

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> April 8, 2009 11:00 A.M.	<b>Agenda Item No.:</b> 8
<b>Project Description:</b> Consider revisions to Staking and Flagging Criteria.	
<b>Project Location:</b> County-wide	<b>APN:</b> County-wide
<b>Planning File Number:</b> PD070742	<b>Applicant:</b> RMA-Planning Department
<b>Plan Area:</b> ALL	<b>Flagged and staked:</b> N/A
<b>Zoning Designation:</b> : N/A	
<b>CEQA Action:</b> Exempt Section 21174	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the Board of Supervisors approve the revision to the Staking and Flagging Criteria as drafted in **Exhibit A**.

### PROJECT OVERVIEW:

On October 29, 2008, staff presented revised guidelines developed through the Permit Streamlining with input from a few Land Use Advisory Committees.

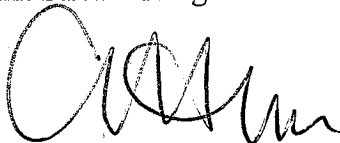
In general, the proposed changes would:

- Consolidate three criteria into one, also keeping the variance requirement to have two strings of flagging.
- Establish timelines to address the Commission's concern to get flagging down timely.
- Integrate the ability to use modern technology (e.g. simulation).
- Allow parts of a project that would be unseen to be staked without flagging, as determined by the project planner.
- Allow different types of staking and flagging to help reduce the need for heavy vegetation and high wind areas.

The Commission provided direction to clean up and clarify the language. Staff made changes that clarify when staking is required and the duration for it to remain in place. We reviewed these changes with the Taskforce. The criteria format has been modified and revised to such an extent that the guidelines are basically totally revised. As such, staff did not prepare a redline version. For comparison, the proposed criteria are included as **Exhibit A** and existing criteria is **Exhibit B** for comparison.

### OTHER AGENCY INVOLVEMENT:

Permit Streamlining Taskforce, Land Use Advisory Committees



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April 1, 2009

NOTE: The Commission action will be forwarded to the Board of Supervisors as a recommendation.

cc: Counter Copy, Planning Commission Members (10); County Counsel; Monterey Fire Protection Districts; RMA-Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Planning Director, Building Services Director; Planner; Carol Allen; File PD070742.

Attachments:

Exhibit A Draft Staking and Flagging Criteria (4/8/09 version)  
Exhibit B Existing Staking and Flagging Criteria



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## **STAKING AND/OR FLAGGING CRITERIA**

The purpose of staking and/or flagging is to provide visualization and analysis of projects in relation to County policies and regulations. Staking and/or flagging is intended to help planners and the public visualize the mass and form of a proposed project, or to assist in visualizing road cuts in areas of visual sensitivity. Staking and/or flagging:

- 1) Shall be required when any of the following conditions exist:
  - All or part of the project site is designated with a Design Overlay (“D”).
  - All or part of the project site is designated as Visually Sensitive (“VS”) on an adopted visual sensitivity map (Toro Area Plan, Greater Monterey Peninsula Area Plan, North County Area Plan).
  - When the project/site has potential to create ridgeline development, as determined by the project planner.
  - When the application includes a variance to height restrictions.
- 2) May be required where the project planner determines that the project has potential to create an adverse visual impact.
- 3) May be exempted when the project planner determines that no visual analysis is required for the project (e.g. Lot Line Adjustment).

### **1. DELINEATION**

As required, delineate the structure with flags of international orange, bright red, and/or other visible color(s) attached to sturdy poles that are able to withstand weather conditions for that area. Delineation may be accomplished using one of the following:

- 1) String with colored flags. Flagging colors shall be subject to approval by the project planner.
- 2) Continuous orange netting (Sample Photos – **Exhibit 1**).
- 3) Multiple staking and/or flagging, using the following criteria:
  - Flags shall be a minimum of 2-foot by 2-foot square located at the highest point of the structure (Sample Photos – **Exhibit 2**).
  - Staking shall identify major corners. Intermediate stakes and/or flags, as deemed adequate by the project planner, may be required so that the volume is easily perceived.
  - Stakes without flags may be required for road cuts where required by the project planner.
- 4) Photo Simulation, with a couple stakes for verification (Sample Simulation, **Exhibit 3**). See Section 4 – “Photo Documentation” for more information.

