




CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES
MEMORANDUM

Date: March 11, 2009
To: Planning Commission
From: Craig A. Ewing, AICP, Director of Planning Services 
Subject: Palm Springs Zoning Code – Initiation of an Amendment Regarding the Definition of “Building Height”

Staff is continuing to identify Zoning Code amendments that bring the Code into a more clear and orderly statement of the City’s development policy. This memo addresses the definition of “building height” contained in Section 91.01:

“Building height” means the vertical distance plus eighteen (18) inches measured from the average grade at the curb adjacent to the property or from the top of the crown of the roadway if there is no curb, exclusive of exceptions permitted in Section 93.03.00. In the event of hillside lots, lots in excess of twenty thousand (20,000) square feet or lots where the approved pad height is greater than eighteen (18) inches above or below the curb level, the planning director or planning commission may establish the point of measurement at a level higher or lower than the curb or crown of street. The building height for parcels in excess of thirty thousand (30,000) square feet shall be measured from adjacent natural grade unless otherwise established by the planning commission.

As the Commission will recall, the definition’s reference to a parcel containing “any portion” with a grade of ten (10) percent or more has created problems for at least one recent development proposal.

Staff recommends that the Planning Commission initiate the Zone Text Amendment described in this memo, as allowed by Code Section 94.07.01.A.1a:

94.07.01 Zoning ordinance text amendment.

- A. Procedure.
 - 1. Initiation.
 - a. The planning commission may initiate proceedings by motion and then hold public hearings and make a recommendation as provided below.

Discussion

At recent study sessions, the Planning Commission has considered the need to clarify how building heights are to be established. From the Commission's study sessions, staff believes that a revision to the current definition should address:

1. The grade of the lot prior to start of project construction;
2. The relationship of the proposed structure to the lot boundaries (as opposed to the ground level immediately adjacent to the proposed structure)
3. The expansion of the definition to cover all "structures" not merely "buildings".

Staff has researched several cities' zoning definitions for building heights to gain a sense of the range of options. From that review (see attached) and based on the above objectives, a sample definition might read:

"Height, Structure", means the vertical distance from the lowest point where the perimeter of the structure touches the ground plane, as established prior to any grading associated with the project, to the highest point of the structure. Exceptions to the maximum structure height are allowed as provided in this Code.

Based on the Commission's direction, staff will prepare a draft definition for consideration at a future public hearing.

Attachment

Cathedral City

"Building height" means the vertical distance measured from the level of the finished building pad grade covered by the building to the uppermost portion of the building, including roof structures. The height of a segmented building constructed on multipads and/or terraced buildings is the maximum height of any segment of the building.

La Quinta

9.50.050 Maximum building height.

For purposes of this code, the maximum height of buildings and other structures shall be defined as the vertical distance from finish grade to an imaginary plane above the building site. The imaginary plane shall be established above and parallel to the finish grade adjacent to the exterior walls at a vertical distance equal to the specified maximum height. This definition is illustrated below:

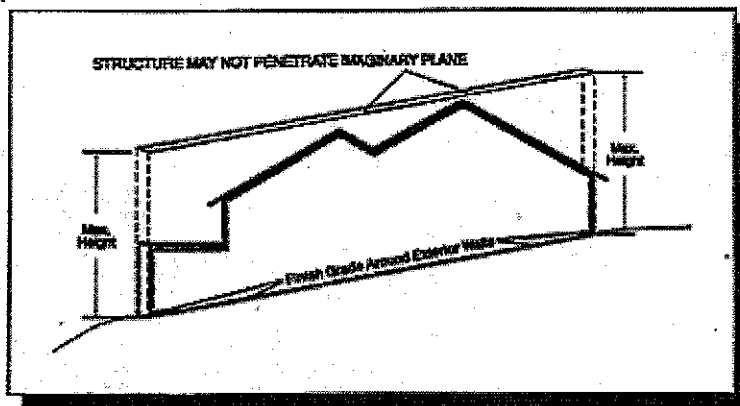


Figure 9-5: Measurement of Building Height

Beverly Hills

C. Single-Family Residential Zones In The Central Area Of The City: Except as otherwise provided for walls and fences, in single-family residential zones located in the Central Area of the city, "height" shall mean the distance between the highest element of a building or structure and the highest point of ground level at the perimeter of the building or structure. Such ground level shall be established by survey or grading plan prior to any demolition, grading, or other alteration of the lot or parcel to accommodate the building or structure to be erected. However, if more than fifty percent (50%) of the perimeter of the building or structure is below the highest point of such ground level, then the height shall be measured from the average of such ground level at the perimeter of the building or structure. The following structures shall not be subject to the height limits set forth in this subsection:

1. The extension of chimneys and vent pipes to the extent permitted by title 9 of this code.
2. Antennas, other than satellite dish antennas, that do not exceed fifteen feet (15') in height as measured from the surface on which the antennas are mounted and do not

exceed fifteen feet (15') above the applicable zoning height limit unless a minor accommodation permit and a building permit are obtained in accordance with the provisions of section 10-3-4506 of this chapter. If an antenna is mounted on a legally nonconforming structure that exceeds the applicable zoning height limit, then the antenna may also exceed the applicable zoning height limit, to a maximum of fifteen feet (15') above the height of that nonconforming structure.

