Administrative Approval Action
AA # 3941 / SR-60-18, 625 New Bern Condos
Transaction# 559177

LOCATION: This site is located on west side of Seawell Avenue, between E. Edenton Street and New Bern Avenue.

REQUEST: Development of a 0.56 acre site zoned OX-3-GR and within an Neighborhood Conservation Overlay District (NCOD), into three individual apartment buildings with 6 one-bedroom units each totaling 18 one-bedroom units for the site.

DESIGN ADJUSTMENT(S)/ALTERNATES, ETC: One Design Adjustment has been approved for this project granting an alternative streetscape cross section (8.5). (case DA-14-19)

FINDINGS: City Administration finds that this request, with the below conditions of approval being met, conforms to the Unified Development Ordinance. This approval is based on a preliminary plan dated 2/27/19 and submitted by Wake Land Design, PLLC.

CONDITIONS OF APPROVAL and NEXT STEPS:

Note: This document must be applied to the second sheet of all future submittals with the exception of final plats.

PRIOR TO THE ISSUANCE OF ANY SITE PERMITS OR APPROVAL OF CONCURRENT REVIEW PROCESS, WHICHEVER IS APPLICABLE:

ENGINEERING

1. Next Step: A right-of-way obstruction permit must be obtained from Right-of-way Services prior to the commencement of any construction activities within the right-of-way.

STORMWATER

2. Next Step: A stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater Engineer in compliance with Part 10A Chapter 9 of the Unified Development Ordinance.

   Next Step: In accordance with Part 10A Section 9.4.4 of the Unified Development Ordinance, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

GENERAL

1. A Final Plat shall be recorded with the Wake County Register of Deeds office for all Subdivisions, Recombinations, Right of Way and/or Easement Dedications, and Tree Save Areas.
2. A demolition permit shall be obtained.

3. Provide fire flow analysis.

ENGINEERING

4. The required right of way for proposed and/or existing streets shall be dedicated to the City of Raleigh and be shown on a plat approved for recordation.

5. A 5’ general utility easement and associated deed of easement shall be approved by the City and the location of the easement shall be shown on the map approved for recordation. The deed of easement shall be recorded at Wake County Register of Deeds within one (1) day of recordation of the recorded plat. A recorded copy of these documents must be provided to the Development Services Department.

6. A sidewalk deed of easement for any public sidewalk on Private Property shall be approved by the City and the location of the easement shall be shown on the map approved for recordation. The deed of easement shall be recorded at Wake County Register of Deeds within one (1) day of recordation of the recorded plat. A recorded copy of these documents must be provided to the Development Services Department.

7. Offers of cross access agreement between the subject lot identified by PIN 1713094137 and the adjacent lots, PIN 1713093253 and PIN 1713093153, shall be approved by the Development Services Department for recording with the Wake County Register of Deeds, and a copy of the recorded offers of cross access easement shall be returned to the Development Services Department within one (1) day of recordation.

8. Next Step: A right-of-way obstruction permit shall be obtained from Right-of-way Services for any construction activity within the right-of-way.

PUBLIC UTILITIES

9. A Final Plat must be recorded at the Wake County Register of Deeds office for all necessary Subdivisions / Recombinations, Right-of-Way, Utility / Stormwater Easement Dedications and/or Tree Save Areas

STORMWATER

10. Next Step: The developer shall pay to the City a stormwater facility replacement fund payment equal to twenty-four percent (24%) of the estimated cost of constructing all stormwater control facilities shown on the development plans.
11. **Next Step:** All stormwater control measures and means of transporting stormwater runoff to and from any nitrogen and stormwater runoff control measures shall be shown on all plats for recording as private drainage easements.

12. **Next Step:** In accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of the construction of a stormwater device shall be paid to the Engineering Services Department.

**URBAN FORESTRY**

13. A tree impact permit must be obtained for the approved streetscape tree installation in the rights of way. This project proposes 5 street trees on New Bern Avenue, 5 street trees on Edenton Street, and 4 street trees on Seawell Avenue for a total of 14 street trees.

