

RESOLUTION NO. R2023-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A DESIGN REVIEW PERMIT AND TENTATIVE SUBDIVISION MAP FOR THE REDWOOD ROAD SUBDIVISION, A SUBDIVISION OF A 1.56-ACRE PROPERTY INTO 6 SINGLE-FAMILY LOTS AT 2550, 2552 & 2554 REDWOOD ROAD AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, on November 14, 2022, Montair Associates (the “Applicant”), submitted an application (File No. PL22-0128) for a Design Review Permit pursuant to Napa Municipal Code (“NMC”) Chapter 17.62 (“Design Review Permit”) for the design of a Tentative Subdivision Map and the design of the new single family homes, and a Tentative Subdivision Map pursuant to NMC Chapter 16.20 (“Tentative Subdivision Map”) to subdivide one 1.59-acre property into six single-family lots at 2550, 2552 & 2554 Redwood Road (APN: 007-261-003) (“Site”) (collectively, the “Project”); and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 20, 2023 on the Design Review Permit and Tentative Subdivision Map, and has recommended approval of the subject application; and

WHEREAS, the City Council has considered all information related to the Design Review Permit and Tentative Subdivision Map Applications, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa as follows:

Section 1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establishes the factual basis for the City Council’s adoption of this Resolution.

Section 2. The City Council hereby determines that the Project is exempt from the requirements of CEQA pursuant to Section 15332 of the CEQA Guidelines (Categorical Exemptions; Class 32), which exempts in-fill development projects which are consistent with the General Plan designation, occur within the city limits on a site smaller than (5) acres, have no value as habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air, or water quality, and can be adequately served by all required utilities and public services. The City Council also determines that the exceptions to categorical exemptions identified in Section 15300.2 of the CEQA Guidelines are inapplicable because the land is in an urbanized area with no environmentally sensitive habitats or species of concern on the Site, there has been no

successive effort to intensify land uses in the area, and no unusual circumstances exist that would pose a reasonable possibility of having a significant effect on the environment. Based on this analysis, no significant environmental effects would result from the Project and the exemption is appropriate.

Section 3. The City Council hereby approves the Design Review Permit for the Project house plans and the design of the Tentative Subdivision Map as defined on the application plans prepared by WHA Architects Inc. dated December 13, 2022 and the Tentative Subdivision Map as defined on the application plans prepared by APEX Civil Engineering & Land Surveying, dated February 27, 2023 (collectively, "Application Plans") and submitted as a part of the subject application and makes the following findings in support of the approval:

- A. *The proposed use is in accord with the General Plan and any applicable Specific Plan design policies.*

The proposed subdivision, improvements, and single-family residential use are consistent with the Low Density Residential General Plan designation which allows for single family development with a density range of 3 to 8 units per acre, resulting in 4 units minimum to 12 units maximum for the Site. The Project proposes 6 units which is at the mid-range of the permitted density range. There are no applicable specific plan design guidelines applicable to this Project.

- B. *The project design is consistent with applicable Design Review guidelines adopted by the City Council.*

The proposed subdivision design, site layout and architecture are consistent with the goals, policies and recommendations outlined in the Residential Design Guidelines. A mix of coherent forms, details and materials are proposed to create residential units which complement the existing neighborhood.

- C. *The Design Review Permit is in accord with the applicable provisions of Title 17 of the NMC and will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.*

The Design Review permit is consistent with NMC Title 17 (Zoning Ordinance) as conditioned. The proposed Project has been found to be consistent with all applicable development standards of the RS-7 (Single-Family Residential) zoning of the Site. All lots comply with the minimum lot size, coverage and setbacks of the zoning district. As such, with implementation of the conditions of approval set forth herein, the proposed Project would not result in any significant impacts. The design of the proposed subdivision and single-family homes does not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

Section 4. The City Council hereby approves the Tentative Subdivision Map prepared by APEX Civil Engineering & Land Surveying, dated February 27, 2023 and

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submitted as a part of the subject application and makes the following findings in support of the approval:

- A. *The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable specific plan.*

The proposed subdivision, improvements and single-family use of the Site are consistent with the Low Density Residential General Plan designation which allows for single family development with a density range of 3 to 8 units per acre, resulting in 4 units minimum to 12 units maximum for the Site. The Project proposes 6 units which is at the mid-range of the permitted density range. The Project is also consistent with the following General Plan policies:

Housing Element Policy H1.1 encourages the efficient use of land, and Housing Element Policy H1.4 encourages approval of well-designed projects in the mid- to high-range of the General Plan density.

The proposed 6-lot infill development project has been designed to achieve a density that is at the mid-point of the density range for the Site. The achieved density makes the most efficient use of the Site, consistent with Policies LU-4.5:

Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood.

The single-family lots range in size from 7,253, - 10,927 square feet and are compatible in size with those in the adjacent neighborhood. The proposed single-family houses would be one and two-story, similar to the properties in the surrounding neighborhoods. They would reflect a contemporary interpretation of traditional building styles that have similarities to the architecture of the existing neighborhood and are compatible with existing residences in the area consistent with this policy. The proposed single-family use, lot sizes, and density are consistent with the pattern of single-family development in the area.

- B. *The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the Council.*

Passive heating and cooling opportunities have been provided to the maximum extent practical as the buildings incorporate operable doors and windows on the east and west elevations and the buildings, the lot sizes and configuration allow for passive heating and cooling opportunities by providing very generous setbacks to allow tree planting and are designed in an east-west alignment to allow for southern exposure.