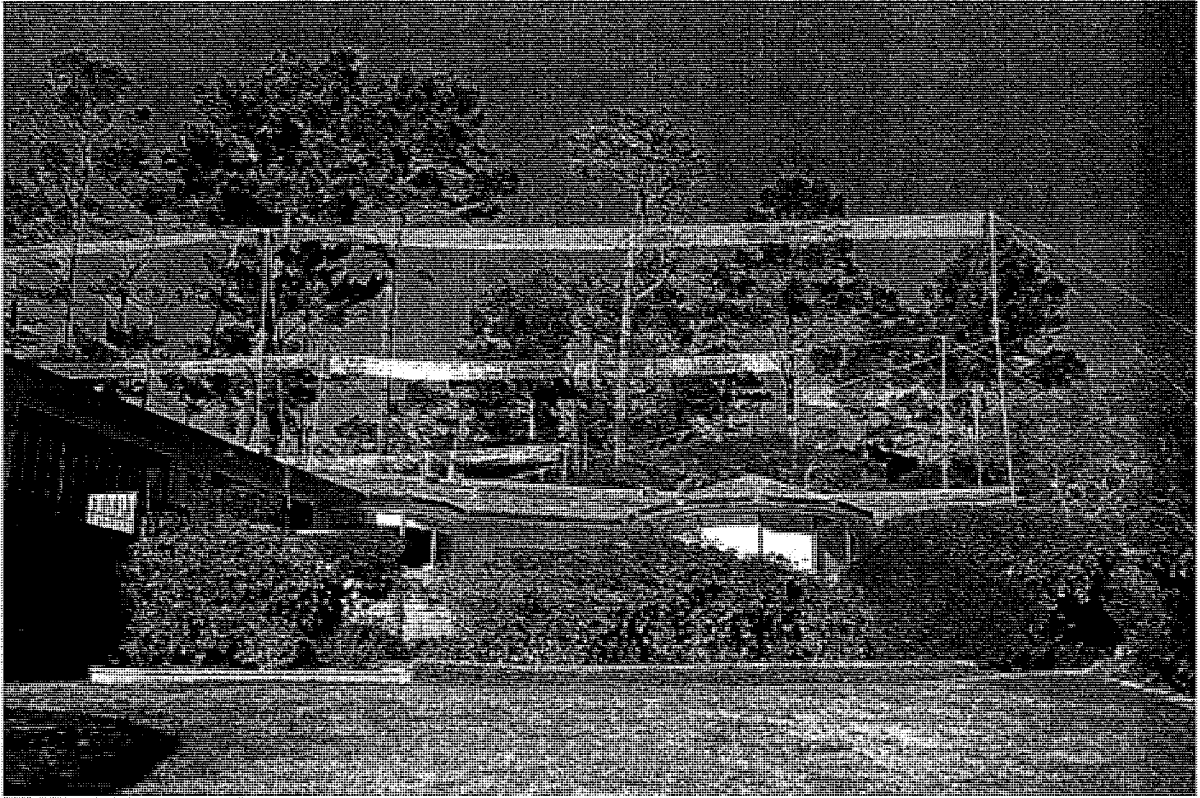


Exhibit 1: Sample Continuous Netting

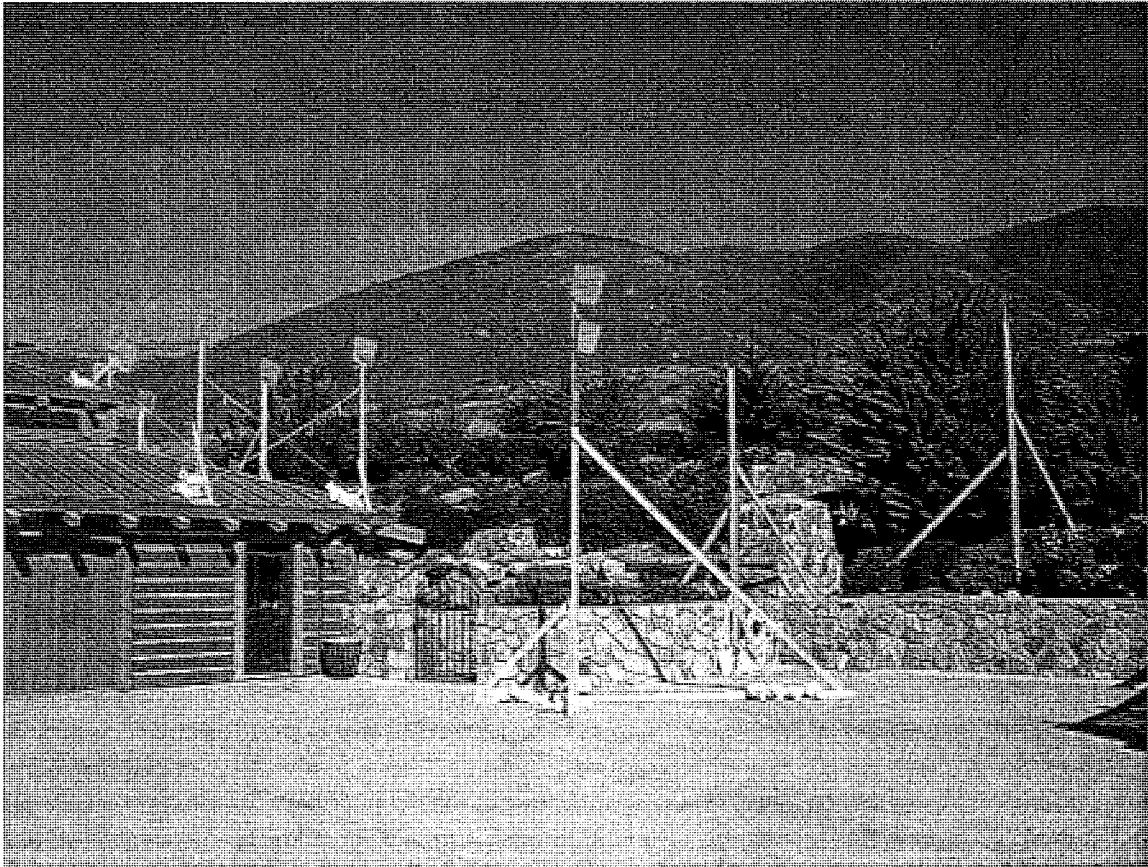


Exhibit 2: Sample Flags



Exhibit 3: Sample Photo Simulation

## 2. HEIGHT VARIANCE REQUESTS

When a variance to height regulations is requested, there shall be two structure lines flagged:

- 1) proposed building height
- 2) maximum height allowed by the zoning district.

The flags representing the allowed and requested heights shall be in contrasting colors.