**Prior to issuance of building occupancy permit:**

1. All Water, Sanitary Sewer and Reuse facilities shall be installed, inspected, tested and accepted by the City of Raleigh Public Utilities Department for operations and maintenance.

2. **Next Step:** Required public right-of-way infrastructure improvements shall be, at a minimum, sufficiently completed to provide the necessary, safe emergency and vehicular access.

3. **Next Step:** Required underground storm drainage improvements shall be completed and as-built plan(s) and certification(s) reviewed and accepted by the City of Raleigh Development Services – Development Engineering program.

4. **Next Step:** All street lights and street signs required as part of the development approval are installed.

5. **Next Step:** Copies of certified inspection reports for alleys and internal access ways are submitted to the City of Raleigh Development Services – Development Engineering program.

6. **Next Step:** As-built drawings and associated forms for all Stormwater devices are accepted by the Engineering Services Department.

7. **Next Step:** Final inspection of all required right of way tree plantings by Urban Forestry Staff.
EXPIRATION DATES: The expiration provisions of UDO Section 10.2.8 E, including the ability to request extensions in the expiration date, apply to this site plan. If significant construction has not taken place on a project after administrative site review approval, that approval may expire and be declared void, requiring re-approval before permits may be issued. To avoid allowing this plan approval to expire the following must take place by the following dates:

3-Year Expiration Date: 3-27-2022
Obtain a valid building permit for the total area of the project, or a phase of the project.

4-Year Completion Date:
Within four years after issuance of the first building permit for the site plan, the construction of the entire site plan must be completed unless an applicant has been granted vested rights. Failure to complete construction within this specified time frame shall automatically void the approved site plan for which no building permits have been issued.

I hereby certify this administrative decision.

Signed: (Planning Dir./Designee) [Signature] Date: 3/27/19

Staff Coordinator: Michael Walters
Design Adjustment
Staff Response

Per Section 10.2.18.C of the Unified Development Ordinance, the Development Services Director, or designee, shall consult with the heads of other City Departments regarding the review of the request. The Development Services Director, or designee, shall approve, approve with conditions or deny the request, but must do so within 60 days of the receipt of a completed application. Additional time may be necessary if a municipal or state entity is incorporated in the review process or if a detailed engineering study is submitted in conjunction with the request.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>625 New Bern Ave Condos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Case Number</td>
<td>SR-60-18</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>559177</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 14 - 2019</td>
</tr>
</tbody>
</table>

Staff recommendation based upon the findings in the applicable code(s):

- [ ] UDO Art. 8.3 Blocks, Lots, Access
- [ ] UDO Art. 8.5 Existing Streets
- [ ] UDO Art. 8.4 New Streets  
- [ ] Raleigh Street Design Manual

Staff SUPPORTS [ ] DOES NOT SUPPORT [ ] the design adjustment request.

DEPARTMENTS

- [ ] Dev. Services Planner
- [X] Development Engineering
- [ ] Engineering Services
- [ ] Public Utilities
- [ ] City Planning
- [ ] Transportation
- [ ] Parks & Recreation and Cult. Res.

CONDITIONS:

Development Services Director or Designee Action: [X] APPROVE [ ] APPROVE WITH CONDITIONS [ ] DENY

Authorized Signature: Daniel G. Kline, PE

Date: 3/27/19

*The Development Services Director may authorize a designee to sign in his/her stead. Please print name and title next to signature. Appeal of the decision from the Development Services Director, or his or her designee, shall be made in writing within 30 days to the Board of Adjustment (see Section 10.2.18.C3b).
A. The requested design adjustment meets the intent of this Article;
   YES ☑ NO ☐

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   YES ☑ NO ☐

C. The requested design adjustment does not increase congestion or compromise safety;
   YES ☑ NO ☐

D. The requested design adjustment does not create additional maintenance responsibilities for the City; and
   YES ☑ NO ☐

