

September 10, 2003

**Honorable Chairman and Members of the  
Hermosa Beach Planning Commission**

**Regular Meeting of  
September 16, 2003**

SUBJECT: INTERPRETATION OF HEIGHT REGULATION RELATIVE TO A  
TRELLIS DETACHED FROM A BUILDING – 506 11<sup>TH</sup> STREET

**Recommendation:**

That the Planning Commission direct staff by minute order as deemed appropriate.

**Background:**

A property owner was cited by code enforcement for constructing an over-height trellis without permits at 506 11<sup>th</sup> Street. The property contains a two unit condominium completed in May 23, 2002. The trellis is currently constructed on a code complying roof deck permitted with the original project approval. The owner is seeking to determine whether the trellis is subject to the restrictions of the height limit if it is free standing (set in large planters) and not part of the building.

**Analysis:**

Sections 17.04.040 and 17.46.015 of the Zone Code sets out the requirement for establishing allowable building height. Pursuant to Section 17.04.040:

*Building height means a vertical distance measured from grade, as determined as described herein, to the corresponding uppermost point of the roof, as shown in the examples at the end of Chapter 17.04.*

The owner contends that the trellis as proposed, will not be attached to the roof and questions whether it is regulated by the code. The Planning Commission regularly reviews condominium projects with roof deck trellises that are counted in the calculation of the building height and are attached to the roof deck. The Commission does not consider such things as planters or furniture in project approvals that are not attached to the building and not addressed in the Code.

The issue of what the Zone Code regulates relative to building height is clear; it is the height from the grade to the uppermost part of the roof. What is less clear is whether a structure detached from a building is regulated by these height provisions. It may be useful then to look at the underlying purpose of the height regulations to consider this interpretation issue. The purpose of the height regulation is to ensure that buildings are not constructed excessively tall and do not excessively impact views, light and air to adjacent properties. The code makes specific exceptions to certain roof top equipment relative to building height in Chapter 17.46, and these permissible exception relate to equipment or structures attached to the roof. They include air handling systems, elevator towers, vents, chimneys, stairs and other similar structures which may exceed the height limit only by that amount required to meet Building Code requirements. The structures and equipment are appurtenant parts of the building and the building cannot be practicably constructed without them.

In the current situation, a trellis is proposed to exceed the height limit by approximately eight feet for an area approximately 8 feet by 10 feet. The Code clearly specifies certain exceptions and a trellis is not among them. The matter of whether the code addresses detached structures may be less significant than what it does address as permissible exceptions. The Code provides a very narrow list of exceptions, since the over all affect of the exceptions is to ensure that impacts to surrounding properties are minimized.

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Sol Blumenfeld, Director  
Community Development Department

Attachments:

1. Photo

50611thst.



August 13, 2003 – Over-height shade ramada at 506 11<sup>th</sup> St. owned by the Nelsons.