

Planning Commission Agenda Report

Meeting Date 08/03/23

Files: MOD 23-03, UP 21-03

DATE:	hulv	20	2023
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TO: PLANNING COMMISSION

FROM: Tina Wilson, Associate Planner (879-6807, tina.wilson@chicoca.gov)

RE: Modification 23-03 to Use Permit 21-03 (Achieve Charter School), 1494 East Avenue, APN 016-070-022

SUMMARY

The applicant proposes to modify a previously approved conditional use permit to remove the requirement for a concrete fence on the west side of the property, per neighbor request. The 4.7-acre project site is located on the north side of the existing Life Church campus, across the street from Pleasant Valley High School. No project issues have been identified. Planning staff recommends approval, subject to conditions, as revised per request.

Recommendation:

Planning staff recommends adoption of Resolution No. 23-06 (**Attachment A**), determining the project is categorically exempt from further environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 and approving Modification application 23-03 to Use Permit 21-03 (Achieve Charter School), subject to the recommended conditions.

Proposed Motion:

I move that the Planning Commission adopt Resolution 23-06, determining the project is categorically exempt from further environmental review pursuant to CEQA Section 15301 and approving Modification 23-03 to Use Permit 21-03 (Achieve Charter School), subject to the recommended conditions.

BACKGROUND

On May 19, 2022, the Planning Commission approved Use Permit 21-03, authorizing the establishment of Achieve Charter School as a permanent use, converting the temporary campus to a permanent campus serving grades K-8. The school has a maximum enrollment of 250 students.

On January 3, 2019, the Community Development Director issued Disaster Recovery Permit 18-02, which approved the installation of 25 temporary classrooms to accommodate a new campus for Achieve Charter School during the aftermath of the Camp Fire. The project site is located on the north side of East Avenue on the existing Life Church campus (see Location/Notification Map, **Attachment B**). In addition to the installation of the classroom modular units, the site included the development of playground, laboratory, restroom and administration buildings.

The site is designated Office Mixed Use on the General Plan Land Use diagram and is zoned OR-AOC (Office Residential with Aircraft Operations Zone C overlay). The project has been

determined to be categorically exempt from review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301 (Existing Facilities). The site is currently developed with the existing school facilities and existing Life Church campus. Surrounding land uses include Pleasant Valley High School to the south, CVS and single-family residences to the east, and single-family residences to the north and west.

DISCUSSION

Planning staff received a petition from neighbors of Achieve Charter School requesting to remove the condition for the concrete fence. The neighbors were concerned that trees would need to be cut down to accommodate the construction of the concrete fence. They preferred to have the trees and the associated shade and aesthetic value from the trees instead of the concrete fence. Subsequently, a Neighborhood Meeting was held on June 19, 2023, on site. Approximately 15 people attended the meeting, which included Casey Taylor, Executive Director of Achieve Charter School, Kevin Easterling, Architect, Tina Wilson, Associate Planner, and interested neighbors. No one expressed opposition to the removal of the condition of approval requiring the concrete fence. Attendees of the meeting expressed support for the project.

The modified recommended conditions of approval are included in **Attachment A, Exhibit I** and have been renumbered to reflect the changes noted herein. Planning staff recommends the following changes to the original conditions (italicized) for UP 21-03 (deletions noted by strike-through and additions noted by underlining) below:

 Use Permit 21-03 (Achieve Charter School) authorizes a public charter school with a maximum of 250 students, in substantial accordance with the "Plat to Accompany Use Permit 21-03 (Achieve Charter School)" included in the staff report dated May 4, 2022for <u>Modification 23-03 to Use Permit 21-03</u>, except as modified by any other condition of approval.

Condition No. 1 above has been modified for clarity.