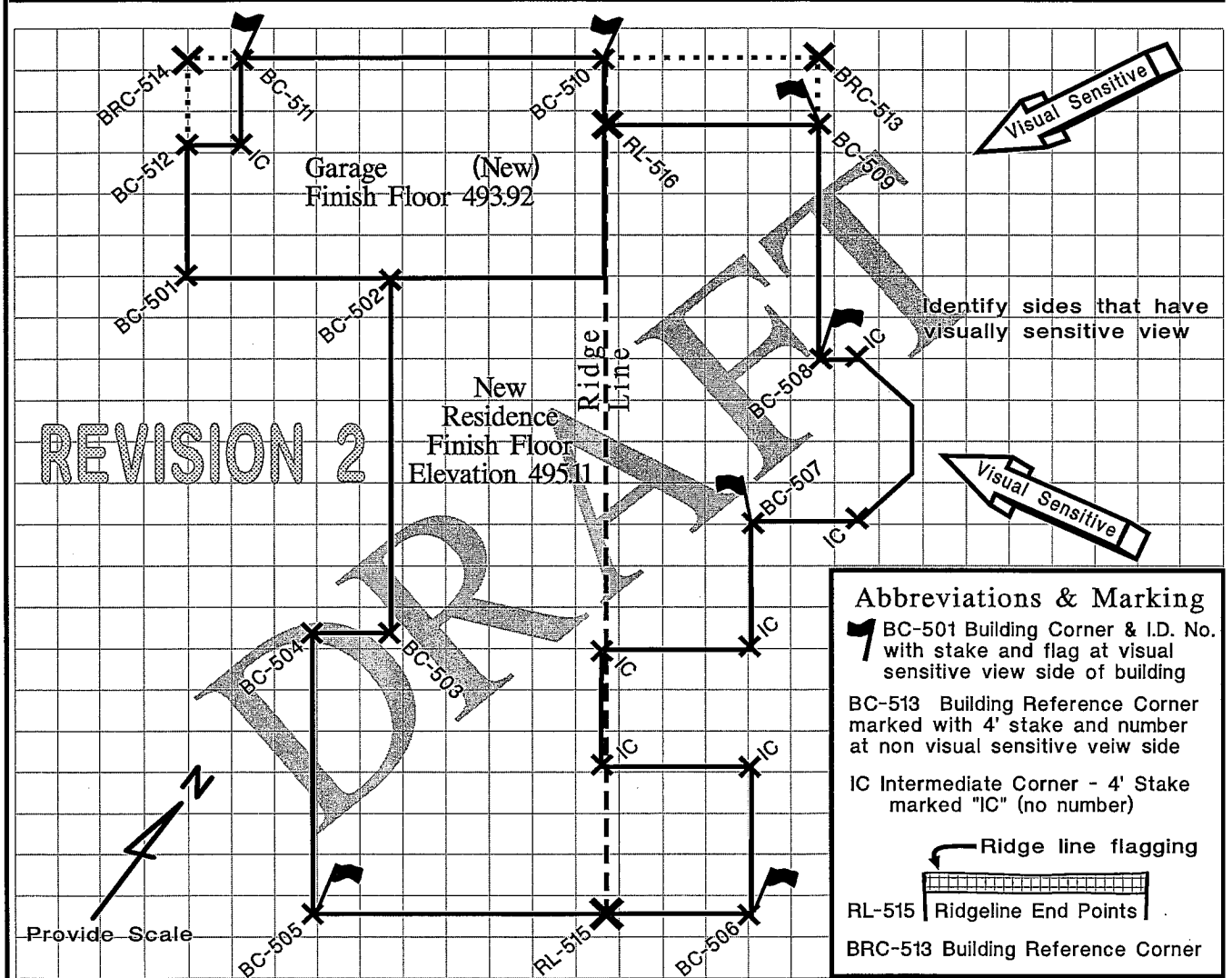
## 3. STAKING AND/OR FLAGGING PLAN

Staking will be required to clearly indicate the visual impact of the proposed project as determined by the project planner. Where staking and/or flagging is required, the project planner shall determine what points of the proposed building (corners, ridges, etc) must be staked and/or flagged in order to complete their visual assessment. The project planner may exempt a project, or components thereof, from the staking and/or flagging requirement where there is clearly no potential visual impact (e.g. addition behind an existing house, back walls, road alignment, etc) and where staking and/or flagging is not required.

The applicant shall submit a Staking Plan that identifies the locations of stakes using numbers, direction (e.g.; NWC = northwest corner), or some other identification method (Site Plan illustrating location of stakes in the field). Photos of the staking from visual points near and far shall be submitted with the Staking Plan, and said plan shall identify where the photo points are located (See sample Staking Plan, **Exhibit 4**).

Structure Classification _____ Address or Location _____ County Zone _____ Assessors _____ Designation _____ Parcel No: _____	Date _____ 20____ Application No. _____
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<b>APPLICANT</b>		Design Professional <input type="checkbox"/>	Owner <input type="checkbox"/>	Contractor <input type="checkbox"/>	Other <input type="checkbox"/>
Name _____	Work Phone _____				
Title _____	Home Phone _____				
Address _____	Fax _____				
City _____	State _____	Zip _____	e-mail _____		



