

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2024-11**

**APPROVAL OF A DESIGN REVIEW PERMIT WITH HEIGHTENED REVIEW AND A
RECOMMENDATION OF APPROVAL FOR AN ENCROACHMENT AGREEMENT FOR THE
IN-KIND REPLACEMENT OF A PARKING DECK, THREE EXTERIOR DECKS, AND AN
ENTRY STAIRCASE AT 412-414 SAUSALITO BOULEVARD
APN: 065-252-44
PROJECT ID: 2023-00144**

WHEREAS, an application has been filed by the Applicant Don David, on behalf of Owners, Winston Ashmeade and David Johnson, requesting a Design Review Permit with Heightened Review and an Encroachment Agreement to replace-in-kind a 610 square-foot elevated parking deck and to repair and replace-in-kind three exterior decks and an exterior entry staircase, which were damaged or destroyed by a mudslide on February 14, 2019, at 412-414 Sausalito Boulevard (APN: 065-252-44) ("the Project"); and

WHEREAS, the project site is located within the General Plan Medium High Density Residential land use designation and the Two-Family (R-2-2.5) Zoning District; and

WHEREAS, the Planning Commission has reviewed a Design Review Permit with Heightened Review and an Encroachment Agreement for the proposed Project and considered the information contained in the staff reports as well as any and all oral and written testimony on the proposed Project; and

WHEREAS, the Planning Commission has reviewed and considered the Project plans titled "Earth Slide Repair and Parking Deck Replacement", received April 30, 2024; and

WHEREAS, the Planning Commission finds that the proposed project, as conditioned herein, is consistent with the General Plan and complies with the requirements of the Zoning Ordinance as described in the staff report; and

WHEREAS, the Planning Commission finds that the requisite findings for approval set forth in SMC Section 10.54.050 D; Section 10.54.050 E; and Section 10.56.060 can be made; and;

WHEREAS, on February 26, 2019, the Sausalito City Council voted to waive permit and plan check fees associated with the in-kind replacement of structures damaged or destroyed by the mudslide on February 14, 2019; and

WHEREAS, approval of the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15302 (Replacement or Reconstruction) under the California Environmental Quality Act (CEQA) Guidelines;

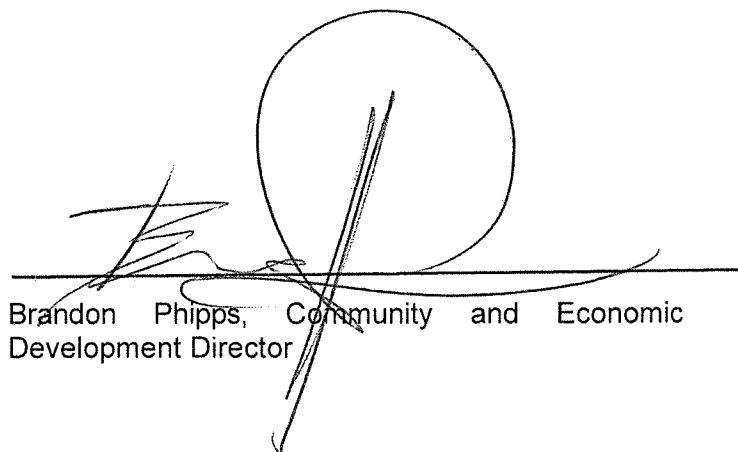
NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS:

1. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15302 (Replacement or Reconstruction) under the California Environmental Quality Act (CEQA) Guidelines.

2. The Design Review Permit with Heightened Review to replace a 610 square-foot elevated parking deck in-kind, and to repair and replace three exterior decks and an exterior entry staircase in-kind, all of which were damaged or destroyed by a mudslide on February 14, 2019, at 412-414 Sausalito Boulevard (APN: 065-252-44) is approved based upon the attached findings (Attachment 1), subject to the attached conditions of approval (Attachment 2), and as shown in the project plans titled "Earth Slide Repair and Parking Deck Replacement", received April 30, 2024 (Attachment 3).
3. The Encroachment Agreement to allow the in-kind replacement of a 610 square-foot parking deck that was destroyed by a mudslide on February 14, 2019, at 412-414 Sausalito Boulevard (APN: 065-252-44) is recommended for City Council approval based upon the findings (Attachment 1) subject to the attached conditions of approval (Attachment 2), and as shown in the project plans titled "Earth Slide Repair and Parking Deck Replacement", received April 30, 2024 (Attachment 3).

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 12th day of June 2024, by the following vote:

AYES: Commissioner: Luxenberg, Saad, Junius, Feller, Marlatt
NOES: Commissioner:
ABSENT: Commissioner:
ABSTAIN: Commissioner:



Brandon Phipps, Community and Economic Development Director

ATTACHMENTS

- 1 Findings
- 2 Conditions of Approval
- 3 Project Plans

SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2024-11
June 12, 2024
APN: 065-252-44
PROJECT ID: 2023-00144

ATTACHMENT 1: FINDINGS

Design Review Permit

To approve or conditionally approve the Design Review Permit, the Planning Commission must determine whether the proposed project is in conformance with the required Design Review Findings in SMC Section 10.54.050 D. Staff has concluded that the required findings can be made as follows:

1. The proposed project is consistent with the general plan, any applicable specific plans, any applicable design guidelines, and this chapter.

The proposed project is consistent with the General Plan, which allows for Medium High Density Residential uses in the R-2-2.5 Zoning District. While the property has pre-existing legal nonconformities, none of the nonconforming features are being altered, and the height and area of the proposed car deck, as well as the proposed replacement recreational decks and staircase that were destroyed in the 2019 mudslide, all match their original dimensions. The property is not subject to any specific plans.