- 2. The operator shall comply with all other State and local Code provisions, including those of the Building Division, Fire Department and the Department of Public Works. The operator is responsible for contacting these departments to verify the need for permits.
- 3. The facility is subject to architectural review and approval prior to issuance of building permits.
- 4. The applicant shall defend, indemnify, and hold harmless the City of Chico, its boards and commissions, officers and employees against and from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorney's fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to or claim regarding the legality, validity, processing or adequacy associated with: (i) this requested entitlement; (ii) the proceedings undertaken in connection with the adoption or approval of this entitlement; (iii) any subsequent approvals or permits relating to this entitlement; (iv) the processing of occupancy permits and (v) any amendments to the approvals for this entitlement. The City of Chico shall promptly notify the applicant of any

claim, action or proceeding which may be filed and shall cooperate fully in the defense, as provided for in Government code section 66474.9.

[Condition Nos. 5, 6, 7 and 8 below were added by the Planning Commission on 5/19/2022.]

- 5. Post a sign regarding no idling cars.
- 6. HVAC units will be on a schedule, locked, and coincide when school is in session. Lighting controls will be on a schedule, locked, and coincide when school is in session.
- 7. Lighting controls will be on a schedule, locked, and coincide when school is in session.
- 8. Installation of a "Precast Concrete Fence" that is six feet in height with 2 feet of permeable lattice, on the west side of the property to the most southerly neighbor's property line on Valhalla Place.

Condition No. 8 above has been deleted as it is the primary reason for this modification request. Removing this condition of approval will result in trees being saved that would have otherwise been removed to accommodate the footings for the concrete fence. In addition, the applicant has revised the landscape plan to include additional plantings to help screen the school from the residential neighborhood (see Site Plan, **Attachment C**, and Landscape Plan, **Attachment D**).

GENERAL PLAN CONSISTENCY

The following General Plan policies apply to the proposed modification to a previously approved use permit request:

Action LU-2.3.3 (Encourage Mixed-Use Development) – Allow horizontal and vertical mixed uses in the following land use designations:

- Residential Mixed Use
- Neighborhood Commercial
- Commercial Mixed Use
- Regional Commercial
- Office Mixed Use
- Industrial Office Mixed Use

Policy LU-4.2 (Infill Compatibility) - Support infill development, redevelopment, and rehabilitation projects that are compatible with surrounding properties and neighborhoods.

Action CIRC-2.2.4 (Safe Routes to Schools) – Work with the Chico Unified School District to identify, promote, and improve safe routes to schools.

Action N-2.1.1 (Noise Control Measures) - Limit noise exposure through the use of insulation, building design and orientation, staggered operating hours, and other techniques. Utilize physical barriers such as landscaped sound walls only when other solutions are unable to achieve the desired level of mitigation.

MUNICIPAL CODE CONFORMANCE

Pursuant to Chico Municipal Code Chapter 19.44, schools are allowed in the OR zoning district, subject to use permit approval. This use permit modification request has been processed in accordance with the requirements of Chapter 19.24 (*Use Permits*).

FINDINGS

Environmental Finding

The project has been determined to be categorically exempt under CMC Section 1.40.220 and pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities). Consistent with this exemption, the modification to the previously approved conditional use permit involves no expansion of an existing use.

Use Permit Findings

Following a public hearing, the Planning Commission may approve a use permit application, with or without conditions, only if all of the following findings can be made:

A. The proposed use is allowed within the subject-zoning district and complies with all of the applicable provisions of Chapter 19.24 (Use Permits).

Chico Municipal Code Chapter 19.44 allows public and private schools in the OR zoning district, subject to use permit approval. This use permit modification request has been processed in accordance with the requirements of Chapter 19.24 (*Use Permits*).

B. The proposed use would not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed use.

Removing the requirement for a concrete fence for the continued operation of a public charter school with up to 250 students at the existing Achieve Charter School and Life Church campus on East Avenue would not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood because the school use is compatible with the surrounding existing school, commercial, and residential uses in the area. The neighbors were concerned that trees would need to be cut down to accommodate the construction of the concrete fence. They preferred to have the trees and the associated shade and aesthetic value from the trees instead of the concrete fence. The school has operated successfully since 2019 with no major disruptions or disturbances to the neighborhood.

C. The proposed use will not be detrimental and/or injurious to property and improvements in the neighborhood of the proposed use, as well as the general welfare of the City.