E. The requested design adjustment has been designed and certified by a Professional Engineer.
   YES ☑ NO ☐

STAFF FINDINGS

Staff supports the request for an alternate streetscape where the street trees are planted behind the sidewalk as opposed to in the typical 6' planting area. NCDOT maintains the road frontages of Edenton St and New Bern Ave and has approved the plantings within the public rights-of-way along these frontages. Both streets are classified as Avenue 4-Lane, Parallel parking which do not require the 5' Utility Placement Easement. By moving the street trees behind the sidewalk, the typical planting strip will now become an area where utilities can be placed without conflict from the street trees.
Design Adjustment Application

The purpose of this request is to seek a Design Adjustment from the Development Services Director, or designee, for a specific project only and, if granted, may be approved with special conditions and provisions.

This application and all further action shall be consistent with Section 10.2.18 in the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based solely on the conformance of the findings, as outlined in Sec. 8.3.6, Sec. 8.4.1.E and Sec. 8.5.1.G of the UDO or the Raleigh Street Design Manual.

<table>
<thead>
<tr>
<th>Project Name</th>
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<tbody>
<tr>
<td>Case Number</td>
<td>SR-60-18</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>559177</td>
</tr>
<tr>
<td>Name</td>
<td>Five Horizons, LLC</td>
</tr>
<tr>
<td>Address</td>
<td>2321 Blue Ridge Rd. Suite 202</td>
</tr>
<tr>
<td>City</td>
<td>Raleigh</td>
</tr>
<tr>
<td>State NC</td>
<td>Zip Code 27607</td>
</tr>
<tr>
<td>Phone</td>
<td>919-443-0262</td>
</tr>
<tr>
<td>Name</td>
<td>Jason G. Meadows, P.E.</td>
</tr>
<tr>
<td>Firm</td>
<td>Wake Land Design, PLLC</td>
</tr>
<tr>
<td>Address</td>
<td>P.O. Box 418</td>
</tr>
<tr>
<td>City</td>
<td>Clayton</td>
</tr>
<tr>
<td>State NC</td>
<td>Zip Code 27528</td>
</tr>
<tr>
<td>Phone</td>
<td>919-889-2614</td>
</tr>
</tbody>
</table>

I am seeking a Design Adjustment from the requirements set forth in the following:

- [ ] UDO Art. 8.3 Blocks, Lots, Access - See page 2 for findings
- [ ] UDO Art. 8.4 New Streets - See page 3 for findings
- [X] UDO Art. 8.5 Existing Streets - See page 4 for findings
- [ ] Raleigh Street Design Manual - See page 5 for findings

Provide details about the request; (please attach a memorandum if additional space is needed):

The applicant is requesting and alternate street tree planting location from the established Commercial Streetscape per UDO Sec. 6.5.2.C. The subject project has three public street frontages, New Bern Ave., Seawell Ave., and Edenton Street. New Bern Avenue and Edenton Street are controlled by NCDOT while Seawell Avenue is a City of Raleigh maintained street. As such, NCDOT has established requirements for planting trees within their Right-of-Way as per their “Guidelines for Planting within Highway Right-of-Way”. The clear zone criteria set forth by this manual will not allow street trees to be located in the 6’ Tree Lawn of the Commercial Streetscape Section, therefore this application is being submitted to request an alternate street tree location behind the proposed sidewalk, however still within the public right-of-way along New Bern and Edenton. A plan has been submitted to NCDOT for this alternate location and NCDOT has granted approval. See attached.

It is the responsibility of the applicant to provide all pertinent information needed for the consideration of this request. Applicant must be the Property Owner.

By signing this document, I hereby acknowledge the information on this application is, to my knowledge, accurate.

[Signature]

Date

CHECKLIST

Signed Design Adjustment Application: [ ] Included

Page(s) addressing required findings: [ ] Included

Plan(s) and support documentation: [ ] Included

Notary page (page 6) filled out; Must be signed by property owner: [ ] Included

First Class stamped and addressed envelopes with completed notification letter: [ ] Included

Submit all documentation, with the exception of the required addressed envelopes and letters to

designadjustments@raleighnc.gov.

