

Agenda # 19

Commission Meeting Date: August 7, 2012

CITY OF GREAT FALLS COMMISSION AGENDA REPORT

**Item:** Resolution 9975, Restoration, Rehabilitation, Expansion, and New

Construction of Qualified Historic Properties Tax Abatement for Lawyers,

Guns, & Money, LLC, located at 114 3<sup>rd</sup> Street South, Great Falls

Original, 8 & 9, Section 12, Township 20 North, Range 3 East, Cascade

County, Montana

From: Mike Haynes, AICP, Director of Planning and Community Development

**Initiated By:** Lawyers, Guns, & Money, LLC

**Presented By:** Mike Haynes, AICP, Director of Planning and Community Development

**Action Requested:** City Commission set a public hearing for Resolution 9975 on September

4, 2012.

### **Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission set a public hearing to consider Resolution 9975 on September 4, 2012."

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

**Staff Recommendation:** Pursuant to Sections 15-24-1601 through 15-24-1607 Montana Code Annotated (2011), Staff requests the City Commission adopt Resolution 9975 granting a tax abatement to Lawyers, Guns, & Money, LLC, 114 3<sup>rd</sup> Street South, Great Falls Original, 8 & 9, Section 12, Township 20 North, Range 3 East, Cascade County, Montana.

**Background:** The property owner, Lawyers, Guns, & Money, LLC, are renovating the circa 1914 Baum-Trinastich building (also known as the "Owl Cigar Building"). The building is of historic significance in the Great Falls Railroad Historic District, and the project consists of remodeling and renovating 11,458 gross square feet of the three-story building for new law offices. The owner has provided some project background and description (see attached).

The property owner has also submitted a Historic Preservation Certification Application to the U.S. Department of the Interior, National Park Service; whereupon they received confirmation that the proposed renovation project will meet the Interior's standards for rehabilitation once the Interior's six (6) recommendations are met. Photographs must be submitted by the owners for the Interior to release a Certification of Completed Work (see attached).

Lawyers, Guns & Money, LLC, is requesting approval of a tax abatement for approximately \$1,000,000.00 (per Department of Revenue application) in taxable personal property for remodeling and rehabilitating the three story Baum-Trinastich building for new law offices.

Resolution 9975 has been prepared to comply with the requirements of Sections 15-24-1601 through 15-24-1607 MCA (2011).

Approval of the application will allow the applicant the abatement of receiving tax abatement during the construction period, not to exceed 12 months, and for up to 5 years following completion. The tax abatement is limited to 100% of the increase in taxable value caused by the rehabilitation, restoration, expansion, or new construction.

Property that receives tax abatement under this part of the Montana Code Annotated (MCA) is not entitled to any other exemption or special valuation provided by Montana law during the period of the abatement.

On June 6, 1995, the City Commission passed Resolution 8728, setting policy for approving projects requesting tax abatement for the restoration, rehabilitation, expansion, and new construction of residential and commercial properties located within national register historic districts and requested the state historic preservation office to provide design review assistance and certification for qualifying properties pursuant to Sections 15-24-1601 through 15-24-1607 MCA (1995). Only one of these sections of Code has changed slightly since, and lists the same three key criteria:

A property that meets the design review criteria in 15-24-1605 is eligible for the property tax abatement if it is:

- (1) located within the boundaries of a national register historic district and contributes to the district, as determined by the state historic preservation office;
- (2) a newly constructed property within the boundaries of a national register historic district that meets design review criteria as being architecturally compatible with the historic district, as determined by the local review board or the state historic preservation office; or
  - (3) listed individually in the National Register of Historic Places.

This resolution also outlines that rather than appoint a local review board, assistance is requested of the state historic preservation office to provide design review assistance and certification for qualifying properties. Additionally, the City of Great Falls receives input and review from the City/County Historic Preservation Officer. This project has been reviewed by the local Historic Preservation Officer and has been found eligible. The proposed project meets the requirements outlined in the MCA.

As required by 76-15-103 MCA, public notices for this tax abatement application will be published in the *Great Falls Tribune* on August 19, 2012 and September 2, 2012.

**Concurrences:** The Department of Revenue has confirmed that the proposed remodel is eligible for the Restoration, Rehabilitation, Expansion, and New Construction of Qualified Historic Properties Tax Abatement.

**Fiscal Impact:** After 5 years the subject property will be taxed at 100% of its taxable value. Approval of the application will provide tax abatement to the applicant, but the fiscal impact of the new investment will result in increased tax revenues to the City.