2. The proposed architecture and site design complements the surrounding neighborhood and/or district by either:

a. Maintaining the prevailing design character of the neighborhood and/or district; or

b. Introducing a distinctive and creative solution which takes advantage of the unique characteristics of the site and contributes to the design diversity of Sausalito.

The proposed architecture and site design complement the surrounding neighborhood by maintaining the prevailing design character of the neighborhood. The style and character of the existing duplex are not being updated, and the replacement car deck will match the original car deck which follows a similar design to several other car decks on the eastern downslope of Sausalito Boulevard.

3. The proposed project is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district.

The proposed replacement car deck is consistent with the scale of several other car decks on the eastern downslope of Sausalito Boulevard but is slightly larger as it allows

for the four off-street parking spaces required for the duplex in the Sausalito Municipal Code.

4. The proposed project has been located and designed to minimize obstruction of public views and primary views from private property.

The proposed car deck is in the same location as the original car deck and is located behind the house in a bend in the road, is suspended over a steep gully, and is next to a vacant lot. It has been designed to minimize obstruction of public views and primary views from neighboring private properties.

5. The proposed project will not result in a prominent building profile (silhouette) above a ridgeline.

Not applicable. The proposed project will not result in a building profile above a ridgeline.

6. The proposed landscaping provides appropriate visual relief, complements the buildings and structures on the site, and provides an attractive environment for the enjoyment of the public.

Not applicable. No new landscaping is proposed as part of this project.

7. The design and location of buildings provide adequate light and air for the project site, adjacent properties, and the general public.

The proposed car deck is in the same location as the original car deck and is located behind the house at a bend in the road. It is suspended over a steep gully, is next to a vacant lot, and is in front of an undeveloped parcel owned by the federal government. As such, adequate light and air will be provided for the project site, adjacent properties, and the general public.

8. Exterior lighting, mechanical equipment, and chimneys are appropriately designed and located to minimize visual, noise, and air quality impacts to adjacent properties and the general public.

Exterior lighting, mechanical equipment, and chimneys remain the same on the duplex structure. All mechanical equipment is housed internally. The chimney is not moving from its central location in the existing duplex. Any new lighting on the car deck will be downward facing and designed to minimize impacts to adjacent properties and the public.

9. The project provides a reasonable level of privacy to the site and adjacent properties, taking into consideration the density of the neighborhood, by appropriate landscaping, fencing, and window, deck and patio configurations.

The proposed project replaces pre-existing features in-kind and is located inside a bend on Sausalito Boulevard that provides privacy from neighbors. The lot to the south remains vacant after the mudslide in 2019 destroyed the home that was once there, while the lot to the west is undeveloped and owned by the federal government. No additional landscaping, fencing, or windows are proposed.

10. Proposed entrances, exits, internal circulation, and parking spaces are configured to provide an appropriate level of traffic safety and ease of movement.

The proposed replacement car deck uses the original concrete bulkhead, and the proposed apron is configured the same as the previous build to provide an appropriate level of traffic safety and ease of movement. The depth of the proposed car deck will enable residents of the subject property adequate room to view oncoming traffic and maneuver their vehicles thereby increasing public safety.

11. The proposed design preserves protected trees and significant natural features on the site to a reasonable extent and minimizes site degradation from construction activities and other potential impacts.

No protected trees will be impacted by the proposed project and the construction of the parking deck will have a minimal impact on the bedrock below as it will be suspended on steel beams.

12. The project site is consistent with the guidelines for heightened review for projects which exceed 80 percent of the maximum allowed floor area ratio and/or site coverage, as specified in subsection E of this section (Heightened Review Findings).

As the proposed project exceeds 80 percent of the maximum building coverage allowed it is subject to heightened review and the findings for this level of review are made below.

13. The project has been designed to ensure on-site structures do not crowd or overwhelm structures on neighboring properties. Design techniques to achieve this may include, but are not limited to: stepping upper levels back from the first level, incorporating facade articulations and divisions (such as building wall offsets), and using varying rooflines.

The proposed car deck occupies the same footprint as the previous car deck being replaced. The proposed decks and staircase also match the previous locations and are being replaced in-kind. The project site is located inside a bend on Sausalito Boulevard that provides privacy from neighbors. The lot to the south remains vacant after the mudslide in 2019 destroyed the home that was once there and the lot to the west is undeveloped and owned by the federal government. As such, the proposed replacement structures will not crowd or overwhelm neighboring properties.

Heightened Review Findings

For residential projects that require a discretionary Design Review and exceed 80 percent of the permitted floor area ratio (FAR) and/or building coverage limitations, the Planning Commission must determine whether the site can support maximum build-out, consistent with SMC 10.54.050 E. Staff has concluded that the required findings can be made as follows:

1. Proposed development of the site maximizes preservation of protected trees.

No protected trees will be affected by the proposed project.

2. *The site is configured with adequate width and depth to provide yard spaces and setbacks, proportional to the size of the structure.*

The site is located on an 80% downslope composed of bedrock and does not have any usable yard spaces. The setbacks are legal nonconforming and are proportional to the size of the existing and proposed structures.

3. *The site will be developed in a manner that minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views.*

The proposed car deck is in the same location as the original car deck and is located behind the house at a bend in the road. It is suspended over a steep gully and is adjacent to two vacant lots. As such it will not impact any public or private views in a material way.