Deliver the addressed envelopes and letters to:

Development Services, Development Engineering
One Exchange Plaza, Suite 500
Raleigh NC, 27601

For Office Use Only | RECEIVED DATE: DA - -
The Development Services Director may in accordance with Sec. 10.2.18. approve a design adjustment, subject to all of the following findings. Describe how each item is met:

A. The requested design adjustment meets the intent of this Article;
   The alternate street tree location allows the project to provide the required number of street trees, while still planting within the public right-of-way

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The requested alternate tree location does not conflict with the Comprehensive plan or City plans.

C. The requested design adjustment does not increase congestion or compromise safety;
   The requested alternate tree location will not alter congestion or compromise safety.

D. The requested design adjustment does not create additional maintenance responsibilities for the City; and
   Because the street trees will still be planted within the public right-of-way, the maintenance responsibilities of the City will not change.

E. The requested design adjustment has been designed and certified by a Professional Engineer.
   This design adjustment has been prepared by Jason G. Meadows, P.E.
STATE OF NORTH CAROLINA
COUNTY OF Johnston

I, Tracy Rairigh, a Notary Public do hereby certify that
Jason Meadows personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

This the 1st day of February, 2019.

Notary Public

My Commission Expires: May 23, 2023
August 14, 2018

Jason Meadows  
333 Wade Avenue  
Raleigh, NC 27605  

Subject: Planting Permit for 625 New Bern Avenue  

Dear Mr. Meadows:

Please be advised that planting plans have been conditionally approved for 625 New Bern Avenue located on New Bern Avenue in Wake County, North Carolina.

This letter is issuing the Planting Permit per North Carolina Department of Transportation policy.

The following standard provisions are made part of this agreement:

1. The permittee shall maintain a clear sight distance for vehicles utilizing driveway connections.

2. The Division of Highways will not be responsible for any damage to the plants, which may be done by third parties.

3. Maintenance of the plantings will be the responsibility of the permittee. Should the plants not be maintained in a sufficient manner the plants could be subject to removal.

4. Plants to be first class quality of their species.

5. A copy of this permit must be on the work-site at all times while the work is being performed.

6. All trees and plants shall be pruned and maintained in such a manner as to not encroach upon the travel way.
7. The traveling public shall be warned of construction with complete and proper signing and traffic control devices in accordance with the current Manual on Uniform Traffic Devices (MUTCD). No work shall be performed in the Right of Way unless this requirement is satisfied. NCDOT reserves the right to require a written traffic control plan for encroachment operations.

8. NCDOT does not guarantee the Right of Way on this road, nor will it be responsible for any claim for damages brought by any property owner by reason of the installation.

9. Two-way traffic shall be maintained at all times.

10. No lane of traffic shall be closed or restricted between the hours of 6:00 AM - 9:00 AM and 4:00 PM - 7:00 PM Monday - Friday. Any violation of these hours will result in termination of the encroachment agreement.

11. NCDOT reserves the right to further limit, restrict, or suspend operations within the Right of Way if, in the opinion of NCDOT, safety or traffic conditions warrant such action.

12. The Traffic Services Supervisor shall be notified at (919) 477-2914 in Durham prior to beginning work on the Right of Way if there are existing NCDOT signs, traffic signals, or signal equipment in or near the proposed work zone. Costs to relocate, replace, or repair NCDOT signs, signals, or associated equipment shall be the responsibility of the Encroacher.

13. The applicant will be required to notify the Roadside Environmental Technician; Mark Conner at (919) 816-9290 prior to beginning and after completion of work.

14. It shall be the responsibility of the Encroacher to determine the location of other utilities within the encroachment area. The Encroacher shall be responsible for notifying other utility owners and providing protection and safeguards to prevent damage or interruption to existing facilities and to maintain accessibility to existing utilities.

15. At the end of each working day, equipment shall be parked a minimum of 30 feet from the edge of any travel lane and be barricaded in order not to have any equipment obstruction within the clear recovery zone.