**Alternatives:** The City Commission could not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

#### **Attachments/Exhibits:**

Resolution 9975 Application from Lawyers, Guns, & Money, LLC Historic Preservation Certification Application

cc: Department of Revenue, Brenda Ivers, 300 Central Ave, Great Falls, MT 59401 Lawyers, Guns, & Money, LLC, c/o Scott Rubino, 21 3<sup>rd</sup> Street North, Great Falls, MT 59401

Melissa Kinzler, Director of Fiscal Services Susan Conell, Cascade County Planning Director

#### **RESOLUTION 9975**

A RESOLUTION APPROVING THE APPLICATION FOR THE RESTORATION, REHABILITATION, EXPANSION, AND NEW CONSTRUCTION OF QUALIFIED HISTORIC PROPERTY TAX ABATEMENT FOR LAWYERS, GUNS, & MONEY, LLC, 114 3<sup>RD</sup> STREET SOUTH, GREAT FALLS ORIGINAL, 8 & 9, LOCATED SEC. 12, T20N, R3E, CASCADE COUNTY, MONTANA, AS PURSUANT TO SECTIONS 15-24-1601 THROUGH 15-24-1607 MONTANA CODE ANNOTATED (2011)

\* \* \* \* \* \* \* \* \* \*

WHEREAS, the State of Montana has provided enabling legislation to encourage restoration, rehabilitation, expansion, and new construction of qualified historic properties, and;

WHEREAS, said encouragement allows for the qualified historic property to receive a tax abatement during the construction period, not to exceed 12 months, and for up to 5 years following completion of construction, and;

WHEREAS, the tax abatement is limited to 100% of the increase in taxable value caused by the rehabilitation, restoration, expansion or new construction, and;

WHEREAS, Sections 15-24-1601 through 15-24-1607, MCA, provides the opportunity for local governing bodies to give Tax Abatements for the Restoration, Rehabilitation, Expansion, and New Construction of Qualified Historic Properties, and;

WHEREAS, The City Commission passed Resolution 8728 on the 6<sup>th</sup> day of June 1995, providing policy for approving projects requesting tax abatement pursuant to Sections 15-24-1601 through 15-24-1607 MCA (1995), and;

WHEREAS, In order for a taxpayer to receive the tax abatement, the City Commission, having jurisdiction, must approve by separate resolution for each project, following due notice as defined in Section 76-15-103 MCA and a public hearing, and;

WHEREAS, Lawyers, Guns, & Money, LLC, 114 3<sup>rd</sup> Street South, Great Falls Original, 8 & 9, located Sec. 12, T20N, R3E, Cascade County, Montana has submitted a tax abatement application for a qualified historic properties pursuant to Sections 15-24-1601 through 15-24-1607 MCA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, AS FOLLOWS:

That the City Commission of the City of Great Falls does hereby approve said application for Restoration, Rehabilitation, Expansion, and New Construction of Qualified Historic Properties Tax Abatement pursuant to Sections 15-24-1601 through 15-24-1607 MCA.

PASSED AND ADOPTED by the Commission of the City of Great Falls, Montana, on this  $4^{\text{th}}$  day September, 2012.

	Michael J. Winters, Mayor		
ATTEST:			
Lisa Kunz, City Clerk	_		
(SEAL OF CITY)			
APPROVED FOR LEGAL CONTENT:			
James W. Santoro, City Attorney	<u> </u>		

#### **DEPARTMENT OF REVENUE**

AB-56 (1-86)

# APPLICATION FOR TAX BENEFITS FOR THE REMODELING, RECONSTRUCTION, OR EXPANSION OF EXISTING BUILDINGS OR STRUCTURES

This application must be submitted to the appropriate local governing body or bodies by the property owner of record or his agent. The decision of the local governing body or bodies must be mailed to the Department of Revenue before April 1 of the tax year for which the benefits are sought.

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OR DEPARTMENT OF	REVENUE USE						
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Ву\_

\_, County Appraiser on \_\_

\_ 19 \_\_\_

#### PROJECT BACKGROUND AND DESCRIPTION

We are renovating the 1914 Baum-Trinastich building (aka the "Owl Cigar Building"), which is recognized as a "certified historic structure" by the National Park Service. The building is of historical significance for its associations with original owner George T. Booth and the railroad-influenced economic development of Great Falls during the early twentieth century, as well as for its Renaissance Revival architectural style. The building's elegant facade represents the prosperity enjoyed by Great Falls in the 1910s. It is located in the Great Fall's Railroad Historic District and the state historical preservation office has determined that it contributes to this district. The building is recognized as a "certified historic structure" for the purposes of rehabilitation, and we are renovating the project and maintaining the historical features of the property pursuant to the National Park Service rules for renovating historic structures. For these reasons, the project should be eligible for the state property tax abatement for historic properties.