4. *The proposed development of the site presents no potential hazard to public safety in terms of vehicle traffic, pedestrian circulation, slope and tree stability, runoff, and public utilities.*

Although the site is located on a steep slope, the parking deck has been designed to be large enough to provide safe pedestrian access to the duplex and allow for adequate vehicle circulation with tandem parking. The depth of the proposed car deck will enable residents of the subject property adequate room to view oncoming traffic and maneuver their vehicles thereby increasing public safety. Runoff will be controlled by sloped surfaces and downspouts.

5. *The slope and topography of the site allow for limited excavation and minimal alteration to the site topography outside the footprint of structures.*

As the proposed project is on a site with an 80% slope the only excavation occurring will be boring holes for the placement of steel beams to support the replacement car deck.

6. *The site will provide adequate guest parking either on site or within the immediate street frontage.*

The project will provide the required four off-street parking spaces for the duplex. These spots can also be used for guest parking if available.

7. *The proposed plan provides adequate landscaping to maximize privacy and minimize the appearance of bulk.*

No landscaping is proposed as part of this project.

Encroachment Agreement

To recommend City Council approval of the Encroachment Agreement, the Planning Commission must determine that the proposed Project is in conformance with the Encroachment Agreement findings listed in SMC Section 10.56.060 A-E. Staff has concluded that the necessary findings can

be made to support the recommendation to City Council for approval of the requested entitlement as follows:

A. *The proposed encroachment is compatible with the surrounding area and will either improve or not significantly diminish visual or physical public enjoyment of the streetscape upon which the encroachment is proposed.*

The proposed encroachment, which is a raised car deck, is compatible with the surrounding area as the eastern downslope of Sausalito Boulevard features numerous raised car decks to provide for the parking needs of residents in the neighborhood. As the replacement car deck is located at a bend in the road and suspended over a steep, inaccessible gully it will not diminish visual or physical public enjoyment of the streetscape.

B. *The encroachment will not adversely affect the usability or enjoyment of adjoining parcels nor create or extend an undesirable land use precedent.*

The proposed encroachment will not adversely affect the usability or enjoyment of adjoining parcels as it will provide off-street parking access to the existing duplex, removing the parking load on an already parking-restricted roadway. Due to the nature of the neighboring sites with similar parking decks and encroachments, the requested encroachment will not create or extend an undesirable land use precedent.

C. *The encroachment is necessary to the reasonable use and enjoyment of the property and the extent of the encroachment is justifiable.*

The proposed encroachment provides the only means of ingress/egress to the duplex and provides the required four off-street parking spots. As such, it is necessary for the reasonable use and enjoyment of the property.

D. *The proposed encroachment will not adversely affect the public circulation nor create or constitute a hazard to public safety.*

The encroachment will provide necessary access and parking area for the existing duplex, thereby removing parked cars from the roadway and easing the effects of residents' vehicles on the flow of public circulation. The depth of the proposed car deck will enable residents of the subject property adequate room to view oncoming traffic and maneuver their vehicles thereby increasing public safety.

E. *The value of the proposed improvements will not prejudice a policy decision to terminate the encroachment nor preclude or make difficult the establishment or improvement of streets or pedestrian ways. [Ord. 1167 § 2, 2003.]*

The value of the proposed improvements will not prejudice a policy decision to terminate the encroachment nor preclude or make difficult the establishment or improvements of streets or pedestrian way as the car deck is suspended over an 80% slope composed of bedrock. Any expansion to the-right of-way would be extremely difficult to accomplish, and if such a project were completed it would only enhance the stability of the proposed car deck.

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ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to the project at 412-414 Sausalito Boulevard depicted on plans prepared by Don David titled "Earth Slide Repair and Parking Deck Replacement", received April 30, 2024 (Attachment 3).

COMMUNITY DEVELOPMENT DEPARTMENT:

General Items:

1. Pursuant to Sausalito Municipal Code Section 10.50.120 (Implementation of Permits), it shall be the Applicant's responsibility to diligently proceed to carry out the Conditions of Approval and implement any approved permit(s). This shall include establishing the approved use/implementing the permit(s) within the time limits set forth by the applicable code.
2. The project shall be designed and constructed as shown in the set of plans "Earth Slide Repair and Parking Deck Replacement", received April 30, 2024 (Attachment 3).
3. The Applicant/Property Owner(s) shall defend, indemnify (including reimbursement of all fees and costs reasonably incurred by separate counsel retained by the City), and hold harmless the City and its elected and appointed officials, officers, agents and employees, from and against any and all liability, loss, damage, or expense, including without limitation reasonable attorney's fees which City may suffer or incur as a result of any claims relating to or arising from the City's approval of the project or any portion of the project, or construction thereof.
4. In the event that any condition imposing a fee, exaction, dedication, or mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be subject to review by the City and substitute conditions may be imposed.
5. Any mechanical equipment installed in connection with this project shall be subject to Sausalito Municipal Code Section 12.16.130 - Machinery, equipment, fans and air conditioning.

6. At the time of building permit application, the applicant shall file a reasonable estimate of the value of the project, and based thereon, a construction time limit shall be established for the project in accordance with the criteria set forth in Sausalito Municipal Code Section 10.54.100. The applicant shall submit information reasonably requested by the Community Development Director to support the estimated value of the project. Such documentation may include without limitation an executed construction contract. The time for completion of the construction shall also be indicated on the construction permit.

DEPARTMENT OF PUBLIC WORKS:

General Items:

1. As part of the Building Permit application, all final Conditions of Approval shall be restated on the construction drawings and applicant shall thoroughly and accurately document in writing compliance with each Condition of Approval at the time of Building Permit application and any other subsequent submittals.
2. Applicant shall indemnify the City for all costs, including without limitation attorneys' fees, in defending this project or any portion of this project and shall reimburse the City for any costs incurred by the City's defense of the approval of the project.