Removing the requirement for a concrete fence for the previously approved establishment of a permanent school campus with a student enrollment of up to 250 students maximum will not be detrimental or injurious to property and improvements in the neighborhood, or the general welfare of the City because it will continue to implement the recommendations of the transportation analysis report by continuing to stagger pickup and drop-off times for the students. The proposed establishment of a permanent school campus is conditioned to comply with all applicable building and development standards. No other impacts to property or improvements outside of the project site have been identified.

D. The proposed use will be consistent with the policies, standards, and land use designations established by the General Plan.

The proposed modification to the previously approved conditional use permit is consistent with the General Plan policies that encourage mixed use development by allowing a church and school to operate on the same property at different times (Action LU-2.3.3). The use is further supported by General Plan Policy LU-4.2 since the school is compatible with the surrounding neighborhood. In addition, the coordinated effort and support by the Chico Unified School District is consistent with the General Plan Action CIRC-2.2.4. As demonstrated by the applicant's efforts to address noise concerns, the project is consistent with Action N-2.1.1.

E. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

Removing the requirement for the concrete fence at Achieve Charter School's permanent campus will continue to be compatible with surrounding development.

As supported by the Conditions of Approval (Exhibit I to **Attachment A**), and this staff report, the proposed modification to a previously approved conditional use permit conforms with the requirements of Title 19 of the Chico Municipal Code and would be consistent with the Chico General Plan.

PUBLIC CONTACT

A 10-day public hearing notice was mailed to all landowners and residents within 500 feet of the site, and a legal notice was published in the *Chico Enterprise Record*. As of the date of this report, no correspondence has been received in response to the public notice.

DISTRIBUTION:

PC Distribution Principal Planner Bruce Ambo Associate Planner Tina Wilson Files: MOD 23-03, UP 21-03

External

Russell, Gallaway, Associates Inc., Attn: Kevin Easterling, Email: <u>kevin@rgachico.com</u> Achieve Charter School, Attn: Casey Taylor, Email: <u>ctaylor@achievecharter.org</u> International Church of Foursquare Gospel, 1492 East Avenue, Chico, CA 95926

ATTACHMENTS:

- A. Planning Commission Resolution No. 23-06 Exhibit I Conditions of Approval for MOD 23-03 to UP 21-03
- B. Location/Notification Map
- C. Site Plan
- D. Landscape Plan

RESOLUTION NO. 23-06 RESOLUTION OF THE CITY OF CHICO PLANNING COMMISSION APPROVING MODIFICATION 23-03 TO USE PERMIT 21-03 (ACHIEVE CHARTER SCHOOL)

WHEREAS, an application has been submitted to modify a previously approved conditional use permit to remove the requirement for a concrete fence and update previous conditions of approval for Achieve Charter School located at 1494 East Avenue, identified as Assessor's Parcel No. 016-070-022 (the "Project"); and

WHEREAS, the site is designated Office Mixed Use on the General Plan Land Use Diagram and is zoned OR-AOC (Office Residential with Aircraft Operations Zone C overlay); and

WHEREAS, the Airport Land Use Commission found the Project compatible with the 2017 Butte County Airport Land Use Compatibility Plan for the Chico Municipal Airport at a noticed public hearing held on May 19, 2021; and

WHEREAS, the Planning Commission considered the Project, staff report, and comments submitted at a noticed public hearing held on August 3, 2023; and

WHEREAS, the Project has been determined to be categorically exempt pursuant to the Guidelines for the California Environmental Quality Act, 14 CCR Section 15301 (Existing Facilities) because the Project involves no expansion of an existing use.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF CHICO AS FOLLOWS:

1. With regard to the modification to the use permit the Planning Commission finds that:

A. The proposed use is allowed within the subject zoning district and complies with all of the applicable provisions of Chapter 19.24 (Use Permits) in that, pursuant to Chico Municipal Code (CMC) Sections 19.44, a public or private school may be allowed in the OR (Office Residential) zoning district, subject to use permit approval. This modification to the original use permit has been processed in accordance with CMC 19.24 (Use Permits); and

