



**CITY OF EUREKA**  
**DEVELOPMENT SERVICES DEPARTMENT**  
Rob Holmlund, AICP, Director

531 K Street, Third Floor  
Eureka, California 95501-1146  
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## NOTICE OF PUBLIC HEARING

### EUREKA PLANNING COMMISSION

**NOTICE IS HEREBY GIVEN** that the Eureka Planning Commission will hold a public hearing on **Monday, July 8, 2019**, at 5:30 p.m., or as soon thereafter as the matter can be heard, in the Council Chamber, Eureka City Hall, 531 “K” Street, Eureka, California, to consider the following application:

**Project Title:** Bode Ponderosa Court Subdivision

**Project Applicant:** MIKE BODE **Case No:** SD-19-0001

**Project Location:** 3634 E STREET **APN:** 010-293-023

**Project Zoning and Land Use:** The zoning is Single Family Residential (RS-6000) and the General Plan Designation is Low Density Residential (LDR).

**Project Description:** The applicant proposes the subdivision of an approximately 0.8-acre APN 010-293-023 into four, one-family residential parcels. Three of the parcels will be approximately 6,000 square feet and one of the parcels will be approximately 16,200 square feet in size (The minimum parcel size required by Code is 6,000 sq. ft.). All parcels will be accessed from Ponderosa Court.

All interested persons are invited to comment either in person at the scheduled public hearing, or in writing. Written comments may be submitted prior to or during the hearing by mailing or delivering them to the Development Services Department, Third Floor, 531 K Street, Eureka. Appeals to the City Council of the action of the Planning Commission, may be made within 10 calendar days of the action by filing a written Notice of Appeal, along with the filing fees as set by the City Council, with the City Clerk.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing or written correspondence received during or prior to the public hearing. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. The project file is available for review at the Development Services Department. If you have questions regarding the project or this notice, please contact Riley Topolewski, Senior Planner, [rtopolewski@ci.eureka.ca.gov](mailto:rtopolewski@ci.eureka.ca.gov) or (707) 268-1971.



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**EUREKA CITY PLANNING COMMISSION**

**STAFF REPORT**

July 8, 2019

**PROJECT TITLE:** ***Bode Ponderosa Court Subdivision***

**PROJECT APPLICANT:** Mike Bode    **CASE NO:** SD-19-0001

**PROJECT LOCATION:** Ponderosa Court; APN 010-293-023

**ZONING AND GENERAL PLAN DESIGNATION:** The zoning is Single Family Residential (RS-6000) and the General Plan Designation is Low Density Residential (LDR).

**PROJECT DESCRIPTION:** The applicant proposes the subdivision of an approximately 0.8 acre APN 010-293-023 into four, one-family residential parcels. Three of the parcels will be approximately 6,000 square feet and one of the parcels will be approximately 16,200 square feet in size (The minimum parcel size required by Code is 6,000 sq. ft.). All parcels will be accessed from Ponderosa Court.

**CONTACT PERSON:** Riley Topolewski, Senior Planner; phone: (707) 268-1971; e-mail: rtopolewski@ci.eureka.ca.gov

**RECOMMENDATION:**

1. Adopt a resolution of the Planning Commission approving the tentative map subject to the conditions of approval.

**RECOMMENDED MOTION:**

*“I move that the Planning Commission adopt A Resolution of the Planning Commission of the City of Eureka approving the tentative final map for the Bode Ponderosa Court subdivision with conditions.”*

### **APPLICABLE REGULATIONS**

Title 15, Chapter 154, of the Eureka Municipal Code, states that in approving or conditionally approving the tentative map, the Planning Commission shall find that the proposed subdivision, together with the provisions for its design and improvements is consistent with the applicable general or specific plans adopted by the city.

### **BACKGROUND**

This application is being processed as a major subdivision. When determining whether a subdivision is considered major or minor is determined by the number of parcels involved in the subdivision. The cutoff between the two categories is between four or fewer and five or more parcels with four or fewer being a minor subdivision and five or more being a major subdivision. On November 17, 2017, minor subdivision SD-17-0003 was completed which saw the original parcel, APN 010-293-018 split into two subsequent parcels; APN 010-293-022 and this parcel, APN 010-293-023. Pursuant to the Subdivision Map Act, all subdivisions involving the subject parcel(s) that have occurred within the last two years are included when determining whether the project is considered a major or minor subdivision. As the current project calls for the creation of four parcels, and the previous subdivision created two parcels, the project is therefor considered a major subdivision which then must adhere to EMC section 154.035 *Subdivision of Five or More Parcels* as opposed to EMC section 154.060 *Subdivision of Four or Less Parcels*.