Submitted By: _____	Date: _____								
Received By: _____	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 5px;">Planning</td> <td style="width:50%; padding: 5px;">Ordinance</td> </tr> <tr> <td style="padding: 5px;"><b>STAKING AND FLAGGING CRITERIA</b></td> <td style="padding: 5px;">Figure Number _____</td> </tr> <tr> <td style="padding: 5px;"><b>STRUCTURE OUTLINE EXAMPLE</b></td> <td style="padding: 5px;">Department _____</td> </tr> <tr> <td colspan="2" style="padding: 5px;">See Staking And Flagging Criteria for Requirements</td> </tr> </table>	Planning	Ordinance	<b>STAKING AND FLAGGING CRITERIA</b>	Figure Number _____	<b>STRUCTURE OUTLINE EXAMPLE</b>	Department _____	See Staking And Flagging Criteria for Requirements	
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<b>STAKING AND FLAGGING CRITERIA</b>	Figure Number _____								
<b>STRUCTURE OUTLINE EXAMPLE</b>	Department _____								
See Staking And Flagging Criteria for Requirements									

#### **4. PHOTO DOCUMENTATION**

Staking and/or flagging is required for the “duration of the review process” in order to help the project planner visualize the proposed development. Photo simulation of the proposed project is encouraged to supplement this visual analysis.

After 60 days and review by the Land Use Advisory Committee (if applicable), the project planner may determine that use of a photo simulation is adequate in lieu of staking and/or flagging for the duration of the review process, except in the following circumstances:

- 1) The project involves construction of a road or structure within a critical viewshed (Big Sur Land Use Plan), or
- 2) The project is located in an area designated as highly sensitive on an adopted visual sensitivity map (Toro Area Plan, Greater Monterey Peninsula Area Plan, North County Area Plan)
- 3) The project is determined by the project planner to involve ridgeline development.

All photo simulations shall have a point of reference to reveal major building features, highest points, relation to adjacent buildings, entry, or other significant details. Said reference point, and points of visual assessment, shall be from the visually sensitive side of the structure in the best location(s) determined by the project planner.

#### **5. REMOVAL OF STAKING AND/OR FLAGGING**

Staking and/or flagging not removed within 10 days following final action, or upon direction by the Planning Director, shall constitute a public nuisance.

Staking and/or flagging shall be removed upon completion of the review process or at the direction of the Planning Director. For purposes of this criteria, “duration of review process” shall mean 10 days following action by a decision-making body, unless an appeal is filed pursuant to appropriate chapters of the Zoning Codes (Titles 20 and 21).

Projects are encouraged to use technology/materials (e.g. telescoping poles) that allow flexibility to reduce/remove staking during periods when the project is not pending review or a noticed hearing, as determined by the project planner. Staking and/or flagging that has been damaged (e.g. weather) shall be removed or repaired within 10 days following said damage or upon direction by the Planning Director. Damaged staking and/or flagging need not be replaced until such time as notice for the project hearing has been posted, as determined by the project planner.



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**STAKING AND FLAGGING CRITERIA**

Flagging and/or staking may be required in areas of visual sensitivity. for projects including a request for ridgeline development and/or a variance to height restrictions, for projects located in the coastal zone and for other situations where it is important to determine precisely the location and/or visual impacts of a proposed project.

Flagging and/or staking, if required by staff or the County's decision-making bodies, must be carried out according to criteria for the following types of development:

1. Building locations in non visually-sensitive areas;
2. Ridgeline development and/or development located in areas of visual sensitivity;
3. Building envelope identification;
4. Height variance requests

These types of flagging and/or staking criteria are described further in this publication.