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B. Removing the requirement for a concrete fence for the continued operation of a public charter school with up to 250 students at the existing Achieve Charter School and Life Church campus on East Avenue would not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood because the school use is compatible with the surrounding existing school, commercial, and residential uses in the area. The neighbors were concerned that trees would need to be cut down to accommodate the construction of the concrete fence. They preferred to have the trees and the associated shade and aesthetic value from the trees instead of the concrete fence. The school has operated successfully since 2019 with no major disruptions or disturbances to the neighborhood; and

C. Removing the requirement for a concrete fence for the previously approved establishment of a permanent school campus with a student enrollment of up to 250 students maximum will not be detrimental or injurious to property and improvements in the neighborhood, or the general welfare of the City because it will continue to implement the recommendations of the transportation analysis report by continuing to stagger pickup and drop-off times for the students. The proposed establishment of a permanent school campus is conditioned to comply with all applicable building and development standards. No other impacts to property or improvements outside of the project site have been identified; and

D. The proposed modification to the previously approved conditional use permit is consistent with the General Plan policies that encourage mixed use development by allowing a church and school to operate on the same property at different times (Action LU-2.3.3). The use is further supported by General Plan Policy LU-4.2 since the school is compatible with the surrounding neighborhood. In addition, the coordinated effort and support by the Chico Unified School District is consistent with the General Plan Action CIRC-2.2.4. As demonstrated by the applicant's efforts to address noise concerns, the project is consistent with Action N-2.1.1; and

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1		E. Removing the requirement for the concrete fence at Achieve Charter School's
2		permanent campus will continue to be compatible with surrounding development.
3	1.	Based on all of the above, the Planning Commission hereby approves the Project, subject to
4		the conditions set forth in Exhibit I, attached hereto.
5	2.	The Planning Commission hereby specifies that the materials and documents which
6		constitute the record of proceedings upon which its decision is based are located at and under
7		the custody of the City of Chico Community Development Department.
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1	THE FOREGOING RESOLUTION	WAS ADOPTED at a meeting of the Planning			
2	Commission of the City of Chico held on August 3, 2023, by the following vote:				
3	AYES:				
4	NOES:				
5	ABSENT:				
6	ABSTAINED:				
7	DISQUALIFIED:				
8	ATTEST:	APPROVED AS TO FORM:			
9					
10					
11	BRUCE AMBO	Vincent C. Ewing, City Attorney*			
12	Planning Commission Secretary				
13					
14		*Pursuant to The Charter of			
15		the City of Chico, Section 906(E)			
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EXHIBIT "I" CONDITIONS OF APPROVAL FOR MODIFICATION 23-03 TO USE PERMIT 21-03 (Achieve Charter School)

- 1. Use Permit 21-03 (Achieve Charter School) authorizes a public charter school with a maximum of 250 students, in substantial accordance with the "Plat to Accompany Use Permit 21-03 (Achieve Charter School)" included in the staff report dated May 4, 2022, except as modified by any other condition of approval.
- 2. The operator shall comply with all other State and local Code provisions, including those of the Building Division, Fire Department and the Department of Public Works. The operator is responsible for contacting these departments to verify the need for permits.
- 3. The facility is subject to architectural review and approval prior to issuance of building permits.
- 4. The applicant shall defend, indemnify, and hold harmless the City of Chico, its boards and commissions, officers and employees against and from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorney's fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to or claim regarding the legality, validity, processing or adequacy associated with: (i) this requested entitlement; (ii) the proceedings undertaken in connection with the adoption or approval of this entitlement; (iii) any subsequent approvals or permits relating to this entitlement; (iv) the processing of occupancy permits and (v) any amendments to the approvals for this entitlement. The City of Chico shall promptly notify the applicant of any claim, action or proceeding which may be filed and shall cooperate fully in the defense, as provided for in Government code section 66474.9.

[Condition Nos. 5, 6 and 7 below were added by the Planning Commission on 5/19/2022.]

- 5. Post a sign regarding no idling cars.
- 6. HVAC units will be on a schedule, locked, and coincide when school is in session.
- 7. Lighting controls will be on a schedule, locked, and coincide when school is in session.