The subdivision application was submitted on May 1, 2019, and was deemed complete on May 2, 2019. The City Council adopted an updated zoning code on May 21, 2019, which became effective on June 21, 2019. However, because the application was deemed complete prior to the effective date of the updated zoning code, the project is governed by the former zoning code standards and regulations.

### **ANALYSIS**

The subject property has a land use designation of Low Density Residential (LDR) in the adopted general plan; it is not located in the coastal zone. The LDR plan designation provides for suburban density single-family detached home development. The permitted residential density is up to one primary unit and one accessory dwelling unit per lot; greater density may be allowed through a special permit as provided by the applied zoning district. The general plan includes a goal that infill development be compatible with the overall established character of the surrounding residential neighborhood.

The property is zoned One-Family Residential (RS-6000) which has a minimum parcel size of 6,000 square feet. The proposed lots range in size from 6,000 sq. ft. for Lots 1-3 and up to 16,200 square feet for Lot 4. The EMC requires that each lot have a minimum width of 60 feet and minimum depth of 100 feet. In addition, the EMC requires that each lot have a minimum of 20 feet of frontage. Frontage is defined only as a property line abutting a public street; the EMC does not require that the lot be accessed via the frontage. Table 1, below, shows how each resultant lot will comply with the development standards of the EMC.

	Min. Width 60'	Min. Depth 100'	Min lot size, 6,000 sq. ft. gross	Min. Frontage 20'
Proposed Lot 1	60'	100'	6,000 sf	60'
Proposed Lot 2	60'	100'	6,000 sf	60'
Proposed Lot 3	60'	100'	6,000 sf	60'
Proposed Lot 4	71'	200'	16,200 sf	20'

All lots will be accessed via frontage on Ponderosa Court.

The topography of the property is generally flat, with the northern edge of the parcel gently sloping down to meet Ponderosa Court's curb line. Lots 1,2 and 3 will direct surface drainage to Ponderosa Court, while lot 4 will utilize low impact development (LID) features to keep the majority of surface drainage onsite. Although the increased drainage will not be considerable, Staff recommends that prior to Final Map recordation, an engineer prepare a grading and drainage study/plan for approval by the City. The study/plan should incorporate drainage improvements to prevent concentrated surface runoff and other improvements such as infiltration trenches to reduce surface drainage caused by the increase in non-permeable surfaces.

All existing utilities are available in the vicinity of the project. The applicant may be required to extend some of the utilities to the property. All on-site utilities must be underground. Water and sewer services have been installed as part of the Ponderosa Court development. The applicant will be responsible for signing up and paying for the installation of water and sewer services and meters, and sewer laterals when the lots are being developed. As a note, the current location of the water and sewer connections may be moved to avoid the need for easements. The sewer laterals will require inspection and approval from the City prior to operation. The sewer main that runs south of lot 4 is also available for connection, if the applicant prefers.

In addition to the elements described above, Staff recommends that the final map also include the following: the required setback areas for each new lot; reference to the site obstruction regulations (a.k.a. 'visibility triangle'); reference that a preliminary foundation soils report may be required for construction of the residential structures; location of mail boxes as approved by the USPS; and, any other pertinent information beneficial to future property owners. Staff also recommends that in order to provide constructive notice to future property owners that the applicant records a Notice of Development Plan for each resultant lot.

All final maps, reports, studies, plans and agreements must be prepared, reviewed by and approved to the satisfaction of the City. Fees as adopted by the City Council may be required for the City's review and approval of such maps, reports, studies, plans and agreements. The applicant will be required to install all utilities prior to recordation of the Final Map; although the Code does allow and describes the procedure for the applicant to bond for the improvements prior to recordation. Once all of the conditions have been

satisfied, Staff will forward the Final Map to the City Council for acceptance and subsequent recordation.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE:** The review and approval of the tentative map is a discretionary activity subject to the California Environmental Quality Act (CEQA). The approval of the tentative map can be exempted from CEQA under a Class 32 exemption. The Class 32 exemption is intended to promote infill development which is consistent with local general plan and zoning requirements. The class consists of environmentally benign in-fill projects within city limits on parcels of less than five acres that can be adequately served by all required utilities and public services. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. Nor is it intended for project sites having value as habitat for endangered, rare or threatened species.