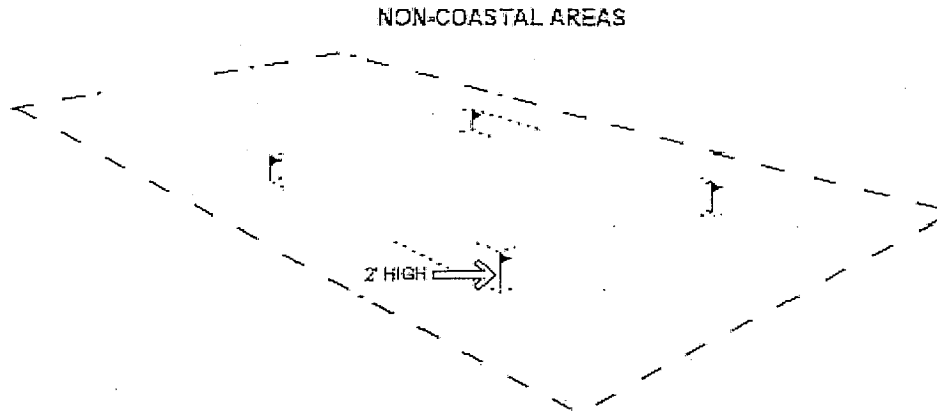
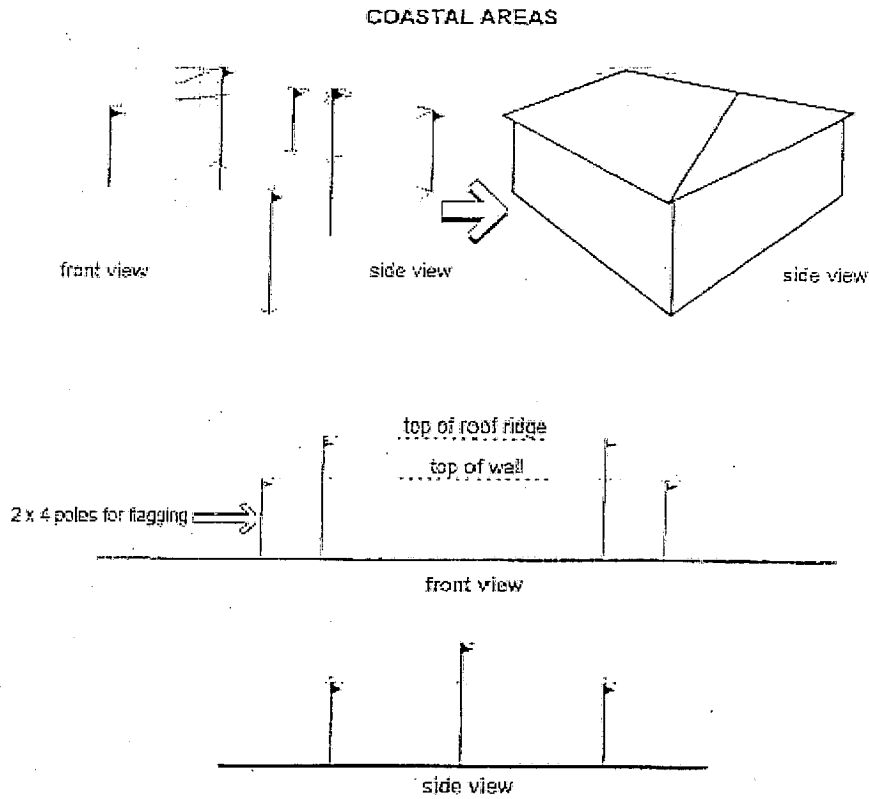


# 1. BUILDING LOCATION - STAKING AND FLAGGING

Where there is no question in the opinion of Planning and Building Inspection Department staff that the project will not impact visual resources and / or constitute Ridgeline Development, this first category of staking is adequate.

For building locations in the coastal zone stake the proposed building dimensions, height and roof-lines with flags of international orange, bright red or other visible color attached to 2 x 4 poles.

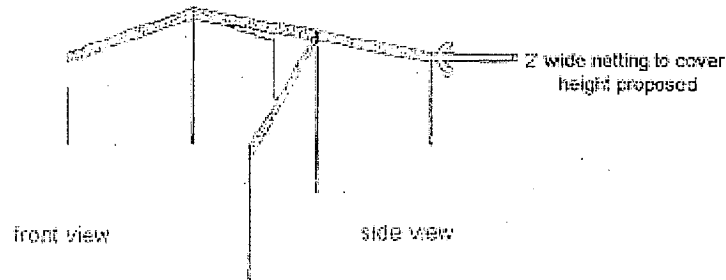
In non-coastal areas, staking (with small flags) of building corners two feet above the ground is adequate.