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Section 5. The City Council hereby approves the removal of one (1) Coast Live Oak tree that is classified as a Protected Native Tree pursuant to NMC Chapter 12.45 and makes the following finding in NMC Section 12.45.090(B)(2)(d) in support thereof:

- A. The project has minimized tree loss to the extent possible when balanced with General Plan land uses and policies and applicable design guidelines. The project has been conditioned to either provide replacement trees or payment of the in lieu fee per NMC Chapter 12.45.

Section 6. The City Council's approval of the Design Review Permit and Tentative Subdivision Map is subject to the following conditions:

### COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

1. This Tentative Subdivision Map and Design Review Permit authorizes a six (6) lot subdivision, with three (2) single-story single-family residential units and three (3) two story residential units, the extension of Ruston Lane and front yard and street landscaping on the Site and the removal of one (1) Coast Live Oak tree that is classified as a Protected Native Tree as defined on the application plans prepared by WHA Architects Inc. for the home plans, RW Stover & Associates Inc. for the landscape plans and Apex Civil Engineering & Land Surveying for the Tentative Subdivision Map, date stamped received January 23, 2023, and representations submitted with the application and as reviewed and approved by the Planning Commission, and as amended by these conditions of approval.
2. Building Permits for each lot shall provide stubs from the rear of the main residence capable of providing for future utility connections (sub-feeds) for each ADU pad. Utilities include, water, sewer, and electric and will be reviewed and approved by the Planning Manager, prior to issuance of building permits.
3. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements and conditions of the Design Review Permit and Tentative Subdivision Map.
4. Any modifications to the approved home elevations shall require a subsequent Design Review Permit approval by the Planning Commission and City Council.
5. All Project conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of Building Permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
6. All mechanical and utility equipment, including transformers and backflow devices, shall be screened and/or integrated into a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality

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reviewed as part of this approval. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy for the Project.

7. The plans submitted for Building Permits for the single-family residences shall include side and rear building elevations that provide the same level of architectural detail found on the front elevation. The exterior treatment of each building elevation shall be consistent in form and materials and provide an overall coherent design for the entire building.
8. Prior to issuance of a demolition or grading permit for the existing structures, the Applicant shall submit a rodent and pest control plan for review and approval by the Planning Manager that includes measures that reduce the potential for rodents and pests displaced by the grading and construction at the Site from relocating to homes in the adjacent neighborhood.
9. All exterior lighting on the Site shall be properly shielded and directed downward to preclude glare conditions that might impact nearby residential uses.
10. The plans submitted for improvement plan review shall include a final landscape plan.
11. The Applicant shall obtain a Building Permit from the Building Division prior to construction of any improvements.
12. Prior to issuance of a Building Permit, the Applicant shall pay all applicable fees for the Project at the rates in effect at the time of payment, including but not limited to the Affordable Housing Impact Fee.
13. If any archeological materials or objects are unearthed during project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. Applicant shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.
14. Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.
15. The plans submitted for the building permit shall include a final landscape and irrigation plan designed and signed by a licensed landscape architect or landscape contractor. The final landscape plans shall specify that: (1) all plant materials be certified by the Napa County Agricultural Commissioner inspection program for freedom from the glassy winged sharpshooter or other pests identified by the Agricultural Commissioner, and (2) the Agricultural Commissioner's Office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County so that inspection can be arranged. No improvement plans shall be approved nor building permit issued until the Planning Division approves the landscape and irrigation plan. Prior to occupancy, the licensed professional who

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signed the final landscape and irrigation plan shall certify in writing to the Planning Manager that he/she has inspected and approved the installation of landscaping and irrigation and has found them to be consistent with the approved plans including, but not limited to, the certifications and inspections by the Agricultural Commissioner as well as that the systems are in working order. A substitution of an alternate licensed professional may be allowed by the Planning Manager upon a showing of good cause.

16. All Landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.
17. A Final Fencing Plan for the Project shall be reviewed and approved by the Planning Manager prior to recordation of the Final Map or issuance of a building permit, whichever comes first. This plan shall include fencing between the Site and adjacent neighbor properties as well as the parcel across the Ruston Lane extension (2548 Redwood Road; APN:007-261-013). At the discretion of the neighboring property owners, the Applicant shall construct a new fence between the Site and the neighboring property. Should the neighboring property owner choose not to allow the Applicant to reconstruct the fence at their property line, the Applicant may construct a new fence beyond the existing neighbors fence on the Project side.
18. The Applicant shall construct fencing along the north and west property lines. The design of the fence shall be reviewed and approved by the Planning Manager prior to construction. The Applicant shall offer the adjacent homeowners the option of installation of a six-foot solid fence with two feet of lattice.
19. All proposed and required fencing shall be installed in compliance with the approved landscape and fencing plan prior to the issuance of a Certificate of Occupancy for the corresponding unit.
20. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The Ordinance further states that there will be: no start-up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.
21. The Project includes the removal of one (1) tree that is classified as a Protected Native Trees (NMC 12.45.020) being a Coast Live Oak with two trunks measuring 20 and 15 inches. Per the Napa Municipal Code, the removal of protected trees may be approved with the requirement that the Applicant replace the trees in one of three ways: 1) for each six inches or fraction thereof of the protected native tree's diameter, two trees of the same species with a minimum 15 gallon container shall be planted on the project site; 2) for each protected tree removed, replant three (3)

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replacement trees of the same species 15 gallon size or larger on the project site; or 3) if the project site is inadequate to accommodate replacement trees on site, pay an in-lieu fee of \$300.00 per tree for planting a tree on public land. Per City requirements, the Applicant is responsible for planting 3 replacement trees on the site or providing the trees in the form of an in-lieu fee of \$900.00. The Applicant shall include the replacement trees on the final landscape plan or pay the applicable tree mitigation fees prior to the issuance of grading permits.