The project is infill development within Eureka City limits on a vacant lot of less than five acres. The property has no habitat for fish or wildlife. All utilities are available to the project site. No impacts to traffic, noise, air quality, or water quality have been identified as a result of the project. Therefore, the project qualifies for exemption from CEQA under the Class 32 exemption.

**SUPPORT MATERIAL:**

- Attachment 1: Planning Commission Resolution..... pages 5-6
- Attachment 2: Maps and Plans ..... pages 7-8

Riley Topolewski  
Senior Planner

Rob Holmlund, AICP  
Director of Development Services

July 8, 2019

## **Resolution No. 2019-xx**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA APPROVING THE TENTATIVE MAP FOR THE BODE SUBDIVISION ON PONDEROSA COURT**

**WHEREAS**, on May 1, 2019, Mike Bode of Bode Construction hereinafter called Subdivider, submitted an application to the City of Eureka the Ponderosa Court Tentative Map, for an in-fill development project where an approximately 0.8 acre vacant residential lot will be subdivided into four one-family residential parcels all being located on the southern portion of Ponderosa Court, approximately 130 feet east of the intersection of Ponderosa Court and E Street; and

**WHEREAS**, the Planning Commission of the City of Eureka did hold a duly-noticed public hearing in the Council Chamber at City Hall in the City of Eureka on July 8, 2019, at 5:30 p.m., in the Council Chamber to receive public comment on and to inspect, investigate and review said Ponderosa Court Tentative Map; and

**WHEREAS**, the Planning Commission of the City of Eureka did open a public hearing to receive public testimony and did inspect, investigate and review said Ponderosa Court Tentative Map in accordance with the Subdivision Map Act (CGC 66410 et. seq.) and Title 15 of the Eureka Municipal Code and all other applicable ordinances, laws and regulations, and

**WHEREAS**, after careful, reasoned and equitable consideration of the evidence in the record, including, but not be limited to: written and oral testimony submitted at the public hearing; the staff report; site investigation(s); agency comments; project file; and, the evidence submitted with the permit application, the Planning Commission does hereby find and determine the following facts:

1. A subdivision into 4 one-family residential parcels is a project subject to the California Environmental Quality Act (CEQA).
2. Pursuant to the California Environmental Quality Act, the project is an In-Fill Development Project that is exempt from the preparation of environmental documents by virtue of a Class 32 exemption (Guidelines Section 15332).
3. The proposed parcels range in size from about 6,000 square feet to 16,200 square feet, where the minimum parcel size required by the Eureka Municipal Code is 6,000 sq. ft.
4. Access to all four parcels will be via Ponderosa Court.
5. All required utilities can service the subdivision and will be located underground.

6. No habitat for endangered, rare or threatened species exists on-site nor will be impacted by the subdivision and future one-family residential construction.

7. No adverse impacts related to traffic, noise, air or water quality result from the project.

**WHEREAS**, in the opinion of the Planning Commission of the City of Eureka, said Ponderosa Court Tentative Map complies with the provisions of the Subdivision Map Act and Title 15 of the Eureka Municipal Code and all other applicable ordinances, laws and regulations, and

**WHEREAS**, the Planning Commission has determined the project should be approved and that the following conditions should be included in the project approval:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Final to satisfy this condition. The Engineering Department will administer this requirement.
2. The applicant shall submit to the Engineering Department three prints of a Final Map prepared by a Registered Civil engineer or Licensed Land Surveyor for approval by the City Engineer. The Final Map shall conform to all requirements of the Subdivision Map Act and local regulations enacted thereto. Copies of all reference materials used in the preparation of the Final Map shall also be submitted, including a title report(s) updated within the last six months, copies of deeds, surveys, and computer map checks, etc. Once approved by the City Engineer, the applicant shall submit the original signed Final Map for approval by the City Council and recordation along with one reproducible mylar, two prints, recording fees and proof of property taxes and/or special tax payments (see condition No. 1, above).
3. The applicant shall prepare to the satisfaction of the City an engineered Grading and Drainage plan. The engineered grading and drainage plan shall be reviewed for approval by the City, and all recommendations and conditions in the approved plan shall be incorporated into project approval. The plan shall include, at a minimum, oil/water clarifiers for all drainage inlets, infiltration trenches, and stormwater runoff erosion control measures to be completed immediately upon soil disturbance activities.
4. The applicant shall enter into a Hold Harmless agreement with the City for maintenance of the oil/water clarifiers(s).
5. The applicant shall prepare to the satisfaction of the City an engineered Improvement plan. The engineered Improvement plan shall be approved by the City, and all recommendations and conditions in the approved plan shall be

incorporated into project approval. The plan shall include, at a minimum, sidewalks, curbs, pavement, water, sewer, GETC, drainage improvements, etc., to the satisfaction of the City.