## 2. RIDGELINE AND/OR VISUAL SENSITIVITY

Ridgeline development is defined in the Monterey County General Plan as "Development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area." When a project has been identified as potential ridge line development and/or is within a visually sensitive area, staking will be required clearly indicating the visual impact of the proposed project.

Netting at least two feet wide of woven plastic snow fencing, or another equally suited material (in "international orange," yellow, red or other contrasting color) must be assembled to represent the proposed structure. Netting must be supported by stakes or support wires strong enough to accurately outline the entire building perimeter and height. The structure must be staked as illustrated below.



## 3. BUILDING ENVELOPES

When building envelope identification is required, the site's three-dimensional benchmarks must be staked and flagged for envelope dimensions, maximum height and mass as shown below in Exhibit A. If required by the planner, netting shall be used to highlight the building envelope as in Exhibit B. Netting, if required, will be at least 2 (two) feet wide of woven plastic snow fencing, or another equally suited material (in "international orange," yellow, red or other contrasting color). Flagging shall be mounted on sturdy poles so that the vertical dimensions are maintained.

Netting must be supported by wires strong enough to maintain the flagging along the entire perimeter and at the maximum height allowable.

If the project includes a request to revise the maximum height of the existing zoning district, both heights must be shown as illustrated for the flagging procedures for variance requests on Page 5.