22. The Applicant shall prepare a Tree Protection Plan per the arborist recommendations within the “Atlas Tree Service, Inc.” report, dated September 13, 2022. The Protection Plan is to be approved by the Community Development Director prior to the issuance of grading permits.

### FIRE DEPARTMENT – FIRE PREVENTION DIVISION

23. New buildings and additions to existing buildings shall conform to requirements set forth in NMC Chapter 15.04.

### PUBLIC WORKS DEPARTMENT

24. Approval of this Project shall be subject to the requirements of (and all improvements shall be constructed in accordance with) the Napa Municipal Code (NMC), the City of Napa (CON) Standard Specifications and Standard Plans (dated January 2022) (CON Standard Specs), including any supplemental updates thereto, the City’s “Post-Construction Storm Water Pollution Prevention Design Standards” and the “BASMAA Post-Construction Manual prepared by the Bay Area Stormwater Management Agencies Associated Phase II Committee, dated July 14, 2014” (BASMAA Manual).
25. The Final Map (FM) and Improvement Plans (IP) shall be prepared in accordance with (and submittals shall be accompanied by) the “Initial Submittal Checklist”, the “Improvement Plan Checklist”, and the “Subdivision Map Checklist”. The checklists are available on the City of Napa Website ([www.cityofnapa.org](http://www.cityofnapa.org)) under the Public Works Department Development Engineering Division Forms and Handouts menu.
26. The Applicant shall pay a \$5,000 initial cash deposit and shall maintain a minimum monthly balance of \$1,500 for city plan check services.
27. The Applicant shall design and construct all on and offsite improvements in accordance with the IP and supporting calculations that are prepared by a registered civil engineer and reviewed and approved by the City of Napa Public Works Department (PW) Development Engineering Division. The IP shall be prepared in substantial conformance with the Tentative Subdivision Map plans prepared by Apex dated February 27, 2023, as modified herein by these Conditions of Approval. The IP and supporting calculations shall include detailed designs for all utilities, grading, drainage, erosion control, stormwater, and paving.

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The plans and calculations must be approved by the City Engineer prior to the issuance of the building permit.

28. IMPROVEMENT PLANS (PUBLIC) – The following items shall be shown on the Improvement Plans prior to approval of the plans:
- a. The Applicant shall design and construct a roadway extension of Ruston Lane (a public road) from its existing northerly terminus to connect with Redwood Road. The Ruston Lane roadway extension shall be consistent with a future roadway right-of-way of 56-feet and shall include a 28-foot roadway pavement width and 10-foot sidewalk section (on the west side of the roadway) consistent with the standard residential sidewalk section per CON Standard S-4. The area east of the new roadway edge of pavement up to the existing eastern property line shall be a minimum of 6" compacted base. The Ruston Lane roadway extension shall include appropriate tapers and conforms to Redwood Road and the existing section of Ruston Lane. Improvements along the extension shall include drainage facilities, street lighting, street trees, ADA curb ramps, signage and striping. Final alignment of street improvements and conforms to Redwood Road and the existing section of Ruston Lane shall be subject to review and approval by the Public Works Director. Any right-of-way necessary to complete these improvements shall be dedicated to the City of Napa on the Final Map.
  - b. The Applicant shall design and construct frontage improvements (curb, gutter, sidewalk, streetlights, street trees signage, etc.) along the project's Redwood Road frontage consistent with the standard residential sidewalk section per CON Standard S-4. Any right-of-way necessary to complete these improvements shall be dedicated to the City of Napa on the Final Map.
  - c. The new sidewalk shall transition to existing improvements along Ruston Lane, or at the discretion of the City Engineer or their representative.
  - d. The Applicant shall design and construct the Project driveways consistent with CON Standards S-5 for a residential driveway approach.
  - e. To maintain adequate sight visibility at public street access points and street corners, the Applicant shall comply with City of Napa Public Works Standard Specification Drawing S-25. The sight distance and visibility triangle lines shall be shown on the grading and drainage plans. The visibility height limits are measured from the top of curb of the fronting street to the top elevation of the obstruction.
  - f. The IP shall include a Utility Plan showing all the existing and proposed utilities, including overhead and underground utilities.
  - g. The IP shall include a Public Street Repair Plan (showing the repair details and limits of repair) for all improvement installations that will result in the cutting, demolition, destruction, etc. of any existing improvements within the public right-of-way, including but not limited to, the installation of curb, gutter, sidewalk, and utilities (water, sewer, storm drain, electrical, cable TV, telephone, etc.). This plan

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shall be updated during the construction process as necessary to reflect any unanticipated street repairs. Associated with said plan are the following requirements:

- (i.) Applicant shall comply with Section 3.01.07 Pavement Restoration Limits and Table 3.3 Pavement Restoration Limits to determine the limits of street repair to be shown on said repair plan.
  - (ii.) Any unanticipated street cuts or other street repair items that become evident following IP approval shall be included by way of revisions to the Street Repair Plan.
- h. For trenching within existing roadway areas, the Applicant's engineer shall pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utility systems throughout the proposed area of work and at all utility connection points. The Applicant shall provide all the pothole information and the design of all new utility installations required to serve the Project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties with the first improvement plan submittal.
  - i. The Applicant shall underground all new utilities (public and private) to serve the Project from the existing point of connection to the Project. The Applicant is responsible for all coordination with utility companies and the design of all utility service installations that are required to serve the Project, including utility layout, design and costs associated with any necessary facilities upgrades, revisions, relocations and/or extensions. The Applicant shall relocate or underground any overhead utilities that conflict with the new improvements.
29. IMPROVEMENT PLANS (PRIVATE) - The Applicant shall design and construct all improvements that will not be dedicated to and/or maintained by the City of Napa (i.e. the "Private Improvements") as generally shown on the Tentative Map and more specifically described below:
- a. Refer to Table 3.1, "Street Design Criteria," of the City of Napa Standard Specifications for minimal structural sections and the project's geotechnical reports recommendations, whichever is larger.
  - b. All service laterals (domestic, irrigation, and fire water).
  - c. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances in accordance with City Public Works Standards.
  - d. Install all post-construction stormwater treatment facilities consistent with the standards in the city's NPDES permit and in accordance with the post construction storm water management requirements established by the city, including but not limited to, the BASMAA Manual.

30. GRADING AND DRAINAGE - The following items related to grading and drainage shall be shown on the IP prior to approval of the plans:
- a. The Applicant shall submit storm drain system design report with calculations that are prepared by a registered civil engineer for review and approval by the Development Engineering Division. Storm drain system design flows shall be calculated based on the requirements listed in the City of Napa Public Works Department Standard Specifications and Standard Plans. The calculations shall include a drainage basin map showing basin limits and area in acres, hydrology, and system hydraulic calculations, pipe size calculations, inlet capacity calculations, stormwater quality treatment and other information necessary to support the proposed design. Storm drains will be sized to carry the flows generated by the design storm per City of Napa Standards. The storm drain system design calculations shall show that the pipes have a self-cleaning minimum velocity of three feet (3') per second when flowing half full.
  - b. Low Impact Development (LID), Bio-retention areas, underground treatment systems, and all other treatment based BMP systems are to be sized in accordance with calculations that conform to the BASMAA Manual and the State MS4 General Permit E.12 provisions and are to be reviewed and approved by the Development Engineering Division.
  - c. All existing storm drains, drainage inlets, storm drain manholes, etc., shall be shown in the plans along with all the relevant information describing each item such as inverts, sizes, slopes, etc.
  - d. Lot grading and drainage system improvements shall be installed by the Applicant as part of the subdivision improvements. Constructed lot pad elevations shall not deviate more than 0.5 feet from the pad elevations shown on the Tentative Subdivision Map.
  - e. The grading plans provided by the Applicant for review shall include the existing topography shown with contour lines labeled at one-foot intervals and extending a minimum of 100-feet beyond the limits of the site, or a sufficient distance to indicate impacts on adjacent properties.
  - f. Detention improvements shall be incorporated into the Project storm drain system design as determined by the requirements in the chart titled, "Detention Requirements," within Section 2.10, "Detention," of the City of Napa Standard Specifications and Standard Plans.
  - g. The grading and drainage plan shall include a design that allows for a 100-year overland release with all finish floor and garage slab elevations a minimum of one foot above the 100-year overland release elevation.
  - h. Any retaining walls which are greater than one foot in height, which are adjacent to a property line, shall be masonry or concrete. Wood retaining walls shall not be installed adjacent to property lines.

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- i. All new parcels to be graded shall drain independently from adjoining parcels. If surface drainage is currently passing from adjoining properties onto the Site, the grading plan for the Project shall be designed to continue to accept such drainage and easements shall be established to allow such drainage patterns to continue. All surface drainage must be collected and conveyed to a public street, storm drain or approved outfall.
  - j. The roof drainage and downspouts from each property shall not be allowed to discharge onto the adjacent properties.
  - k. Applicant to follow and comply with City of Napa Municipal Code Chapter 8.36 Stormwater Quality Ordinance.
31. Construction Water Quality Measures – In accordance with the NPDES Construction General Permit, the property owner shall insure that the Applicant and the contractor incorporate storm water quality Best Management Practices (BMPs) into the project construction process.
- (i.) **Project > 1 acre of disturbance:** Provide a State Stormwater Pollution Prevention Plan (project disturbance >1 acre), as required per the States Construction General Permit. A copy of the Stormwater Pollution Prevention Plans (SWPPP) along with Waste Discharge Identification Number (WDID) will need to be provided to the Public Works – Stormwater Program prior to grading permits.  
[http://www.swrcb.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml)
  - (ii.) The construction BMPs shall be shown on the project Erosion and Sediment Control Plan.
  - (iii.) The project property owner shall insure that the contractor manages all construction activities; and handles, stores and disposes of all hazardous and non-hazardous waste in a manner that eliminates or minimizes (to the maximum extent practicable) the discharge of pollutants (e.g. motor oil, fuels, paints/stains and solvents, asphalt products, concrete, herbicides and pesticides, etc.) to the storm drains, ground water, and/or waterways.
  - (iv.) The project property owner shall insure that the contractor incorporates spill prevention and cleanup measures into the construction operation. All discarded materials shall be removed from the site and disposed of at an approved disposal facility.
  - (v.) The project property owner shall pay all cleanup, testing, disposal and City administrative costs associated with the discharge of pollutants into the storm drains and/or waterways as a result of the project construction activity.
32. Post Construction Water Quality Measures – In accordance with the City of Napa, (CON) “BASMAA Manual the Applicant shall incorporate post Development