6. The applicant shall cause to be prepared a Development Plan that shall show, reference or include, at a minimum, the following:
  - a. location of approved yard setback lines;
  - b. development of a minimum of three off-street parking spaces for each lot;
  - c. all improvements and conditions in the approved engineered grading and drainage plan that may affect future owners;
  - d. all improvements and conditions in the approved engineered improvement plan that may affect future owners;
  - e. reference to the site obstruction regulations, a.k.a. 'visibility triangle';
  - f. reference that preliminary soils foundation report may be required for residential structures;
  - g. location of mail boxes as approved by the USPS;
  - h. reference to requirement for size and placement of house numbering;
  - i. any other information of benefit to future property owners regarding restrictions on development of individual properties.
7. The applicant shall cause to be prepared a Notice of Development Plan to be recorded for each resultant property.
8. A graphical representation of all easements of record and easements being dedicated shall be shown on the Final Map.
9. All lot corners shall be monumented with durable pipe monuments properly tagged. All City street monuments on the fronting street(s) used to establish the City right-of-ways shall be field tied and shown on the Final Map together with any additional street monuments set for this subdivision, to the satisfaction of the City Engineer.
10. Prior to the approval of a Final Map, the applicant shall prepare a Development Plan, subject to City approval, that shall show or include, at a minimum, the following:

*Notes:*

- a. Each home shall have an NFPA 13D compliant automatic fire sprinkler system for the house and garage.
- b. All construction shall be provided with a Class A rated roof and roof assembly. This includes attached and detached accessory structures, regardless of whether a building permit is required or not.
- c. All construction shall have non-combustible siding. This includes attached and detached accessory structures, regardless of whether a building permit is required or not.

11. All public utility easements shall be dedicated to the City of Eureka as necessary to provide public facilities for all lots and to provide drainage from all lots. A ten foot wide public utility easement (10' PUE) shall be dedicated on the Final Map. The 10' PUE shall be over the front portion of all lots fronting on a street. This condition shall be completed to the satisfaction of the City Engineer and PG&E.

12. All appurtenances, and public utilities shall be constructed by the Subdivider in accordance with Improvement Plans prepared by a Registered Civil Engineer and shall depict all grades, alignment, materials, and necessary details as approved by the City Engineer.

13. Prior to any lot connections to the public sewer system (lateral to be installed by the Subdivider), the capital connection fee, as set on the date of approval of the Tentative Map, shall be paid to the City.

14. Prior to any lot connections to the public water system (service to be installed by the Subdivider), the water meter installation fee, as set on the date of approval of the Tentative Map, shall be paid to the City.

15. To mitigate potential impacts to water quality and waste discharge requirements to less than a significant effect, applicant may be required to secure a Storm Water and Pollution Prevention Plan (SWPPP), prior to the commencement of any construction activities. The applicant shall provide a copy to the City Community Development Department.

16. All phases of construction shall be subject to inspection by the City of Eureka and paid for by the Subdivider.

17. Street addresses (house numbers) shall be conspicuously placed so as to be easily readable from the street.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Eureka does hereby approve the Ponderosa Court Tentative Final Map submitted by Mike Bode subject to the conditions listed above.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Eureka, County of Humboldt, State of California, on the eighth day of July, 2019, by the following vote:

AYES:            COMMISSIONERS:  
NOES:            COMMISSIONERS:  
ABSENT:        COMMISSIONERS:  
ABSTAIN:       COMMISSIONERS:

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Jeff Ragan  
Chair, Eureka City Planning Commission

ATTEST:

---

Rob Holmlund, AICP  
Director of Community Development

**PROJECT INFORMATION**

OWNER: BODE MICHAEL D HWJT ET AL  
 OWNER ADDRESS: 1370 WALKER POINT ROAD, BAYSIDE, CA 95524  
 OWNER PHONE: 707-442-1313  
 PROJECT ADDRESS: PONDEROSA COURT, EUREKA, CA 95503  
 DRAFTSPERSON: BRIANNE AVELAR  
 AGENT: PACIFIC AFFILIATES, TRAVIS SCHNEIDER  
 AGENT ADDRESS: 990 W. WATERFRONT DR., EUREKA, CA 95501  
 AGENT PHONE: 707-445-3001  
 APN: 010-293-023  
 ZONING: CITY OF EUREKA RS-6000 (RESIDENTIAL)  
 WATER: CITY OF EUREKA  
 SEWER: CITY OF EUREKA  
 GAS: PG&E  
 TELEPHONE: AT&T  
 ELECTRICAL: PG&E  
 CATV: SUDDENLINK  
 TREES TO BE REMOVED: 0  
 CUT/FILL: NET <50 CY EXPORT, 0CY IMPORT

NO KNOWN HISTORICAL BUILDINGS LOCATED ON SITE

NO KNOWN HAZARDOUS AREAS LOCATED WITHIN 400 FT OF SUBJECT SITE

ALL EASEMENTS OF RECORD ARE SHOWN ON THE TENTATIVE MAP AND WILL APPEAR ON THE RECORDED SUBDIVISION MAP.

**LEGEND**

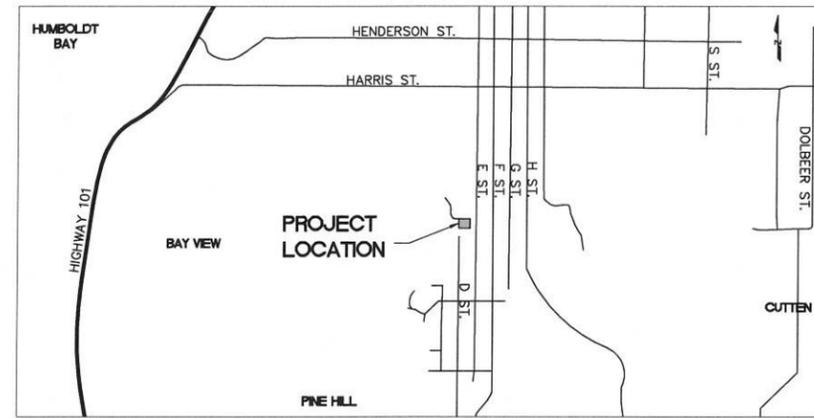
- SURVEY MONUMENT
- WATER VALVE
- PG&E PEDESTAL
- EXISTING TOP OF WELL
- WATER METER
- SUBJECT PROPERTY LINES
- PROPERTY LINES
- EXISTING FENCE
- ROAD CENTERLINE
- EASEMENT LINE
- PROPOSED PROPERTY LINE
- PROPOSED BUILDABLE AREA