ACCESSIBLE SITE CIRCULATION ROUTE SHALL COMPLY WITH CIRCULATION ROUTE NOTES ACCESSIBLE SITE CIRCULATION OF ESTABLE CONFICT WITH THE USE OF AERIALS TE MAGERY AND NOT FIELD SURVEY DATA. REFER TO CIVIL DWGS FOR EXACT LOCATIONS AND PLACEMENTS. EXISTING BULDING ALLOWABLE AREA NON-COMPLIANT. NO MODIFICATIONS PROPOSED TO EXISTING CHURCH OR SHED. SEE GG/A0.2p FOR ALLOWABLE AREA ANALYSIS (FOR REFERENCE ONLY).

PATH OF TRAVEL NOTES: ACCESSIBLE "PATH OF TRAVEL" (P.O.T.), AS INDICATED, IS A COMMON BARRIER FREE ACCESS ROUTE WITHOUT ANY ABRUPT VERTICAL CHANGES EXCEEDING 1/2" BEVELED AT 12 MAXIMUM SLOPE, EXCEPT THAT LEVEL CHANGES DO NOT EXCED 1/4" VERTICAL AND IS AT LEAST 46" WIDE. THE PATH SURFACE IS SLIP RESISTANT, STABLE, FIRM AND SMOOTH. PASSING SPACES (IIB-403.5.3) AT LEAST 60" X 60" APART. THE CROSS-SLOPE DOES NOT EXCEED 1/4" WIDE. THE DATH SURFACE IS SLIP NOT MORE THAN 200" APART. THE CROSS-SLOPE DOES NOT EXCEED 2% AND SLOPE IN THE DIRECTION OF TRAVEL AND IS LESS THAN 5% UNLESS OTHERWISE INDICATED. (P.O.T.) SHALL BE MAINTAINED FREE OF OVERHANGING OBSTRUCTIONS TO 80" MINIMUM (IIB-307.4) AND PROTRUDING OBJECTS GREATER THAN 4" DOP DECIDING EDOM WAIL 4 AND ABOVE 27" AND LESS THAN 67% CIDING OBJECTS GREATER THAN 4" PROJECTION FROM WALL AND ABOVE 27" AND LESS THAN 80" (11B-307.2).

EXISTING ASPHALT PAVING

EXISTING CONCRETE

FUTURE CONCRETE PAVING

EXISTING AGGREGATE BASE

EXISTING ARTIFICIAL TURF

EXISTING ADJACENT BUILDING

EXISTING LANDSCAPING

ASSUMED FIRE SEPARATION DISTANCE LINE PER CBC 503.1.2, 705.3, & TABLE 602 REQUIRED ZONING SETBACK

EXISTING PROPERTY LINE

ACCESSIBLE PATH OF TRAVEL - SEE PATH OF TRAVEL NOTES

EXISTING PORTABLE UNIT

ORIGINAL LOCATION OF RELOCATED PORTABLE

RELOCATED PORTABLE UNIT

	42 SF GRC 10% OF VE		2,893SF		69 SPACES 7 BICYCLE SPACES
PER	JUNIOR HI EMPLOYEI CLASSROO	E	22 EMPLOYEES 17 CLASSROOMS		
R	4 STUDEN	TS	250 STUDENTS	=	63 BICYCLE SPACES
QUIRE	D	69 VEHICL 7 BICYCLE			
QUIRE	D	39 VEHICL <u>63 BICYCL</u> 108 VEHIC 70 BICYCL	E SPACES LE SPACES		
2					

133 SPACES 0 SPACES 60 SPACES - SEE LANDSCAPE DWGS

ACCUMULATED OCCUPANT LOAD

INDIVIDUAL OCCUPANT LOAD

CHURCH OCCUPANCY AND EGRESS UNCHANGED

PER CRC 1004 5 EXCEPTION WHERE APPROVED BY THE BUILDING OFFICIAL. THE ACTUAL NUMBER OF PER GELIDUAS EXCEPTION, WHERE APPROVED BY THE BUILDING OFFICIAL. THE ACTUAL NUMBER OF OCCUPANTS FOR WHOM EACH OCCUPIED SPACE, FLOOR OR BUILDING IS DESIGNED, ALTHOUGH LESS THAN THOSE DETERMINED BY CALCULATION, SHALL BE PERMITTED TO BE USED IN THE DETERMINATION OF THE DESIGN OCCUPANT LOAD. THE USE PERMIT 21-03 STATES THE PUBLIC CHARTER SCHOOL TO BE A