Drainage

3. Three drainage outlet pipes are missing on Sheet A2.2 at location Gridline D and C on the Project Plans, please show these outlet pipes on the drainage plan submitted for the Building Permit.
4. CPC §1101.6.5(2) indicates that the point of discharge shall not be less than 10 feet from the property line. Show location of drainage outlets and, if applicable, show how excessive outlet velocities would be limited and controlled with energy-dissipating facilities.

Right of Way Items:

5. Applicant shall repair or replace, at no expense to the City, damage to public facilities that results from applicant's construction activities. Applicant is advised that applicant's contractor shall save and protect all existing facilities not designated for removal or modification within the public right of way.
6. Emergency vehicle access and access to adjacent properties shall be maintained at all times throughout the duration of this project.
7. An encroachment permit shall be obtained from the DPW prior to using the public right of way for non-public purposes (e.g., material storage, construction, staging or demolition) including any and all construction and demolition activities. Encroachment submittal information can be found here: <https://www.sausalito.gov/departments/public-works/engineering-division/encroachment-permits>

8. Applicant is advised that construction materials, equipment, vehicles, and properly-permitted debris boxes (Bay Cities Refuse Service is the sole authorized solid waste hauler permitted to provide debris box service in the City of Sausalito) may not be placed in a manner that poses a traffic hazard, shall be placed to minimize obstruction of roads and gutters, shall be equipped with reflectors or lighting to ensure visibility at night and in inclement weather (if placed in the public right of way), shall be maintained in a clean and safe condition, and shall not be maintained in a manner that becomes a nuisance to the neighborhood. Debris boxes shall be emptied on a regular basis, or as directed by the City. Material stockpiles & debris boxes shall be covered when not being accessed or filled to prevent dust or liquid from being released to the environment. Construction materials, equipment, vehicles, and debris boxes shall be placed in the public right of way only after securing an encroachment permit.
9. Ensure best management practices (BMPs) are used during construction activity. This includes erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely re-vegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include: designated washout areas or facilities, control of trash and recycled materials, covering of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. You may refer to the Marin County Stormwater Pollution Prevention Program's website:
<https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/erosionsediment-control-measures-for-small-construction-projects-2015.pdf?la=en>

Advisory Notes

Advisory notes are provided to inform the applicant of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

1. An approval granted by the Engineering Division of the Department of Public Works does not constitute a building permit or authorization for construction. Appropriate construction permit(s) issued by the Building Division must be obtained prior to construction.
2. Pursuant to Municipal Code Chapter 8.54, applicants shall submit a Recycling Management Plan to the Community Development Department prior to the issuance of any Building Permits, unless the requirement is waived pursuant to Section 8.54.050
3. Pursuant to Municipal Code Chapter 11.17, dumping of residues from washing of painting tools, concrete trucks and pumps, rock, sand, dirt, agricultural waste, or any other materials discharged into the City storm drain system that is not composed entirely of storm water is prohibited. Liability for any such discharge shall be the responsibility of person(s) causing or responsible for the discharge. Violations constitute a misdemeanor in accordance with Section 11.17.060.B.

4. Pursuant to Municipal Code Section 12.16.140, the operation of construction, demolition, excavation, alteration, or repair devices and equipment within all residential zones and areas within a 500-foot radius of residential zones shall only take place during the following hours:

Weekdays – Between 8:00 a.m. and 6:00 p.m.

Saturdays – Between 9:00 a.m. and 5:00 p.m.

Sundays – Prohibited

City holidays – Prohibited

Homeowners currently residing on the property and other legal residents may operate the equipment themselves on Sundays and City holidays between 9:00 a.m. and 6:00 p.m.

5. Pursuant to City of Sausalito Resolution 5116, roadway and subdivision improvements shall comply with the Uniform Construction Standards All Cities and County of Marin and as may be modified by the City Engineer.
6. Improvements within the public right of way shall conform to the Cities and County of Marin "Uniform Construction Standards," available online at: <http://www.marincounty.org/depts/pw/divisions/land-use/ucs>.
7. All applicable City fees as established by City Council resolutions and ordinances shall be paid.

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June 12, 2024

APN: 065-252-44

PROJECT ID: 2023-00144

ATTACHMENT 3: PROJECT PLANS



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EXISTING SITE PLAN

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PARKING DECK AND REMODEL
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SAUSALITO, CA

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PROPOSED SITE PLAN

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41241 SAUSALITO BLVD.
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LOWER FLOOR PLAN
PARKING DECK AND REMODEL
7205 Street, San Francisco, CA 94103
W. D. & Associates Engineering Co., Inc.
P. O. Box 151110
F. 415-551-5110
E-mail: wdandassociates@compuserve.com

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14'-10"