**PROJECT DESCRIPTION**

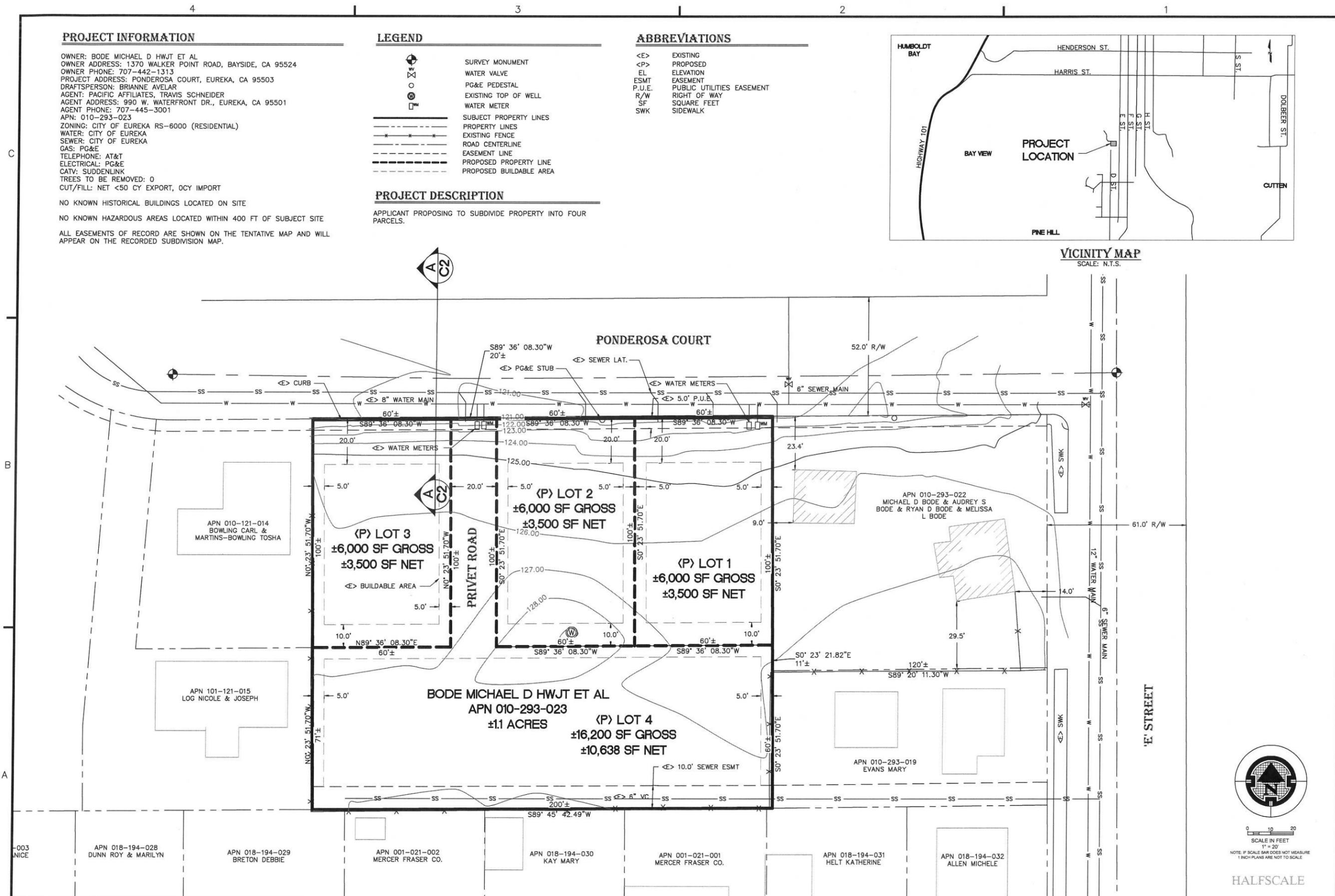
APPLICANT PROPOSING TO SUBDIVIDE PROPERTY INTO FOUR PARCELS.

**ABBREVIATIONS**

- <E> EXISTING
- <P> PROPOSED
- EL ELEVATION
- ESMT EASEMENT
- P.U.E. PUBLIC UTILITIES EASEMENT
- R/W RIGHT OF WAY
- SF SQUARE FEET
- SWK SIDEWALK



**VICINITY MAP**  
SCALE: N.T.S.



REVISIONS	BY

**PACIFIC AFFILIATES**  
 CONSULTING ENGINEERS  
 990 W. WATERFRONT DRIVE, EUREKA, CA 95501  
 TEL (707) 445-3001 FAX (707) 445-9003

REGISTERED PROFESSIONAL ENGINEER  
 TRAVIS L. SCHNEIDER  
 67383  
 EXP. 12-31-2020  
 STATE OF CALIFORNIA

**TENTATIVE MAP**

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**PONDEROSA SUBDIVISION**  
 PONDEROSA COURT  
 EUREKA, CA 95503  
 APN 010-293-023

Date: MARCH 18, 2019  
 Scale: AS NOTED  
 Drawn by: BA

SHEET NUMBER  
**C-1**

JOB NUMBER  
 19-2099

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SCALE IN FEET  
 1" = 20'  
 NOTE: IF SCALE BAR DOES NOT MEASURE 1 INCH PLANS ARE NOT TO SCALE

HALFSCALE



**SECTION A-A**  
SCALE: 1"=5'

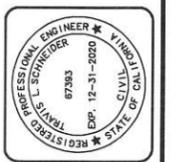
HALFSCALE

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REVISIONS	BY

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**DETAILS**

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**PONDEROSA SUBDIVISION**  
PONDEROSA COURT  
EUREKA, CA 95503  
APN 010-293-018

Date: MARCH 18, 2019  
Scale: AS NOTED  
Drawn by: BR

SHEET NUMBER  
**C-2**

JOB NUMBER  
19-2099