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measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the project design to mitigate project impacts to water quality. <http://ca-napa.civicplus.com/574/Stormwater-Quality> Under "Documents". The Applicant shall also incorporate and comply with the BASMAA Manual for the following:

- a. The post-construction BMPs shall be shown on the project improvement plans and in the required Storm Water Control Plan (SCP).
  - b. The Applicant shall prepare and submit a SCP and an Erosion and Sediment Control Plan.
  - c. The Landscape plans shall be submitted to the Development Engineering Division (DED) with the submittal of the IP. Landscape Plans shall illustrate all LID post construction measures and include the required plant species as specified in the BASMAA Post-Construction Manual.
  - d. The post construction BMP measures shall be installed by the Applicant and designed and sized by a registered civil engineer in accordance with the City's adopted BASMAA Post-Construction Manual and an accepted design method such as that which is outlined in the "California Storm Water Quality Association BMP (CASQA-BMP) Handbook". The design and calculations are to be reviewed and approved by the Development Engineering Division.
  - e. The project post-construction BMPs shall include but not be limited to the applicable items listed in the City Council adopted Stormwater Quality Control Standards, BASMAA Post-Construction Manual and accepted design review Stormwater Control Plan prepared by RSA+ dated May-10-2022.
33. The Applicant shall install full trash capture device(s) in accordance with the State Water Boards Trash Provisions Water Code section 13383. Full trash capture systems shall be designed to:
- a. Trap all particles 5mm or greater
  - b. Be sized to treat the 1-year, 1-hour storm event
  - c. Device(s) shall be chosen from State Water Board list of certified devices.
  - d. Device(s) shall be maintained at a frequency that ensures captured trash does not reduce device efficiency or create flooding, a minimum of once annually.
34. The Applicant shall enter into a long term maintenance agreement with the City of Napa approved both as to form and substance by the City Attorney and City Engineer for long term maintenance, financing and monitoring for the post construction storm water best management practices that are incorporated as part of the project and as called out in the Approved Stormwater Control Plan. The agreement shall comply with the following requirements:

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- a. The agreement shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight.
  - b. The agreement shall be recorded prior to approval of the IP. The agreement must provide for the perpetual maintenance and replacement of the improvement as well as appropriate provisions relating to enforcement options, the right of the City to access the property to perform work, the right of the City to recover its costs, indemnification and enforcement provisions, as well as any other provisions deemed necessary or convenient to accomplish the City's objectives. The City of Napa shall either be a signatory to the agreement or a third-party beneficiary to the agreement with the right but not the obligation to enforce the obligation and secure attorney's fees for legal counsel to enforce such obligations.
  - c. Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.
  - d. Appropriate easements or other arrangements satisfactory to the City Engineer and City Attorney necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to improvement plan approval.
  - e. All development projects must be planned, designed and constructed consistent with the post construction standards in the city's NPDES permit and in accordance with the post construction storm water management requirements established by the city, including but not limited to, the current version of the Bay Area Stormwater Management Agencies Association Post-Construction Manual or an updated version of that manual or other post-construction storm water management standards as adopted by Council resolution.
  - f. The owner of the real property shall provide a written document, deed, agreement or similar writing acceptable to the Director obligating the project proponent, their successors in control of the project and successors in fee title to the underlying real property (or premises), to assume responsibility for the operation and maintenance of all installed treatment systems and hydromodification controls, if any, for the project.
  - g. The owner or operator of any installed treatment system or hydromodification control shall provide the Director with information and physical access necessary to assess compliance with NMC Chapter 8.36, with the city's NPDES permit, and with any writing establishing operation and maintenance responsibilities and shall pay the city an annual fee for inspection and maintenance services in accordance with the latest Master Fee Schedule adopted by the City Council.
35. MISCELLANEOUS - The following items shall be shown on the IP prior to approval of the improvement plans:

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- a. The Applicant shall connect the project to the Napa Sanitation District for sanitary sewer service. Sewer services shall be shown on the IP and shall be installed in accordance with Napa Sanitation District standards and reviewed and approved by the Napa Sanitation District.
  - b. As designed and shown on the plans, the project impacts several adjacent properties. The Applicant shall provide details for each property describing how their existing improvements (fences, retaining walls, concrete curb, concrete gutter, DIs, etc.) are going to be impacted and how those impacts are mitigated. Existing private improvements (retaining walls, concrete curbs, concrete gutter, etc.) shall be removed unless proof is submitted with the IP submittals showing the improvements need to remain for structural reasons. If the Applicant is not successful obtaining rights of entry and/or easements from the neighboring property owner(s), the Applicant may construct the fences on the Applicant's property. Details showing fencing shall be incorporated in the IP.
36. PRIOR TO APPROVAL OF IP - The Applicant shall submit documentation to the Public Works Development Engineering Division for review and approval that indicates that the following items have been addressed:
- a. The Applicant shall pay off all current account balances based on the rate in effect at the time of the permit issuance.
  - b. The Applicant shall pay a deposit for inspection fees for Public Improvements.
  - c. Any work performed on neighboring properties shall be done in accordance with temporary construction easements from the impacted neighbor(s). The Applicant shall provide the easements to the Public Works Development Engineering Division for approval as to substance and the City Attorney for approval as to form prior to the approval of the IP.
  - d. The Applicant shall submit to the Public Works Department Development Engineering Division a Soils Investigation/Geotechnical Report in accordance with NMC Section 16.36.200 with the first IP submittal. The IP shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign the IP and approve them as conforming to their recommendations prior to IP approval. The geotechnical engineer shall also assume responsibility for inspection of the work and prior to acceptance of the work shall certify to the City that the work performed is adequate and complies with their recommendations. Additional soils information may be required by the Chief Building Inspector during the plan check of building plans in accordance with NMC Title 15.
  - e. Provide written acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.
37. SUBDIVISION MAP (FINAL MAP) - The Applicant shall submit the Final Map for review by the Public Works Department Development Engineering Division and approval by the City Engineer. The form and approval of the Final Map shall meet the following requirements.