16. The applicant is responsible for identifying project impacts to waters of the United States (wetlands, intermittent streams, perennial streams and ponds) located within the NCDOT right-of-way. The discharge of dredged or fill material into waters of the United States requires authorization from the United States Army Corps of Engineers (USACE) and certification from the North Carolina Division of Water Quality (NCDWQ). The applicant is required to obtain pertinent permits or certification from these regulatory agencies if construction of the project impacts waters of the United States within the NCDOT right-of-way. Additional information can be obtained by contacting the USACE or NCDWQ.

17. The applicant is responsible for complying with the Neuse and Tar-Pamlico Riparian Buffer Rule as regulated by the NCDWQ. The Rule regulates activity within a 50-foot buffer along perennial streams, intermittent streams and ponds. Additional information can be obtained by contacting the NCDWQ.
18. The applicant is responsible for avoiding impacts to federally protected species during project construction. Bald eagle, Michaux's sumac, smooth coneflower, dwarf wedge-mussel, harperella, red-cockaded woodpecker and tar spiny-mussel are federally protected species that have been identified within NCDOT right-of-way in Durham, Person, Granville, Wake, Franklin, Vance, and Warren counties. Additional information can be obtained by contacting the North Carolina Natural Heritage Program or the United States Fish and Wildlife Services.

19. In the event that plants require relocation or removal for highway construction, reconstruction, maintenance or safety, such removal or relocation will be done immediately by the permittee (municipality/civic group/individual) upon notification by the Division of Highways, entirely at the expense of the permittee.

If you should need further assistance please contact Corey Suddeth by phone at 919-816-9290 ext. 235 or by email at csudderth@ncdot.gov.

Sincerely,

(closed)

J. R. Hopkins
Division Engineer
# 625 NEW BERN CONDOS

**ADMINISTRATIVE SITE REVIEW PLANS**

**SR-60-18**

**TRANS# 559177**

**RALEIGH, NORTH CAROLINA**

**JUNE 15, 2018**

**REVISED JULY 18, 2018**

**REVISED FEBRUARY 1, 2019**

**REVISED FEBRUARY 27, 2019**

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**DESIGN REVIEW**

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**OWNER:**

**FIVE HORIZONS, LLC**

2321 Blue Ridge Rd.
Raleigh, N.C. 27607
919-443-0262
corey@fivexhorizons.com

**DEVELOPER:**

**LEGACY CUSTOM HOMES, INC.**

3304 Six Forks Rd
Raleigh, NC 27609
919-422-3134
ward@legacycustomhomes.com

**CIVIL ENGINEER:**

**WAKE LAND DESIGN, PLLC**

NC LICENSE 448650
PHONE: 919-888-3814
EMAIL: JASON@WAKELANDDESIGN.COM
P.O. BOX 418
CLAYTON, NC 27527
City of Raleigh Planting Requirements:

- **Street Trees**
  - **Edenton St:**
    - 115' / 20 LF = 5.75 Understory trees provided: (5) 1.5" Caliper tree ~20' spacing LF under overhead power lines. Trees placed in Right-of-Way behind sidewalk to comply with NCDOT clear zone requirements. Carolina Silverbell (under overhead power lines)
  - **Seawell Ave:**
    - 169' / 40 LF = 4.23 trees provided: (4) 3" Caliper Black Gum at 40' O.C. placed in 6' tree lawn
  - **New Bern Ave:**
    - 115' / 20 LF = 5.75 Understory trees provided: (5) 1.5" Caliper tree ~20' spacing LF under overhead power lines. Trees placed in Right-of-Way behind sidewalk to comply with NCDOT clear zone requirements. Carolina Silverbell (under overhead power lines)