LOWER FLOOR PLAN
FLOOR AREA: 11106 SF

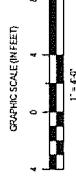
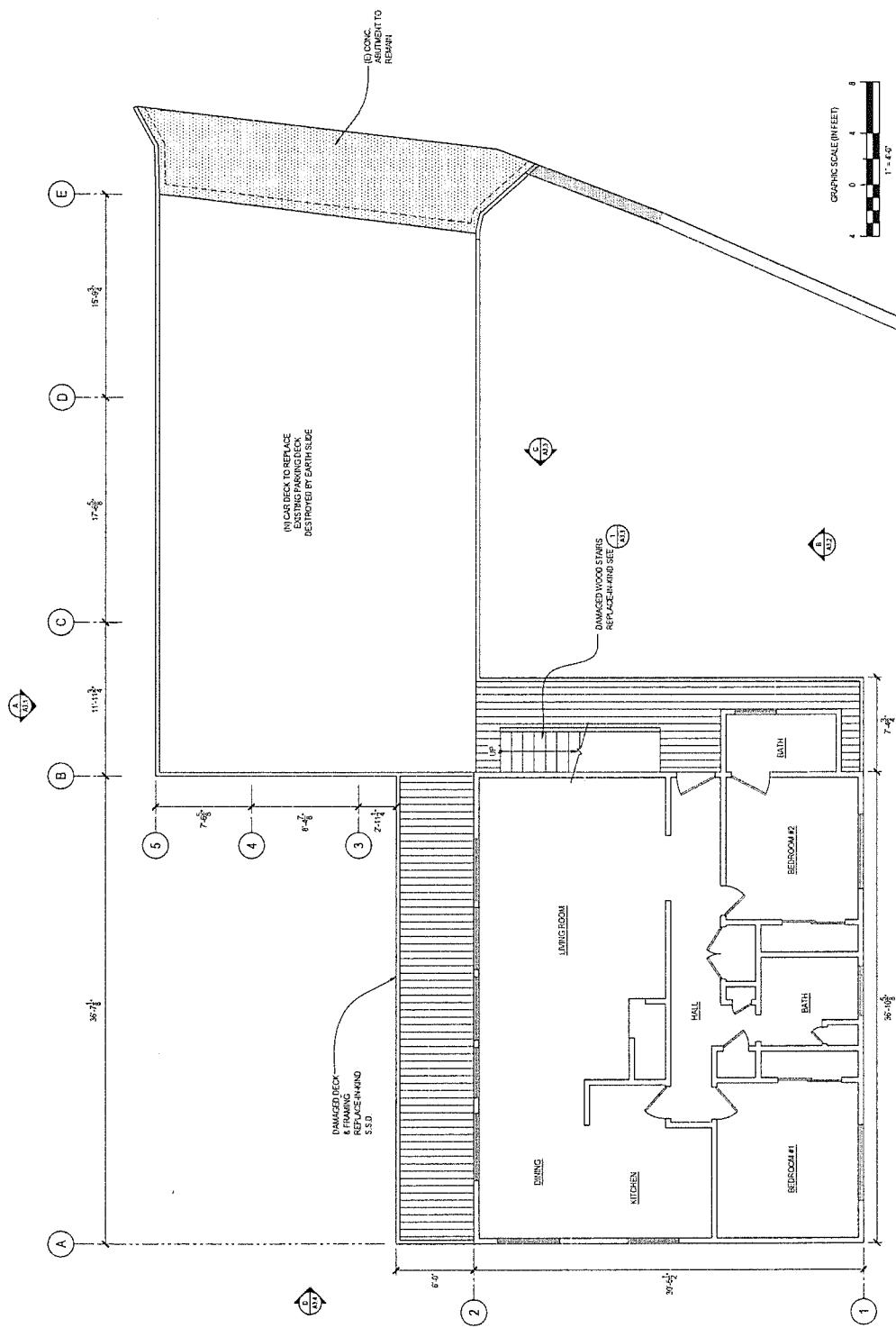
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LOWER FLOOR PLAN