Our project consists of remodeling and rehabilitating the 11,458 total gross square feet, three-story building with a basement, for new law offices. The renovated building will house Church, Harris, Johnson, and Williams PC, and will meet the law firm's current and future needs. The project will result in three occupied office levels, and a facility comprising approximately 8,878 SF of newly remodeled office space and approximately 2,580 SF of partially finished basement space. The remodeled structure will include an entry lobby, a central grand stair, reception area, secretarial areas, conference spaces, open and enclosed office areas, a law library, and secure storage.

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We believe our project will improve downtown Great Falls by rehabilitating this historic downtown property and returning it to full use and occupancy. When we bought the property, only one floor was utilized. The top two floors and basement are in complete disrepair.

Please see the attachments, which include the evaluation of significance, a picture of the building, the architect's floor plans for the renovation, and the state statutes that show eligibility for this tax abatement.



MAC SMITH Attorney at Law

(406) 761-3000 FAX (406) 453-2313

P.O. BOX 1645 · GREAT FALLS, MONTANA 59403 THIRD FLOOR WELLS FARGO BANK BUILDING EMAIL: msmith@chjw.com

331770.1 2



# FEASIBILITY STUDY BAUM-TRINASTICH BUILDING 114 3rd STREET SOUTH

GREAT FALLS, MONTANA OCTOBER 2011

### **EXISTING CONDITION PHOTOGRAPHS**

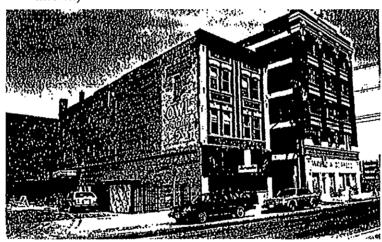


EAST EXTERIOR FAÇADE

## Application for Sewer Connection

		or Sewer Connection	но <i>1881</i>	9
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TO THE CITY ENGINEER Please issue to	Solitar	/ Sewer,	100534/	411: 819
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nection shall be done in strict	conformity with the C	ity. Ordinances regulating such ge arise or be occasioned by the	work. I further agree	e to save
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## Baum-Trinastich (date unknown)







## UNITED STATES DEPARTMENT OF THE INTER-

OMB Approved No. 1024-0009 Form 10-168 Rev. 2011

# HISTORIC PRESERVATION CERTIFICATION APPLICATION

NPS Project Number Instructions: This page of the firm must appear exectly as below and must bear the owner's original signature. Other sections may be expanded as needed or arrise क्यानिकार्यकार/इंडिनिंग is based on the descriptions in this application form. In the event of any discrepancy continued on blank pages. The trational Pages between the application form and cities, supplied special modern it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will 6 Property Name Baum - Trinastich Building Street 114 3rd St. S., Great Falls, MT 59401 **Great Falls** Montana 59401 State Great Falls Railroad Historic District (NRIS 93000038) Name of Historic District ■ National Register district certified state or local district potential district 2. Nature of request (check only one box) 🗷 certification that the building contributes to the significance of the above-named historic district or National Register property for rehabilitation purposes. certification that the building contributes to the significance of the above-named historic district for a charitable contribution for conservation purposes. certification that the building does not contribute to the significance of the above-named district. preliminary determination for individual listing in the National Register. preliminary determination that a building located within a potential historic district contributes to the significance of the district. preliminary determination that a building outside the period or area of significance contributes to the significance of the district. Project contact (if different from Owner) Scott Rubino 21 3rd St. N., FLR 3 Telephone 406-761-3000 State Owner I hereby attest that the information I have provided is, to the best of my knowledge, correct and that I own the property described above. I understand that falsification of factual representations in this application is subject to criminal sanctions of up to \$10,000 in files or imprisonment for up to five years pursuant to 18 USC 1001. Name Lawyers, Guns, and Money, LLC Organization Social Security OR Taxpayer ID Number Street 21 3rd St. N., FLR 3 **Great Falls** 59401 406-761-3000 Mī State **NPS Official Use Only** The National Park Service has reviewed the Historic Certification Application - Part 1 for the above-named property and has determined that the property: contributes to the significance of the above-named district (or National Register property) and is a "certified historic structure" for rehabilitation purposes. contributes to the significance of the above-named district and is a "certified historic structure" for a charitable contribution for conservation purposes. does not contribute to the significance of the above-named district. Preliminary Determinations: appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer according to the procedures set forth in 36 CFR Part 60. does not appear to meet the National Register Criteria for Evaluation and will likely not be listed in the National Register. appears to contribute to the significance of a potential historic district, which will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer. appears to contribute to the significance of a registered his forid district but is outside the period or area of significance as documented in the National Register nomination or district documentation on file with the