**PLANT SCHEDULE**

<table>
<thead>
<tr>
<th>HC</th>
<th>Botanical / Common Name</th>
<th>Soil Type</th>
<th>Size</th>
<th>Root Spacing</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>HC</td>
<td>Halesia carolina / Carolina Silverbell</td>
<td>Soil Type</td>
<td>Size</td>
<td>Root Spacing</td>
<td>Remarks</td>
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<tr>
<td>HC</td>
<td>Nyssa sylvatica / Black Gum</td>
<td>Soil Type</td>
<td>Size</td>
<td>Root Spacing</td>
<td>Remarks</td>
</tr>
</tbody>
</table>

**NOTES:**

1. Street trees shall be installed and maintained in accordance with the requirements of Chapter 7 of the City Tree Manual.
PER SECTION 1.5.7 OF THE UDO, BUILDING HEIGHT IS MEASURED FROM THE AVERAGE GRADE TO THE TOP OF THE HIGHEST POINT OF A PITCHED OR FLAT ROOF EXCLUDING THE PARAPET.

AVERAGE GRADE IS DETERMINED BY CALCULATING THE AVERAGE OF THE HIGHEST AND LOWEST ELEVATION ALONG PRE-DEVELOPMENT GRADE OR IMPROVED GRADE (WHICHEVER IS MOST RESTRICTIVE) ALONG THE FRONT OF THE BUILDING PARALLEL TO THE PRIMARY STREET SETBACK.

WHERE THE PROPERTY SLOPE INCREASES TO THE REAR, BUILDING HEIGHT IS MEASURED FROM THE AVERAGE POINT AT GRADE OF THE FRONT AND REAR WALL PLANE.

AVERAGE GRADE CALCULATION (AVG. GRADE 331.62' - 12.17' - EX. GRADE PROFILE)

<table>
<thead>
<tr>
<th>Building 1 Average Grade Calculation</th>
<th>Front Plane</th>
<th>Rear Plane</th>
<th>Average of Two Planes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest</td>
<td>333.1</td>
<td>334.7</td>
<td>333.2</td>
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<tr>
<td>Lowest</td>
<td>328.4</td>
<td>330.3</td>
<td>333.2</td>
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<tr>
<td>Average</td>
<td>330.75</td>
<td>332.5</td>
<td>331.62</td>
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</tbody>
</table>

BUILDING 1 ELEVATIONS

- SOUTH ELEVATION (REAR)
- NORTH ELEVATION (FRONT)
- WEST ELEVATION
- EAST ELEVATION (SEAWELL AVE.)

EX. GRADE PROFILE

<table>
<thead>
<tr>
<th>Parapet Wall (Typ)</th>
<th>Highest Proposed Point</th>
<th>Lowest Proposed Point</th>
<th>Highest Ex. Point</th>
<th>Lowest Ex. Point</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>333.4</td>
<td>333.4</td>
<td>334.7</td>
<td>330.3</td>
</tr>
</tbody>
</table>

AVG. GRADE 331.62'
AVG. GRADE 332.87'

HIGHEST PROPOSED POINT: 333.4'
LOWEST PROPOSED POINT: 332.6'

HIGHEST EX. POINT: 334.2'
LOWEST EX. POINT: 334.1'

AVG. GRADE 332.87'
AVERAGE GRADE CALCULATION (AERIAL MANUFRACED PRIOR TO TC-17-16 EFFECTIVE).

The average grade is calculated by determining the average of the highest and lowest elevation along the front of the building parallel to the primary street setback. The average grade is then calculated as follows:

\[
\text{Average Grade} = \frac{\text{Highest Elevation} + \text{Lowest Elevation}}{2}
\]

For Building 3, the average grade calculations are as follows:

**Front Plane**
- Highest Elevation: 333.4'
- Lowest Elevation: 333.0'
- Average Grade: 333.2'

**Rear Plane**
- Highest Elevation: 334.1'
- Lowest Elevation: 332.4'
- Average Grade: 333.25'

**Average of Two Planes**
- Average Grade: 333.2'

The highest proposed point for the front plane is 333.4', and the lowest proposed point is 333.0'. For the rear plane, the highest proposed point is 333.2', and the lowest proposed point is 332.6'.