DOUBLING



Elevations



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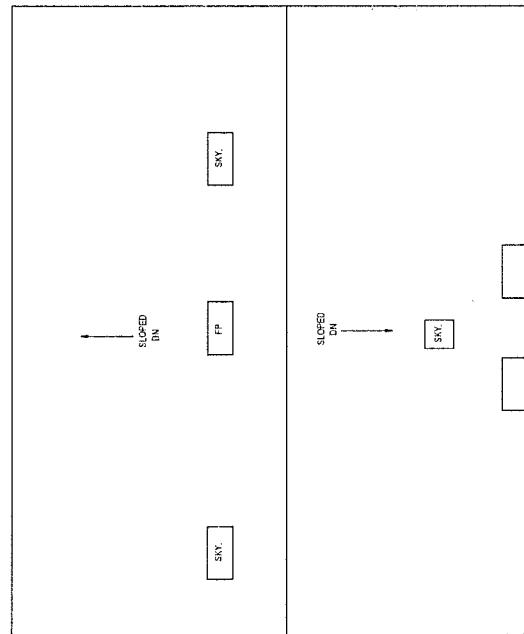
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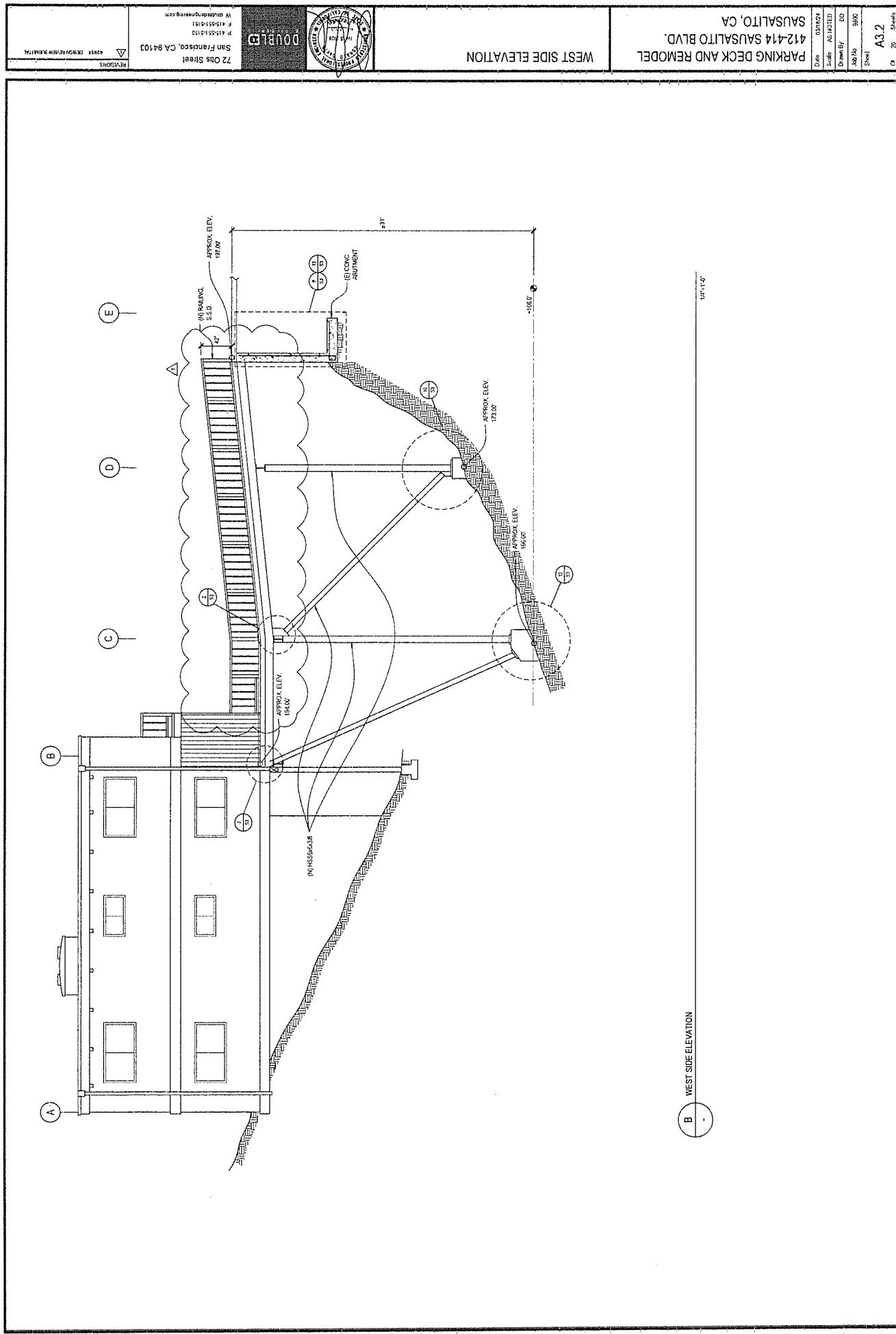
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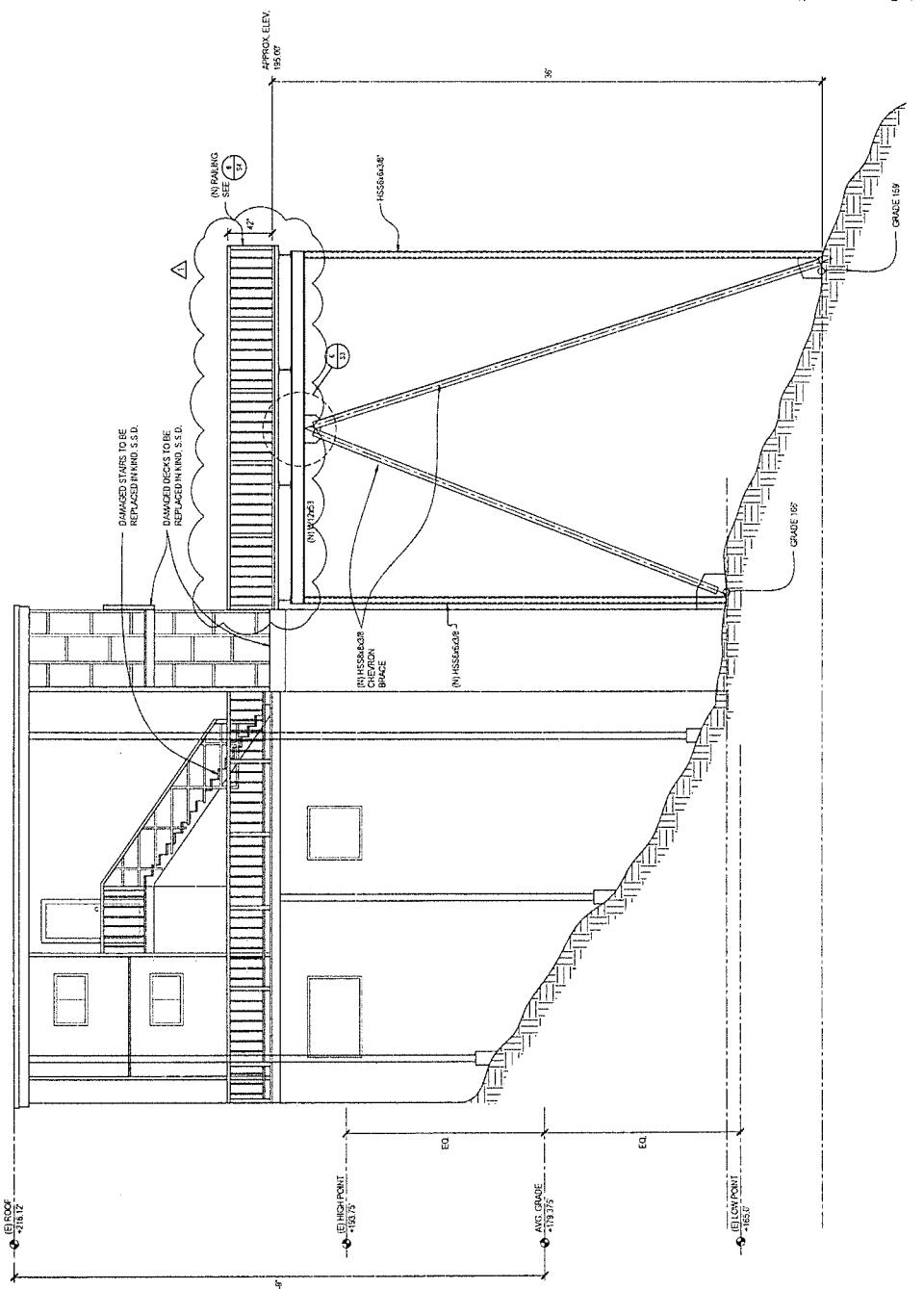
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PARKING DECK AND REMODEL
720 1/2 Street
SAN FRANCISCO, CA 94103
ROOF PLAN