Man, 202-354-2049

☐ See Attachments

Date

does not appear to qualify as a certified historic structure.

National Park Service Authorized Signature



## UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

OMB Approved No. 1024-0009 Form 10-168 Rev. 2011

# HISTORIC PRESERVATION CERTIFICATION APPLICATION PARTY DESCRIPTION OF REHABILITATION

NPS Project Number APR 0 5 2012 Instructions: This page of the form must appear exactly as below and must bear the owner's original signature. Other sections may be expanded as needed or continued on blank pages. The National Park Service certification decision is passed on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with I such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service. 1. Property Name Baum-Trinastich Building Street 114 3rd St. S. County Cascade City Great Falls Name of Historic District Great Falls Railroad Historic District Listed individually in the National Register of Historic Places; date of listing ■ Located in a Registered Historic District; name of district

Great Falls Railroad Historic District

Output

District

Historic District

Output

District

Output

District

Distr ☐ Part 1 - Evaluation of Significance submitted? Date submitted Date of certification Data on building and rehabilitation project Cost of rehabilitation (estimated) \$1,000,000 Date of construction April, 1914 Floor area before / after rehabilitation 11,50011,500 Type of construction Brick Use(s) before / after rehabilitation office/boarding , Prof. Office Start date (estimated) March 1, 2012 Completion date (estimated) November 1, 2012 Number of housing units before / after rehabilitation  $\underline{0}$ This application covers phase number \_\_1 \_\_\_ of \_\_1 Number of low-moderate income housing units before / after rehabilitation **Project Contact (if different from Owner)** Name Scott Rubino City Great Falls, MT 21 3rd St. N. Telephone 406-761-3000 Owner I hereby attest that the information I have provided is, to the best of my knowledge, correct and that I own the property described above. I understand that falsification of factual representations in this application is subject to criminal sanctions of up to 10,000 in fines,οr imprisonment for up to five years pursuant to 18 USC 1001. Name Lawyers, Guns, & Money, LL Signature Social Security OR Taxpayer ID Number Organization Street 21 3rd St. N. **City Great Falls** Telephone 406-761-3000 **NPS Official Use Only** The National Park Service has reviewed the Historic Certification Application - Part 2 for the above-named property and has determined that: the rehabilitation described herein is consistent with the historic character of the property and, where applicable, with the district in which it is located and that the project meets the Secretary of the Interior's Standards for Rehabilitation. This letter is a preliminary determination only, since a formal certification of rehabilitation can be issued only to the owner of a "certified historic structure" after rehabilitation work is complete. the rehabilitation or proposed rehabilitation will meet the Secretary of the Interior's Standards for Rehabilitation if the attached conditions are met. the rehabilitation described herein is not consistent with the historic character of the property or the district in which it is located and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation. National Park Service Authorized Signature

Page 1 1 See Attachments

Form 10-168d Revised 3/2002

UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

# **CONDITIONS SHEET Historic Preservation Certification Application**

Property name: Baum-Trinastich Building	Project Number:	27102
Property address: 114 3 <sup>rd</sup> Street South, Great Falls, MT		

The rehabilitation of this property as described in the Historic Preservation Certification Application will meet the Secretary of the Interior's Standards for Rehabilitation provided that the following condition(s) is/are met:

- 1. Rooftop mechanical equipment must not be visible from nearby public right-of-way locations. Detailed information on the proposal should be reviewed and approved by the State Historic Preservation Office before undertaking the work.
- 2. New openings for windows on the south elevation must be simple, punched openings. Steel lintels as shown on Sheet A202 are not compatible and must be deleted from the project scope.
- 3. The front portion of the east-west partition enclosing the staircase on the first floor must not be fully removed as proposed. Instead, there must be a sufficiently sized header below the existing pressed-metal cornice and enough vertical wall left in place to retain the separation between the stair and the first-floor office space (we recommend that the existing opening in this east-west partition simply be enlarged to accomplish your goal—see application photo #83). Revisions in accordance with this condition should be reviewed and approved by the State Historic Preservation Office before undertaking the work.
- 4. The design for the staircase railing at the first floor must be compatible with the historic character of the building. Detailed information on the railing should be reviewed and approved by the State Historic Preservation Office before undertaking the work.
- 5. Modifications to achieve code-required guardrail height at the second- and third-floor staircases must be compatible with the existing historic railings/balustrades. Detailed information on these treatments should be reviewed and approved by the State Historic Preservation Office before undertaking the work.
- 6. Furring-out or resurfacing interior walls may not cause damage to interior trim—including window trim and baseboards—and must not change the historic relationship of trim and wall surface. In addition walls must not be thickened enough to significantly alter the relationship of the windows to the wall surfaces. Photographs showing the historic trim in context with the new wall surfaces must be submitted with the Request for Certification of Completed Work.

The National Park Service has determined that this project will meet the Secretary of the Interior Standards for Rehabilitation if the condition(s) listed in the box above are met.

5-8-12 / Jaw / Markoun

Telephone Number

# City of Great Falls/Cascade County Historic Preservation Office

24 July, 2012

Sie

TO: Galen Amy, City Planner

FROM: Ellen Sievert, Historic Preservation Officer

RE: Historic Property Tax Abatement for the Baum-Trinastich

One of few incentives the City of Great Falls has to offer those who are investing in the rehabilitation of historic downtown buildings is a tax abatement (MCA Section 15-24-1601) for the increase in taxable value (only) caused by the rehabilitation. In adopting the process (resolution 8728, June 1995) the city requested review by the State Historic Preservation Office, rather than establish a local review process.

The current owners/developers of the property have utilized information regarding incentives provided in one of the initial feasibility studies in our Technical Assistance Program.

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All projects that take advantage of federal and state rehabilitation tax credit program go through a review process at both the state and federal levels as part of the certification process, to assure that the project complies with the Department of Interior Standards for Rehabilitation.

The Baum-Trinastich Building was listed in the National Register of Historic Places as part of the Railroad Historic District in 1993, and therefore qualifies for consideration for a rehabilitation tax abatement and the plans for the rehabilitation have been approved at both the state and federal levels.

I have reviewed the materials regarding the project and agree with the determination. Thanks for the opportunity to comment.

IDC 2009 AFPA 72
IMC 2009
IMC

OCCUPANCY GROUP: B1 st-3rd S-1 Basement FULLY SPRINKLED CONSTRUCTION TYPE: TYPE-II MAX AREA: 19,000 SQ.FT. MAX HEIGHT: 55' BY IBC 100' BY CITY

MAX STORIES:

3

BUSINESS AREA 27767/100= 78 STORAGE/MECH 2333/300= 8

TOTAL OCCUPANCY LOAD= <u>86</u>

FIXTURE COUNT 86/2 = 43 MALES 43 FEMALES

FIXTURES

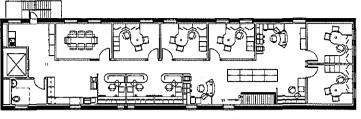
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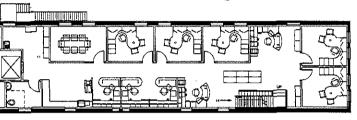
F 2 PER 26-100 2 REQ. 2 PROVIDED M 1 PER 2 WC 1 REQ 1 PROVIDED F 1 PER 2 WC 1 REQ 1 PROVIDED

PER UNIFORM PLUMBING CODE

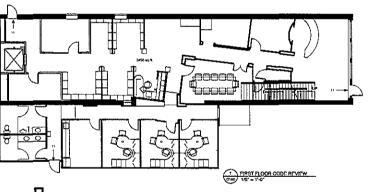
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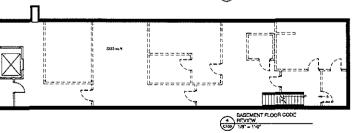


THIRD FLOOR CODE REVIEW



SECOND FLOOR CODE REVIEW





CHURCH, HARRIS, JOHNSON, AND WILLIAMS 114 3RD ST S GREAT FALLS, MT NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

DESIGN DEVELOPEMENT





C100