

November 16, 2004

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

**Regular Meeting of
November 23, 2004**

SUBJECT: TEXT AMENDMENT 04 - REVISIONS TO SECTION 17.46.010 TO CHANGE THE ALLOWABLE SIZE AND HEIGHT OF CHIMNEYS

Recommendation:

That the City Council waive further reading and introduce the attached ordinance.

Background:

Previously, the City Council reviewed the subject text amendment and requested revisions to allow chimneys to exceed the building height limit only to the extent required to meet the Building Code (i.e. a maximum height not greater than two feet above the nearest roof within ten feet and three feet from any surface).

Working with the City Attorney, staff prepared a draft text revision and reworded it to eliminate the redundant reference to “two feet above the nearest roof within ten feet” since that is already a building code and mechanical code requirement. The text amendment then read:

“For residential buildings, chimney assemblies (including chase, spark arrestor and chimney cap, vents and flues) may project above the maximum building height up to the distance necessary to meet Uniform Building Code (UBC) clearance requirements. Notwithstanding the height of the chimney, the chimney width and length 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 to their pre-existing height and width without limitation.”

Analysis:

Subsequently, staff examined the draft wording and determined that the code revision did not adequately address the City Council’s concerns because it did not reduce chimney height to the absolute minimum. A code complying chimney built of non-rated, combustible material may still in some instances be more than several feet above the finished surface of a sloping roof. The draft text has been revised to deal with this condition by requiring that the entire chimney above the roof be constructed of rated, non-combustible materials.

Current building code regulations require that chimneys be constructed a minimum of three feet from the roof surface and a minimum of two feet above the nearest roof area within ten feet of the chimney. Further, the components of a chimney, which include the chimney chase, flue, spark arrestor and chimney cap, must have a combustibility rating qualifying them as noncombustible elements of the chimney, pursuant to Chapter 31 of the Uniform Building Code (UBC).¹ If a chimney chase (i.e. the framing supporting the vent, and chimney cap) is combustible, the chimney

¹ Combustibility rating means that termination connections have been tested, approved and rated for fire resistance by a recognized agency such as Underwriters Laboratory or ICBO. Many homes today are designed with decorative caps over or around the flue, spark arrestor and top of chimney, resulting in chimneys that are non rated construction.

flue, spark arrestor and cap must be a minimum of three feet above the chase. Depending upon the slope of the roof and the height of the chase, the resulting height of the chimney may be several feet above the roof (three feet above the roof, three feet of chase, and one foot of cap and spark arrestor and shroud).

The above code provisions mean that there is substantial variation in the allowable height of chimneys, and that some chimneys may be substantially higher than the building height limit if they are constructed out of combustible (non-rated) materials. Therefore staff is recommending that City Council considered further refining the regulations to ensure that all chimney components are constructed out of rated noncombustible materials. This means that the overall height of a chimney can be reduced to less than four feet in height unless factory specifications require additional height.²

The proposed regulations apply to factory built fireplaces. Existing masonry chimneys reconstructed to conform to current building code requirements may be rebuilt without limitation.

Environmental Review:

This code amendment is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15305, Class 5: Minor Changes in Land Use Limitations, because the amendment would only make minor changes in the regulation of the height of chimneys

Sol Blumenfeld, Director
Community Development Department

Concur:

Stephen R. Burrell
City Manager

Attachments:

1. Ordinance
2. Building Code Sections & Illustration

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2. The three foot clearance requirement is for combustibility protection and the two feet above the nearest roof within ten feet clearance requirement is to ensure adequate draft from the chimney.