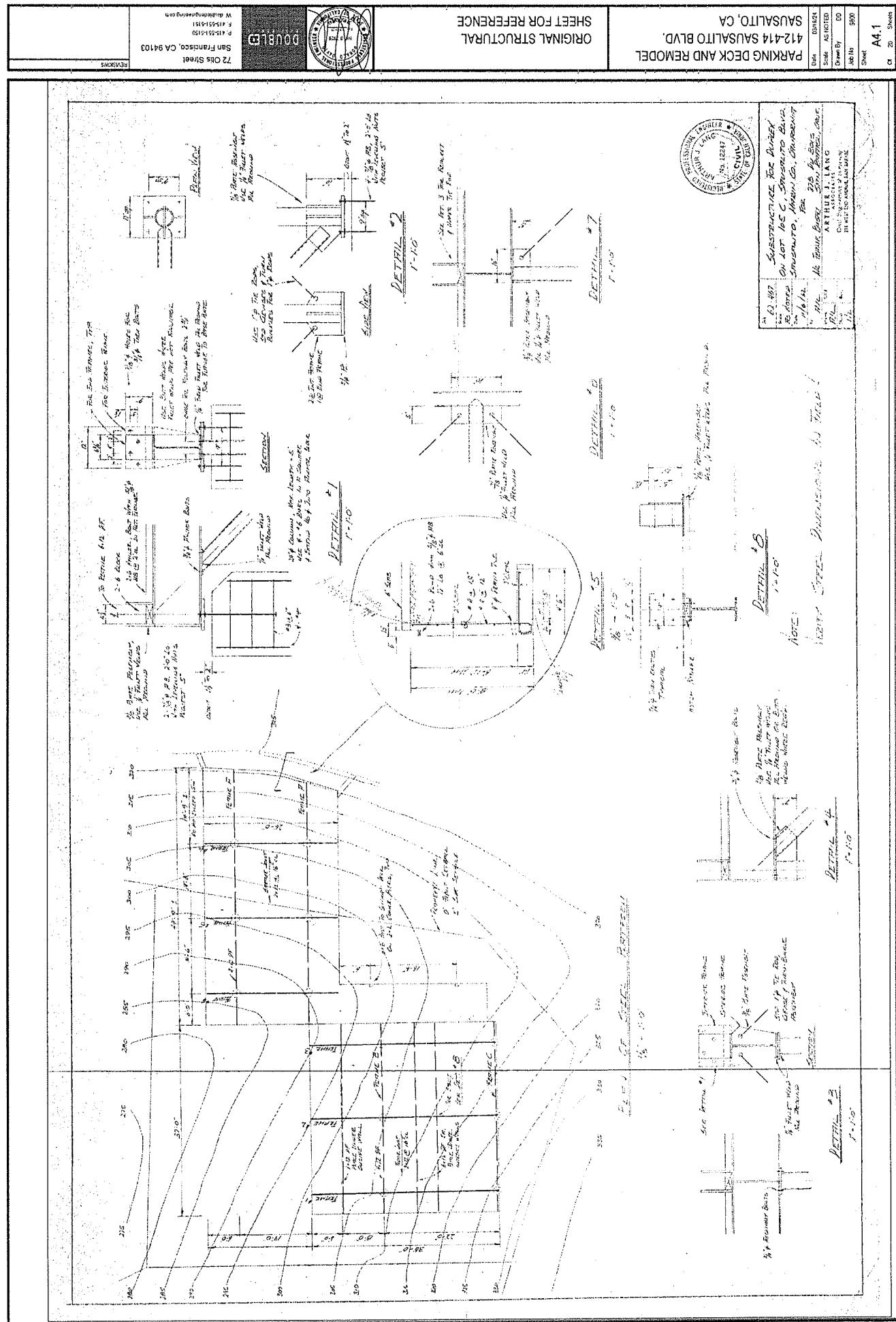


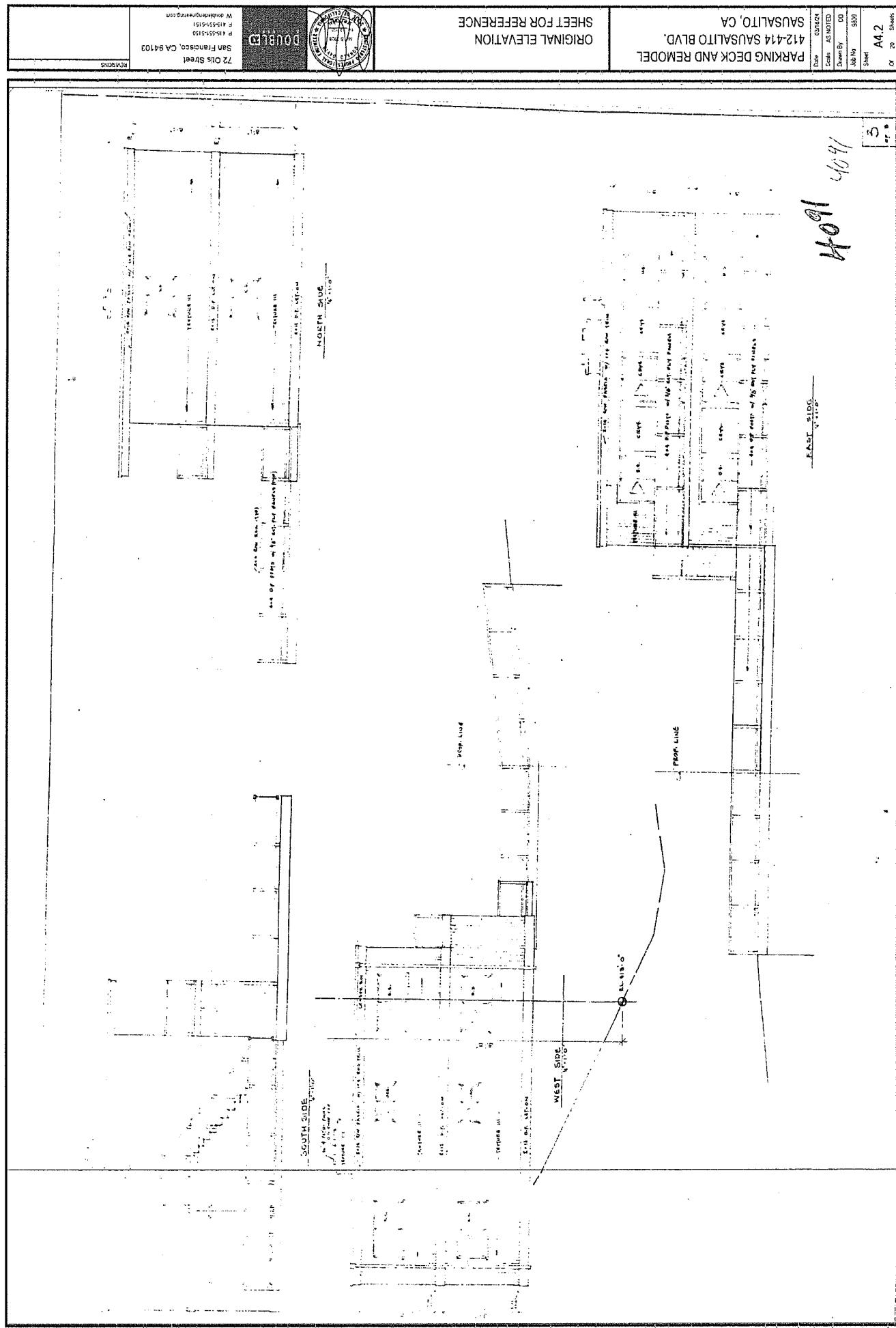
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INDEX OF DRAWINGS

DRAWINGS NO.	DESCRIPTION
G-1	COVER SHEET
C-2	SITE PLAN
C-3	SOILS PLAN
C-4	SEWER DETAILS
C-5	EROSION CONTROL PLAN
C-6	STORMWATER POLLUTION PREVENTION NOTES

DETAIL AND SECTION DESIGNATIONS

ABBREVIATIONS

Abbreviation	Description
AGB	AGGREGATE BASE
AGC	AMERICAN GOVERNMENT CONTRACTOR
ADA	AMERICANS WITH DISABILITIES ACT
ASCE	AMERICAN SOCIETY OF CIVIL ENGINEERS
ASCE/ASCE/PAGE NUMBER	APPROPRIATE ASCE STANDARD
ASCE/TESTING MATERIALS	APPROPRIATE ASCE TEST MATERIALS
BPD	BALCONET PREVENTION DEVICE
BP	BALCONET PREVENTION PIPE
CLEAN	CLEANLINESS
CO	COMMISSIONING
CONC	CONCRETE
CUT	CUTTING
DR	DRAINAGE
ELEC	ELECTRICAL
EL	ELEVATION
EMT	EMT CONDUIT
EP	EXHAUST PORT
FAC	FACTORY
