

October 8, 2003

**Honorable Mayor and Members of the
Hermosa Beach City Council**

**Regular Meeting of
October 14, 2003**

SUBJECT: TEXT AMENDMENT 03-2 - REVISIONS TO SECTION 17.46.010 TO CHANGE
THE ALLOWABLE SIZE AND HEIGHT OF CHIMNEYS

Recommendation:

That the City Council approve Text Amendment No. 03-2 and introducing the attached Ordinance.

Background:

On February 18, 2003, the Planning Commission approved the subject text amendment in order to make new chimney construction more consistent with the allowable height limit. The Commission initially considered a uniform three foot maximum height limit for all chimneys, but decided to proceed with a more flexible regulation that recognizes the variability of chimney height relative to flat and sloped roofs and the type of chimney construction. The Planning Commission expressed concern that some residences also may contain multiple chimneys that vary up to several feet in width and length and that the overall effect of such chimneys is to create substantial structural elements of buildings that may exceed maximum allowable building height. The Planning Commission received testimony from the design professions in support of the proposed amendment.

Analysis:

Chimney's are required to be constructed a minimum of three feet from the roof surface and extend up a minimum of 2 feet from any other portion of the roof within ten feet pursuant to combustibility requirements of the Mechanical Code (Chapter 8, Table 8-D). The Zone Code permits chimneys, vents and flues to exceed the height limit only by that amount required to meet the Building Code (Section 17.46.010). Furthermore, the components of a chimney which include the chimney chase, flue, spark arrestor and chimney cap must have a combustibility rating in order to qualify as noncombustible elements of the chimney pursuant to Chapter 31 of the UBC. If a chimney chase is combustible, the chimney flue, spark arrestor and cap must be a minimum of three feet above the chase. (Please see Attachment No. 3a). Depending upon the height of the chase, the resulting height of the chimney may exceed six feet (three foot requirement above the roof, three feet of chase and one foot of cap and spark arrestor).¹ A flat roof or sloped roof creates further variations in chimney height. (Please see Attachment No. 3b). The architectural design of residential projects generally incorporates chimneys as a design feature and architect's typically proportion a chimney to fit the height and style of a building. (Please see Attachment No. 3c). These code provisions mean that there is substantial variation for the allowable height of chimneys and that some chimneys may be substantially higher than five feet above the roof if they are constructed out of combustible (non-rated) materials.

The Commission considered these variables and determined that the most effective method to minimize chimney height for new construction and remodels was to ensure that all chimney components were constructed out of noncombustible and/or rated materials. This means that the overall height of a

chimney need not exceed four feet (three feet from roof surface and one foot for the chimney cap). The Commission also considered sloping roofs and determined that a five foot chimney height can accommodate all but the most extreme roof pitches.² Relative to chimney width and length and multiple chimney terminations, the Commission determined that the overall size be determined by the minimum framing and finish dimensions for single, double and triple chimney flues and terminations. (Please See Attachment No. 3d). Additionally, staff is recommending that the proposed text amendment contain a provision to allow for reconstruction of code complying masonry chimneys regardless of overall height, since such chimneys have already been retro-fit or reconstructed to comply with the Building Code. The ordinance has been revised to include this exception and incorporates additional wording to clarify the height limit and wording for a “rated” chimney assembly.

Conclusion:

The proposed text amendment, as revised, clarifies that is intended to minimize the portions of residential structures that currently may exceed the allowable height limit while providing for architectural variation. The provisions are summarized below:

1. Add new definition for chimney assemblies to include the chase, flue, spark arrestor and chimney cap to avoid any disparities about what is included in the overall height calculations.
2. Limit the bulk of listed chimney assemblies to 3’ wide by 3’ long for a single flue assembly; 3’ wide by 5’ long for a double flue assembly; and 3’ wide by 7’ long for a triple flue assembly which reflects the manufacturer’s minimum enclosure requirement of 30 inches per flue and three square feet to accommodate the chase around the flue, the flue and the cap.
3. Limit the maximum height of the chimney assembly to 5 feet on a low side of a sloped roof section and a maximum height of 4 feet on a flat roof section. In some instances this may result in reduced roof pitch or shifting a chimney location to the high side of a sloped roof.
4. All non-rated or combustible chimney assemblies are prohibited.
5. Reconstruction of Building Code complying masonry chimneys is permitted.