## ATTACHMENT 1

- a. The Final Map shall comply with the Subdivision Map Act, Government Code Section 66410 *et seq.* and NMC Title 16.
  - b. The Final Map shall show easements for the private street, private driveways, drainage facilities and utilities as required by the Public Works Director. The private easements shall be created by separately recorded instruments referenced on the map.
  - c. The Applicant shall include abandonment of any applicable existing utility easements.
  - d. The Applicant shall dedicate all required public easements, including for the construction, use and/or maintenance of roads or other access, drainage facilities, utilities and post-construction storm water management facilities on the Final Map. Specific conveyances include:
    - (i.) Convey to the City by offer of dedication, a 10-foot public utility easement adjacent to all public street rights-of-way within the limits of the subdivision.
    - (ii.) Prior to approval of the Final Map, the Applicant shall either install all onsite and offsite improvements or execute the City's Standard Improvement Agreement, provide bonds and provide proof of workers compensation insurance and general liability insurance in the forms and amounts as required by the Risk Manager and City Attorney. Typically, one million dollar (\$1,000,000) general liability insurance is required.
    - (iii.) The Applicant shall furnish the Public Works Department Development Engineering Division with proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.
    - (iv.) The Applicant shall obtain approval from all parties owning an interest in any existing rights-of-way or easements within the subdivision, which are proposed to be changed, modified, or deleted. Deeds shall be recorded concurrently with the Final Map to reflect the proposed revision, modification or removal of any existing rights-of-way or easements. The deeds shall be submitted to the Public Works Department Development Engineering Division and shall be in forms approved by the City Attorney.
38. The Applicant shall apply and obtain an Encroachment Permit for any work in the City's Right of Way (ROW) now shown on the approved improvement plans.
39. PRIOR TO COMMENCING ANY ACTIVITIES ON-SITE – Prior to commencing any ground disturbing activities on-site, the Applicant shall:
- a. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and their Contractor provides the following:
    - (i.) Six (6) full-size bond copies of the approved Improvement Plans for the City's use.

## ATTACHMENT 1

(ii.) One (1) job-site copy of the latest edition of the City of Napa Public Works Department Standard Specifications and Standard Plans for their use.

40. PRIOR TO ISSUANCE OF A BUILDING PERMIT - Prior to issuance of the building permit for the Project the Applicant shall submit documentation to the Building Division for review and approval that indicates that the following items have been addressed:
- a. The Applicant shall furnish proof satisfactory in form to the City Attorney of the acquisition of all rights of entry, permits, easements, etc., necessary to construct the project or to satisfy required project mitigation measures and/or conditions prior to issuance of a building permit.
  - b. STREET IMPROVEMENT FEE - In accordance with NMC Chapter 15.84 and implementing resolutions, the Applicant shall pay the Street Improvement Fee prior to issuance of any building permit for the Project.
  - c. Prior to issuance of building permit: The Applicant shall pay Street Improvement Fees in accordance with the Master Schedule of City Fees and Charges effective at the time of issuance of Building Permit (Policy Resolution 16). The current rates for the Street Improvement Fee (effective July 2022) for this Project are as follows:

|                       | Land Use                       | Unit (DU) | Street Component Rate | Utility Underground Rate | Street Component Fee | Utility Underground Fee |
|-----------------------|--------------------------------|-----------|-----------------------|--------------------------|----------------------|-------------------------|
| New Use               | Single Family Detached Housing | 6         | \$2,465/DU            | \$2,258/DU               | \$14,790             | \$13,548                |
| Existing Use (Credit) | Single Family Detached Housing | 2         | \$2,465/DU            | \$2,258/DU               | (\$4,930)            | (\$4,516)               |
|                       |                                |           |                       |                          | <b>\$9,860</b>       | <b>\$9,032</b>          |

41. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OF THE FIRST UNIT or building permit final (whichever occurs first) - Prior to issuance of a certificate of occupancy for the first unit the Applicant shall submit documentation to the Building Division for review and approval that indicates that the following items have been completed as reviewed and approved by the Public Works Department Development Engineering Division:
- a. The improvements identified on the Public Street Repair Plan shall be completed.

## ATTACHMENT 1

- b. All road surfaces shall be restored to pre-project conditions after completion of any Project-related pipeline installation activities.
- c. The Applicant shall replace any damaged curb and gutter along street frontages in accordance with the City of Napa Standard Specifications and Standard Plans prior to occupancy.
- d. All onsite and offsite improvements shall be installed to the satisfaction of the City Engineer prior to occupancy.
- e. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer, and all improvements are to be constructed to the satisfaction of the City Engineer or their representative.
- f. Submit a certification by the Geotechnical Engineer of Record that all the work has been completed in substantial conformance with the recommendations in Soils Investigation/Geotechnical Report.
- g. Submit a certification by the Engineer of Record that all work has been completed in substantial conformance with the approved IP and Stormwater Control Plan.
- h. Prior to Final Stormwater Sign off, all disturbed areas shall be installed with final permanent stabilization measures to insure no sediment laden water discharges from the site.
- i. The Applicant shall complete the Final Stormwater Inspection Sign Off form as specified in the Stormwater Control Plan and include the contractors and engineer of records signature verifying all post-construction BMPs have been installed and inspected as designed per the approved plans. A copy of the form may be requested from the Public Works Development Engineering Division – Stormwater Program.
- j. Identify all on-site post-construction stormwater quality BMPs and along the project frontage with the appropriate street address (addresses to be provided by City) and GIS coordinates.
- k. The Applicant shall submit to the Public Works Department Development Engineering Division all IP in digital auto-cad format, compatible with the City's current version, and tied to the City's coordinate system for all storm drain facilities, water lines, lot lines, sanitary sewer lines, sidewalks and streets. Auto-cad files shall be updated for as-built information and submitted to and approved as complete by the Public Works Department Development Engineering Division prior to occupancy.