FL	FLASHING
FT	FEET
IN	INCHES
KW	KILOWATTS
LB	POUNDS
LT	LEVEL
M	METERS
MM	MM
NA	NOT APPLICABLE
NH	NEAR
OD	OUTSIDE DIAMETER
PSI	PSI
SD	SDR
SP	SPANNING
ST	STRUCTURE
TDR	TIME DOMAIN RADAR
UIC	UNIFORM IRON CODE
UL	UL LISTED
UN	UNLISTED
UPC	UNIFORM PLUMBING CODE
VOL	VOLTS
W	WEIGHT
WT	WEIGHT
YARD	YARD

LEGEND

Ex. No.	Symbol	Description
1	ASPHALT PAVING (PERFORATED)	
2	CONCRETE PAVING (PERFORATED)	
3	NEW STONE PAVING (PERFORATED)	
4	NEW CONCRETE PAVING (PERFORATED)	
5	NEW WOOD DECK (PERFORATED)	
6	PERFORATED PAVING	
7	PLANTED LANDSCAPED AREA	
8	GRAVEL OR REINFORCED GRAVEL (PERFORATED)	
9	EROSION CONTROL BLANKET	
10	BUILDING ADDED	
11	ASPA TANIN	
12	ORANGE LEFT	
13	ROOF LEADER	
14	PIPE INLET	
15	EXHAUST FAN	
16	JACK POLE	
17	SAFETY POLE	
18	SAFETY POLE	
19	WATER METER	
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