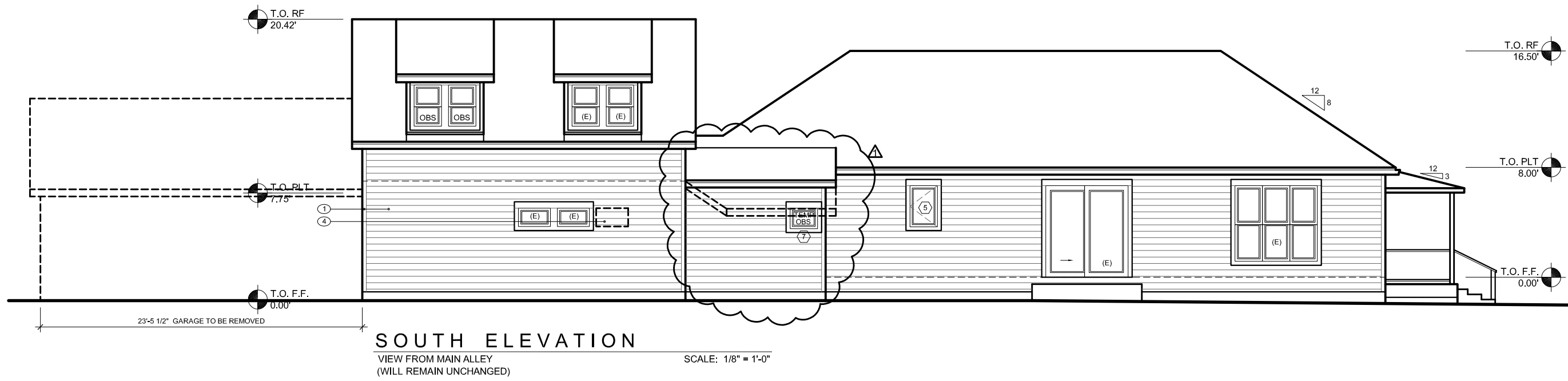
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- ELEVATION KEY NOTES**
- ① MATCH (E) HORIZ. SIDING AND TRIM, WHERE REQUIRED
 - ② NEW OR REPLACEMENT WINDOWS & DOORS, SEE SCHED.
 - ③ NEW DIRECT VENT GAS F.P. BUMP-OUT
 - ④ INFILL SIDING WHERE REQUIRED
 - ⑤ NEW DECK STEPS, SEE PLAN



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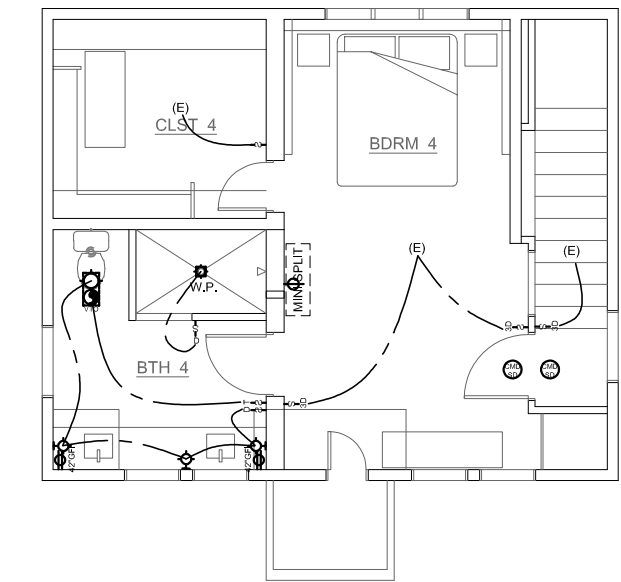
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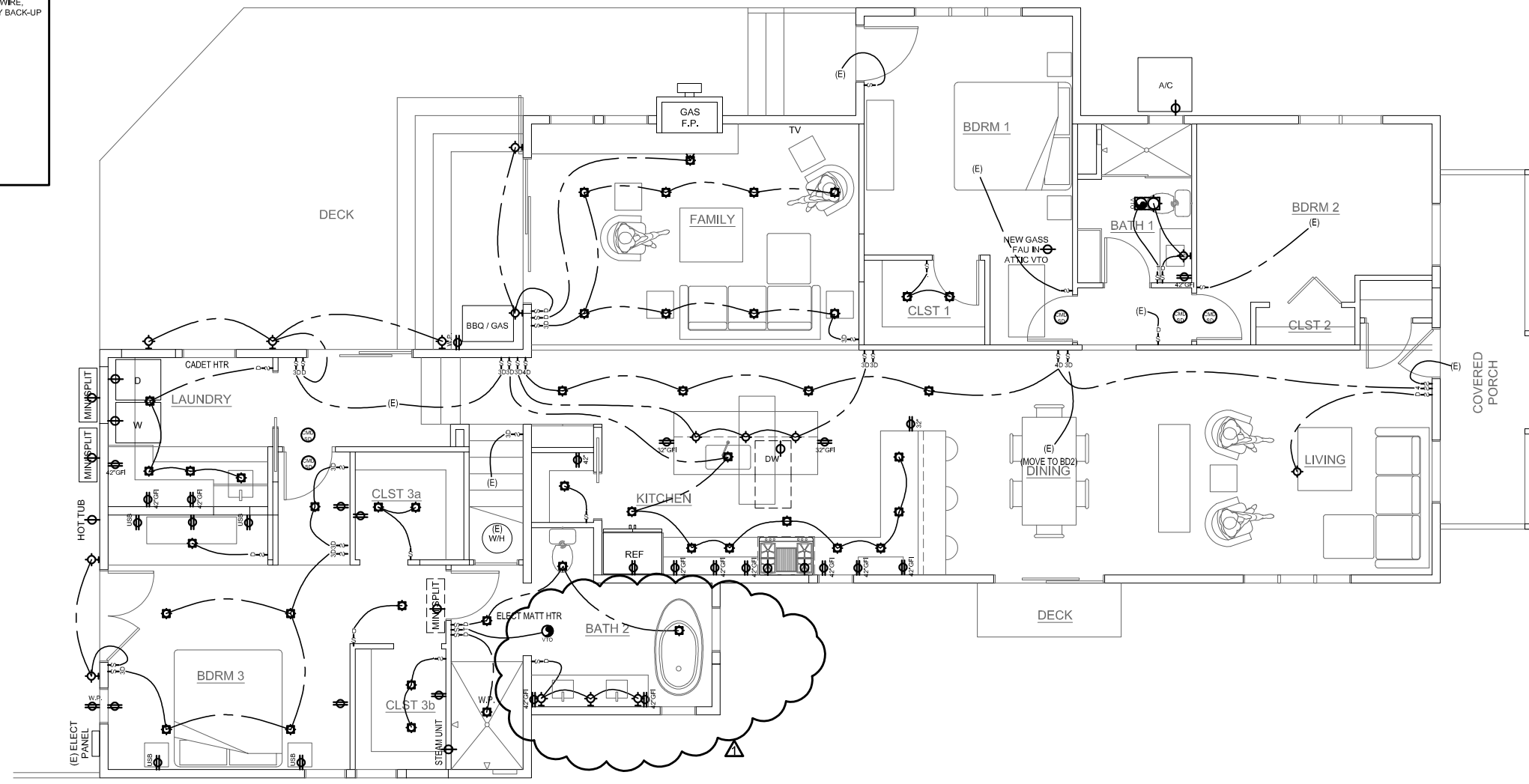
ELECTRICAL LEGEND