- I. Prior to Final PW-DED & Final SW sign off on building permit, all disturbed areas shall be installed with final, permanent stabilization measures to ensure no sediment laden water discharged from the Site.

### UTILITIES DEPARTMENT – WATER DIVISION

42. Prior to approval of the IP, the Applicant shall submit a utility plan for review and approval by the Utilities Department identifying the following information:
  - a) Size of existing water service(s) to the Site;
  - b) Existing water main(s) and applicable tie-in locations, details, etc.;
  - c) Abandonment of any existing unused water service(s);
  - d) Installation of a single water service for each lot with approved backflow prevention device. Water services may not be shared across property boundaries per NMC Section 13.04.230. The type of backflow device(s) required to be installed shall be determined by the Utilities Department Cross-Connection Specialist.
  - e) Installation of a sufficient number of fire hydrants on all public water facilities as directed by the Fire Marshal at City approved locations;
  - f) Installation of a sufficient number of water main valves at City-approved locations;
  - g) Relocation of any affected water facilities and/or appurtenances;
  - h) Relocation of the existing fire hydrant on the Site to a City-approved location;
  - i) Installation of a water quality monitoring/sampling station between lots 3 and 4 or at another City-approved location;
  - j) Size and location of all proposed water services (residential, fire, irrigation, etc.);
  - k) Meter boxes and water services shall be located a minimum of 3-ft outside any vehicular travel ways.
  - l) Construction of improvements (permanent structures, other utilities etc.) shall meet the minimum required clearances from all public water infrastructure per City Std W-18, W-22A and W-22B.
43. Prior to Building Permit Approval, the Applicant shall:
  - a. Submit a fixture count worksheet for all existing and proposed connections to the domestic water service for review and approval by the Utilities Department to ensure water service size(s) meets proposed demands. Undersized services are not allowed.
  - b. Submit fire sprinkler plans (if applicable) to the Fire Prevention Division for review and approval; the water service size required to meet fire sprinkler demands shall be consistent with the water service size on the Civil plan set.
  - c. Show compliance with Napa High Performance Building Standards on the building permit plan set. This requirement can be met by listing the make and model of each plumbing fixture, or by labeling each fixture with the maximum flow rate. (see table for fixture requirements)

| <b>Plumbing Fixture</b> | <b>High Performance Building Standard</b>                                                             |
|-------------------------|-------------------------------------------------------------------------------------------------------|
| <b>Toilet</b>           | <b>Shall not exceed 1.28 gallons per flush(gpf). Must be certified U.S. EPA WaterSense</b>            |
| <b>Showerhead</b>       | <b>Shall not exceed 1.8 gallons per minute (gpm) at 80 psi. Must be certified U.S. EPA WaterSense</b> |
| <b>Bathroom Faucet</b>  | <b>Shall not exceed 1.2 gpm at 60 psi</b>                                                             |
| <b>Kitchen Faucet</b>   | <b>Shall not exceed 1.5 gpm at 60 psi</b>                                                             |
| <b>Dishwasher</b>       | <b>Shall be “Energy Star”</b>                                                                         |
| <b>Clothes washer</b>   | <b>Shall be “Energy Star”</b>                                                                         |

- d. Submit all required water service capacity/connection fees to the City’s Development Engineering Division at 1600 First Street, Napa, 94559.

44. Prior to Occupancy, the Applicant shall:

- a) Submit remaining fees (hot-taps, meter sets, etc.) to the Water Division at 1700 Second Street, Suite 100, Napa, CA;
- b) Construct all water improvements as shown on the approved plans, the City of Napa Public Works Department Standard Specifications and the special conditions listed above;
- c) Request backflow device inspection from City of Napa Water Division. Call (707)257-9544 at least 48 Hours in advance of requested inspection time;
- d) Submit certification that all backflow devices have been installed and tested by an AWWA certified tester (a list of testers is provided by the City of Napa) to the City of Napa Water Division;
- e) Complete a meter verification test (to be scheduled and performed by the City of Napa Water Division).

45. Prior to Building Permit Final, the Applicant shall:

- a. Applicant shall have met all water demand mitigation requirements, if applicable, as stated in NMC Section 13.09.010. The Applicant shall contact City of Napa Water Division at 707-257-9309 for information regarding the Project’s water demand mitigation requirements under NMC Section 13.09.010. The Applicant is responsible for fulfilling all water demand mitigation (offset) requirements using one of three possible methods: 1) Toilet Retrofit Certificates, 2) In-Lieu Fee per the City’s Master Fee Schedule, or 3) Alternative Method, as specified in a program letter sent following building permit issuance;

## ATTACHMENT 1

- b. Submit a record drawing outlining as-built conditions of the completed water system improvements in both electronic and print copy formats;
- c. Applicant shall physically mark water meter boxes with the appropriate street address (Note: applies to water meters installed in groups of two or more - addresses to be provided by City).