### 3. BUILDING ENVELOPES - Continued

EXHIBIT A

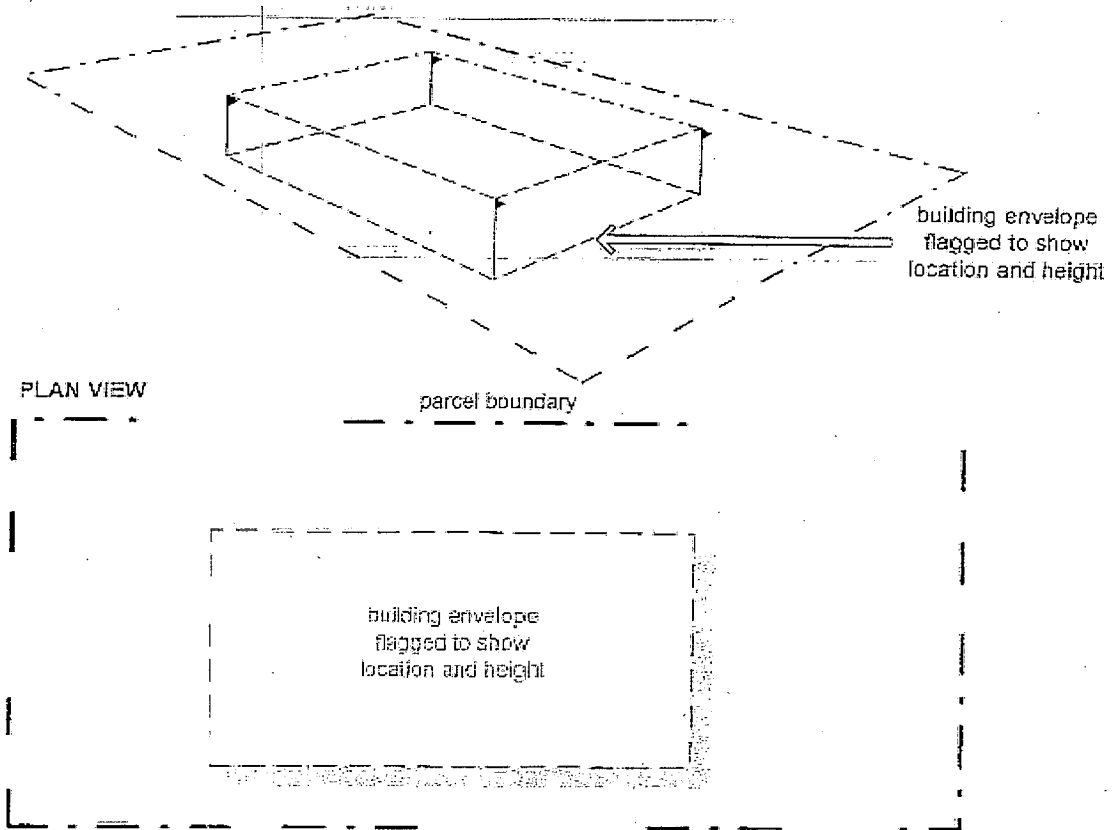
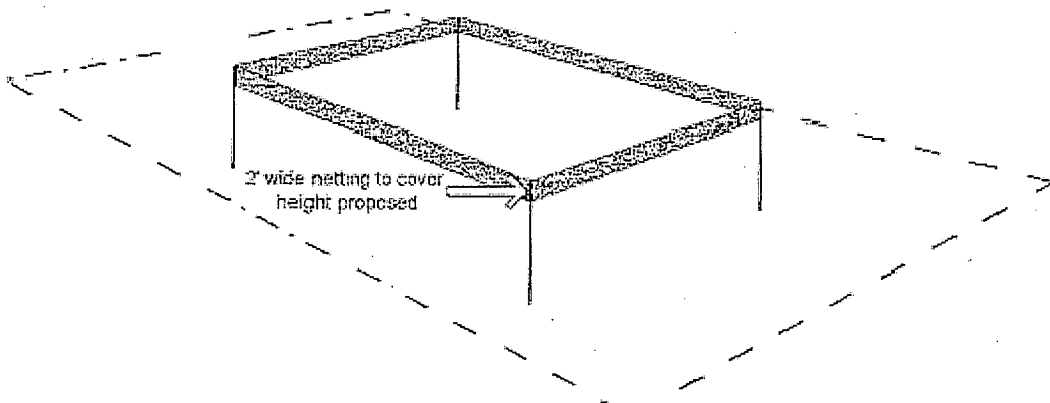
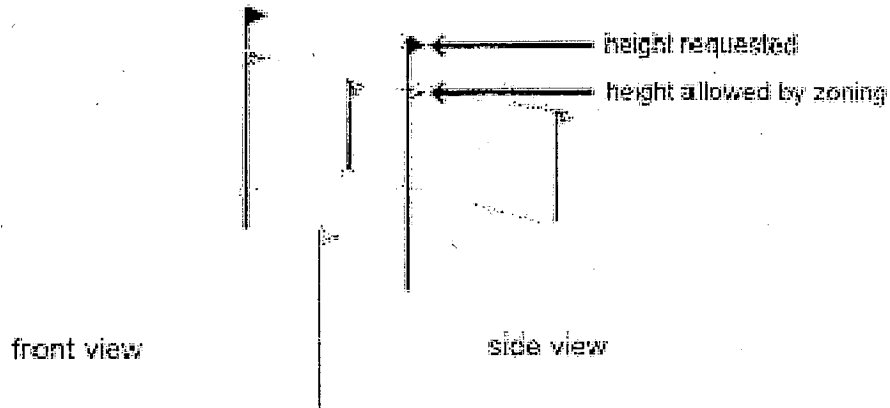


EXHIBIT B



#### 4. HEIGHT VARIANCE REQUESTS

When a variance to current height regulations is requested, the additional requested height must be staked along with the current maximum height allowed by the zoning district. The flags representing the allowed and requested heights shall be in "international orange," yellow, red or other contrasting color.



#### 5. REMOVING FLAGGING AFTER INSPECTION

Unless otherwise ordered by the Director of Planning, flagging must be installed prior to, and remain in place during, the review and approval process. Once the decision-making body has adopted a Resolution of Intent or taken final action, the property owner shall be required to remove the staking and flagging within ten (10) calendar days following the end of the appeal period. Flagging not removed within that time frame shall constitute a public nuisance and is subject to abatement by County Code Enforcement. If a project is appealed, flagging may remain and applicants must make sure that appropriate flagging is in place at least seven (7) days prior to the hearing date.

For projects that have been declared incomplete or are being delayed for more than 60 days, the applicant should be allowed, but not required, to remove flags until a new hearing is scheduled. If not specified by the decision-making body as part of the continuance, the Director of Planning shall determine if flagging must be removed or replaced, and to what extent, prior to the rescheduled hearing.