	SWITCH, SINGLE POLE, MOUNTED +48" U.N.O.		LIGHT FIXTURE, CEILING MOUNTED
	SWITCH, THREE POLE (2 WAY), MOUNTED +48" U.N.O.		LIGHT FIXTURE, WALL MOUNTED
	SWITCH, FOUR POLE (3 WAY), MOUNTED +48" U.N.O.		LIGHT FIXTURE, RECESSED, I.C. RATED CAN WHERE IN CONTACT WITH INSULATION
	SWITCH, DIMMER CONTROL, MOUNTED +48" U.N.O.		LIGHT FIXTURE, RECESSED / DIRECTIONAL, I.C. RATED CAN WHERE IN CONTACT WITH INSULATION
	SWITCH, TIMER CONTROL, MOUNTED +48" U.N.O.		LIGHT FIXTURE / EXHAUST FAN RECESSED, VTO (I.C. RATED CAN WHERE IN CONTACT WITH INSULATION)
	SWITCH, MOTION SENSOR, MOUNTED +48" U.N.O.		EXHAUST FAN, VENT TO OUTSIDE
	DUPLEX RECEPTACLE, GROUNDING TYPE, MOUNTED +15" U.N.O.		FLUORESCENT LIGHT FIXTURE, SURFACE MOUNTED
	DEDICATED DUPLEX RECEPTACLE,		TRACK LIGHT FIXTURE - MOUNT PER DETAILS
	DUPLEX RECEPTACLE, GROUND FAULT INTERRUPTING, MOUNTED +15" U.N.O.		LIGHT FIXTURE, UNDER COUNTER LED TAPE LIGHT
	DUPLEX RECEPTACLE, W/ USB PORT MOUNTED +15" U.N.O.		ELECT. FLOOR HEAT, THRMST PLACED AT WALKTHRU
	DUPLEX RECEPTACLE, GROUND FAULT INTERRUPTING, WATERPROOF		FAN FIXTURE, CEILING MOUNTED
	220V RECEPTACLE, MOUNTED +15" U.N.O.		CARBON MONOXIDE / SMOKE DETECTOR, HARD WIRE, INTERCONNECTED W/ OTHER DTRS, W/ BATTERY BACK-UP
	SPECIAL RECEPTACLE, NEMA CONFIGURATION TO MATCH EQUIPMENT TYPE		THERMOSTAT
	DUPLEX RECEPTACLE, GROUNDING TYPE, FLUSH FLOOR MOUNTED (BRASS FACE PLATE, METAL BOX)		DOORBELL SWITCH
	TEL/DATA/CABLE OUTLET BACKBOX, (PROVIDE: RJ-11, RJ-45, CAT 5, COAX, PER OWNERS ROOMNTS.) +15" U.N.O.		DOORBELL CHIME
	TELEPHONE OUTLET BACKBOX, SINGLE GANG, +15" U.N.O., HOMERUN TO CENTRAL EQUIPMENT		SECURITY KEY PAD (H = HORN IN SOFFIT)
	TEL/DATA OUTLET BACKBOX, SINGLE GANG, +15" U.N.O., HOMERUN TO CENTRAL EQUIPMENT		ELECTRIC PANEL BOARD
			PANEL BOARD - CABLE, DATA, TEL. HUB (HOMERUN ALL CABLE, DATA, TEL TO HUB)
			DISCONNECT SWITCH

** NOTE: ELECTRICIAN TO WALK THROUGH WITH CLIENTS AND CONTRACTOR PRIOR TO INSTALLATION



UPPER FLR ELECT/ LIGHTING PLAN



MAIN FLR ELECT/ LIGHTING PLAN

SCALE: 1/4" = 1'-0"

11X17 SHEETS ARE HALF SCALE