### NAPA SANITATION DISTRICT

- 46. Prior to issuance of a building permit, the Applicant shall provide written clearance from the Engineering Division of the Napa Sanitation District confirming that the Applicant has complied with all Napa Sanitation District requirements applicable to the Project in their letter dated December 19, 2022 and attached as Exhibit A.

### CITY GENERAL CONDITIONS

- 47. The plans submitted for improvement plan review and Building Permit review shall include a written analysis specifying how each of the conditions of approval have been addressed or incorporated into either the improvement plan set or building plan set.
- 48. Unless otherwise specifically provided in this resolution, each condition of this approval shall be satisfied prior to the first to occur of: (a) approval of a final map (if this resolution includes the approval of a tentative subdivision map or tentative parcel map), (b) issuance of a building permit, or (c) commencement of any use of land that is authorized by this resolution. An improvement agreement between the City and the Applicant (and landowner, if different) that obligates the Applicant to complete specified conditions of approval will be deemed to be a satisfaction of those specified conditions if: (i) the agreement is accompanied by required security for faithful performance and labor and materials, and (ii) the agreement is approved as to substance by the City Engineer, and approved as to form by the City Attorney.
- 49. No use authorized by this permit may commence until after the Applicant executes any required permit agreement required by previously stated conditions of approval.
- 50. Applicant shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements).
- 51. Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, plans and specifications, or other approved documents, to comply with the General Plan, any applicable Specific Plan, the NMC, City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, and the approved tentative map, site plan, plans and specifications, and other approved documents.

52. The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.
53. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees harmless from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the applications relating to the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of Project improvements and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.
54. If the Applicant is not the owner of the subject property, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Applicant.
55. The conditions of Project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions required in connection with the instant approvals has begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.
56. Violation of any term, condition, mitigation measure or Project description relating to this approval is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.
57. Project approval would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of law, this Project approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.

## ATTACHMENT 1

58. The Design Review Permit and Tentative Subdivision Map Design Review Permit shall become effective on the day following Council's approval of this Resolution, is subject to expiration and revocation, and may be extended, all in accordance with the provisions in NMC Chapters 16.20 and 17.68, as applicable.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 6th day of June 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_

Tiffany Carranza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney



## EXHIBIT A

December 19, 2022

Planning Director  
City of Napa  
P.O. Box 660  
Napa, CA 94559

RE: PL22-0128 Redwood Road Subdivision, REFRL-001363, John Glesener,  
12885 Alcosta Blvd. Ste. A, (Allen)

NapaSan has reviewed the above named application, which will be reviewed at an Interdepartmental Staff Meeting.

The owner shall pay to NapaSan the prevailing fees and charges in effect as established by Resolutions and Ordinances before the issuance of a County Building Permit, and shall adhere to the rules and regulations as they apply to the application.

NapaSan has identified the following comments based on the current application. NapaSan reserves the right to modify the following conditions/comments based on changes to future applications or changes to the project site plan.

The following conditions are based on the information currently available and are subject to change upon receipt of additional information:

1. A NapaSan permit will be required for this project. A plan showing the required sanitary sewer improvements, conforming to NapaSan standards, shall be prepared by a registered civil engineer and shall be submitted to NapaSan for approval.
2. Sanitary sewer mains shall have a minimum clearance of 10 feet from the curb, 10 feet from water mains, 5 feet from other utilities, and 5 feet from bioretention areas.
3. Sanitary sewer facilities are required to have a minimum of 36" of cover at all points within the public right of way. The proposed sanitary sewer facilities shall be designed to meet this requirement.
4. The subject parcel is currently outside of the boundaries of NapaSan. Annexation of the subject parcel will be required.

NapaSan  
1515 Soscol Ferry Road  
Napa, CA 94558

Office (707) 258-6000  
Fax (707) 258-6048

[www.napaslan.com](http://www.napaslan.com)

**EXHIBIT A**

5. All parcels will be required to connect to the public sanitary sewer system. The existing private sewage disposal systems serving the existing dwelling(s) shall be abandoned per Napa County requirements.
6. The developer shall install approximately 415 feet of public sewer main per NapaSan standards in the proposed public street.
7. Each parcel shall be served by a separate sanitary sewer lateral.
8. The owner/developer shall enter into an improvement agreement with NapaSan and post the appropriate bonds covering the sanitary sewer work.
9. The proposed development would be subject to the following fees, based on the rates in effect at the time they are paid:
  - a. Agreement Fees
  - b. Annexation Fees
  - c. Plan Check Fees
  - d. Inspection Fees
  - e. Capacity Charges (per single family dwelling)
10. NapaSan has updated sanitary sewer and recycled water standard specifications and details. The updated specifications and details are available online at NapaSan's website ([www.NapaSan.com](http://www.NapaSan.com)). NapaSan may revise the standard specifications and details at any time. It is the responsibility of the engineer, contractor, and developer to verify that they are in possession of the current version of the standards prior to design and construction of sanitary sewer and recycled water improvements.

The capacity charge for an equivalent dwelling unit currently is \$11,087 and will increase by the Consumer Price Index (CPI) annually in July. Commercial capacity charges are determined per NapaSan Code Section 5.02.030.B. Contact NapaSan Staff at (707) 258-6012 or [gglascott@napasan.com](mailto:gglascott@napasan.com) for additional information.

Sincerely,



Gavin Glascott  
Assistant Engineer

December 19, 2022  
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