Sol Blumenfeld, Director
Community Development Department

Stephen R. Burrell,
City Manager

Attachments

1. Ordinance
2. P.C. Minutes/Resolution
3. Exhibits of chimneys

Notes:

1. Combustible rating means that termination connections have been tested, approved and rated by a recognized agency such as Underwriters Laboratory or ICBO. The majority of residential projects today are designed with decorative caps over or around the flue, spark arrestor and top of chimney resulting in chimneys that are substantially higher than three feet above the roof, because there are very few listed or rated stock chimney caps that can be used in conjunction with the listed flue.
2. Depending upon the location of a chimney relative to the roof peak or ridge, a chimney of up to five feet in height can be

accommodated on a sloped roof with a pitch of up to 5 inches in 12 inches (5:12). Most new two story buildings have very little roof pitch as these buildings are typically constructed to the maximum allowable height to maximize floor area. In the case of a sloped roof or split level home, the chimney termination must achieve the three-foot minimum and the two feet above the roof within ten feet of the chase requirement. The proposed restriction is consistent with most new construction projects.

H:TACHimney

ORDINANCE 03-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO AMEND THE ZONING ORDINANCE, SECTION 17.46.010 PERTAINING TO THE ALLOWABLE SIZE AND HEIGHT OF CHIMNEYS

The City Council of the City of Hermosa Beach does hereby ordain as follows:

Section 1. The Planning Commission held a duly noticed public hearing on February 18, 2003, to consider amending Section 17.46.010 pertaining to the allowable size and height of chimneys.

Section 2. The City Council held a duly noticed public hearing on September 23, 2003, to consider the recommendation of the Planning Commission to amend Section 17.46.010 of the Zoning Ordinance pertaining to the allowable size and height of chimneys.

Section 3. The subject text amendment is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to the general rule set forth in Section 15061(3) of the CEQA Guidelines, as there is no possibility that these modifications to the Zoning Ordinance may have a significant effect on the environment.

Section 4. Based on the evidence considered at the public hearing and the recommendation of the Planning Commission the City Council hereby ordains that the Hermosa Beach Municipal Code, Title 17-Zoning, be amended as follows:

1. Amend Section 17.46.010 as follows (underlined text to be added):

17.46. 010 Height of roof structures.

Commercial and Manufacturing Zones. The following elements may be constructed above the height limit, provided they do not exceed the height limit by more than eight feet and cover no more than five percent of the total roof area. Where the height of the element is governed by a uniform building code standard and adopted model codes, the element may exceed the height limit only by the minimum amount necessary to comply with the uniform building code standards.

- A. Elevator housing;
- B. Stairways;
- C. Tanks;
- D. Ventilating fans;
- E. Parapet fire walls;

- F. Towers;
- G. Chimneys;
- H. Flues;
- I. Vents;
- J. Smokestacks;
- K. Wireless masts;
- L. Similar structures as determined by the Planning Commission;

No structure exceeding the height limit shall result in additional floor area.

Residential Zones. Residential ~~uses~~ structures may have chimneys assemblies (with a manufacturer listed distance to combustibles specification, including chase, spark arrestor and chimney cap), vents and flues exceed the height limit only to the extent required to meet the uniform building code requirements, but in no event to exceed a maximum height of 5 feet on a low side of the sloped roof section and a maximum height of 4 feet when located on a flat roof section. The chimney width and depth shall be limited to 3' wide by 3' long for a single flue assembly; 3' wide by 5' long for a double flue assembly; and 3' wide by 7' long for a triple flue assembly. Existing reinforced masonry chimneys may be reconstructed without limitation.

For the height standards for antennas, satellite dishes, and similar structures refer to **Section 17.46.240.**

Section 5. This ordinance shall become effective and be in full force and effect from and after thirty (30) days of its final passage and adoption.

Section 6. Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause this ordinance to be published in the Easy Reader, a weekly newspaper of general circulation published and circulated, in the City of Hermosa Beach in the manner provided by law.

Section 7. The City Clerk shall certify to the passage and adoption of this ordinance, shall enter the same in the book of original ordinances of said city, and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

PASSED, APPROVED and ADOPTED this day of , 2003, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

ATTEST: _____ APPROVED AS TO
FORM: _____

City Clerk

City Attorney

cd/cc/ordchimneys