KEYNOTES

NO IDLING SIGN - SEE DETAIL KK/A0.3p EXISTING MODULAR CLASSROOM TO BE REMOVED AND RELCATED TO NEW LOCATION. SEE ELECTRICAL DWGS





Attachment C



CONTAINER SIZE	WATER USE	QUANTITY	REMARKS
15 GAL	LOW	4	SEE DETAIL 1 & 2/ L-2.1
15 GAL	LOW	13	SEE DETAIL 1 & 2/ L-2.1. CITY OF CHICO PLAN CHECK COMMENT- SUBSTITUTION IS NOT ALLOWED. AVAILABLE FROM BOETHING, LODI: (818) 316-2000
15 GAL	LOW	7	SEE DETAIL 1 & 2/ L-2.1
15 GAL	LOW	3	SEE DETAIL 1 & 2/ L-2.1

	SIZE	SIZE	QUANTITY	
	5 GAL.	LOW	7	SEE DETAIL 3/ L-2.1
	5 GAL.	LOW	41	SEE DETAIL 3/ L-2.1
	5 GAL.	LOW	15	SEE DETAIL 3/ L-2.1
	5 GAL.	LOW	71	SEE DETAIL 3/ L-2.1
	5 GAL	LOW	85	SEE DETAIL 3/ L-2.1
E'	1 GAL.	LOW	18	SEE DETAIL 3/ L-2.1
	5 GAL.	LOW	3	SEE DETAIL 3/ L-2.1
RL	1 GAL.	LOW	8	SEE DETAIL 3/ L-2.1
	1 GAL.	LOW	82	PLANT @ 3'-0" O.C SEE DETAIL 3/ L-2.1
	1 GAL	LOW	6	SEE DETAIL 4/ L-2.1

2. PLANT QUANTITIES ARE FOR CONVENIENCE OF THE CONTRACTOR. CONTRACTOR TO CONFIRM EXACT

PLANT MATERIALS SHALL BE BID ON THE BASIS OF SPECIES AND CONTAINER SIZE, NOT ON CONTAINER SIZE

WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO) SOILS

BRIAN FIRTH LANDSCAPE
ARCHITECT, INC. 627 BROADWAY, SUITE 220, CHICO, CALIFORNIA 95928
PHONE: (530) 899-1130
www.BFLAdesign.com www.facebook.com/BFLAdesign
LICENSE
AND LANDSCAPE AREA
E Face
BUP, 06-23
OF CALLEON
PROJECT ARCHITECT:
RUSSELL GALLAWAY ASSOCIATES INC.
115 MEYERS ST #110
CHICO, CA 95928 PHONE: 530.342.0302
1110112.000.012.0002
OWNER AND APPLICANT DEVELOPER:
Aliana
CHARTER SCHOOL
ACHIEVE CHARTER SCHOOL
OF PARADISE, INC. 1494 EAST AVENUE
CHICO, CA 95926
PROJECT
ACHIEVE CHARTER SCHOOL
OF PARADISE, INC.
1494 EAST AVENUE CHICO, CA 95926
SHEET TITLE
LANDSCAPE
PLANTING PLAN
DATES NO. DESCRIPTION DATE
PRELIMINARY 11-24-20 REVISIONS 12-9-20 REVISIONS 2-12-21
REVISIONS 5-13-21 90% CD SET 7-18-22
CD RESUBMITTAL 11-7-22
Plot Date: July 07, 2023 - 11:17 am
PROJECT NUMBERS
BFLA PROJECT #: 2231 RGA PROJECT #: 20 725
SHEET NUMBER
L-2.0
Attachment