3. Satellite dish antennas that do not exceed twelve feet (12') in height as measured from the surface on which they are mounted unless a minor accommodation permit and a building permit are obtained in accordance with the provisions of sections 10-3-4506 and 10-3-4504, respectively, of this chapter.

D. Single-Family Zones In The Hillside Area Of The City: Except as otherwise provided for walls and fences, in single-family residential zones located in the Hillside Area of the city, "height" of a building or structure at any point shall mean the vertical distance between that point and the point below it on a plane defined by the finished grade at all points along the building or structure perimeter.

Palm Desert

25.04.130 Building height.

"Building height" means vertical distance from the average elevation of the finished grade to the highest point on the structure directly above; provided, that a roof shall be measured to the highest point of the roof. (Ord. 93 § 1 (part), 1975: Exhibit A § 25.2-2 (part))

Rancho Mirage

Building height means the vertical distance from the surrounding finished grade to the highest point of the structure, excluding chimneys and vents. Please refer to Section 17.20.100 (Height Measurement and Height Limit Exceptions) for specific provisions (e.g., building pad, foundation, etc.).

Indian Wells

21.08.135 Building height.

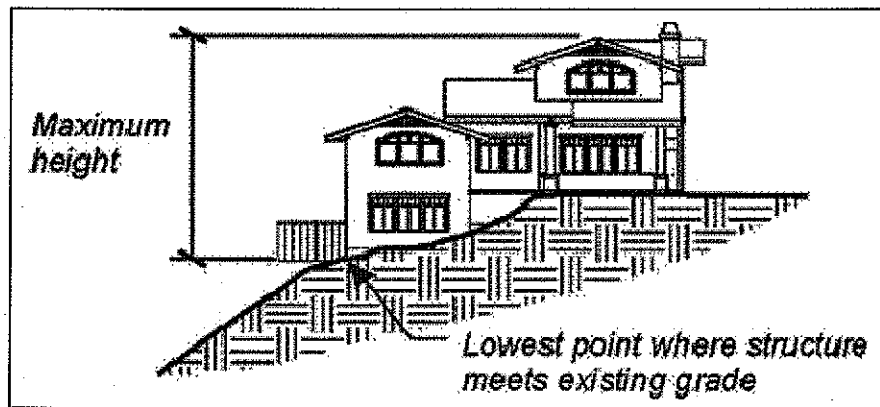
"Building height" means the vertical distance measured from the pad elevation to the highest point of the building or roof. (Ord. 387 § 1, 1996)

Pasadena

Height measurement.

1. The maximum allowable height of a structure shall be measured from the lowest elevation of the existing grade at an exterior wall of the structure to the highest point of the structure, except as otherwise specified by this Zoning Code. See Figure 4-3.

Figure 4-3 — Height Measurement



2. The highest point of the structure shall be considered its highest ridge or parapet.
3. Where the height limits of the applicable zoning district require measurement to the top plate, the height shall be measured from the lowest elevation of the existing grade at the exterior wall of the structure to the top plate elevation
4. If a single structure crosses a zoning or height district boundary (e.g., where one structure is located in two or more different zoning or height districts), the maximum height shall be measured separately for each portion of the structure in order to ensure compliance with the zoning or height district in which it is located. See Figure 4-4.

Santa Barbara

28.04.140 Building Height.

The maximum vertical height of a building or structure at all points measured from natural or finished grade, whichever is lower. Architectural elements that do not add floor area to a building, such as chimneys, vents, antennae, and towers, are not considered a part of the height of a building, but all portions of the roof are included. (Ord. 5416, 2007; Ord. 4641, 1990; Ord. 3710, 1974; Ord. 3540, 1972.)

Redlands

18.08.115: BUILDING, HEIGHT OF:

"Height of building" means the vertical distance, measured from the adjoining curb level to the highest point of the structure, exclusive of chimneys and ventilators; provided, however, that where buildings are set back from the street line, the height shall be measured from the average elevation of the finished grade at the front of the building. (Ord. 1000 § 6.20, 1955)

Moreno Valley

"Building height" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof, but exclusive of vents, air conditioners, chimneys or other such incidental appurtenances.

Oakland

Height" (see illustration I-2a) means the vertical distance of any structure, building, fence, Sign, retaining wall or other wall or hedge, or other facility measured from any point on top of the facility to a line directly below which connects and is perpendicular to the opposite perimeter walls, or other perimeter support systems, at finished grade on the outside of these walls or support systems. If any portion of a facility lies within ten feet of a retaining wall, the facility's height shall be measured from finished grade at the perimeter of the facility or at the base of the retaining wall, whichever is lower.

West Hollywood

B. Height Measurement.

1. Parallel Plane Method. The maximum allowable height shall be measured as the vertical distance from the grade existing at the time of project submittal to an imaginary plane located the allowed number of feet above and parallel to the existing grade (see Figure 3-2). Natural grade may be substituted for existing grade where the Director determines that the use of natural grade more accurately serves the purposes of the Zoning Ordinance. As an alternative on sites with slopes of 5 percent or more, an applicant may choose to apply the height measurement method provided in subsection (B)(2), below.

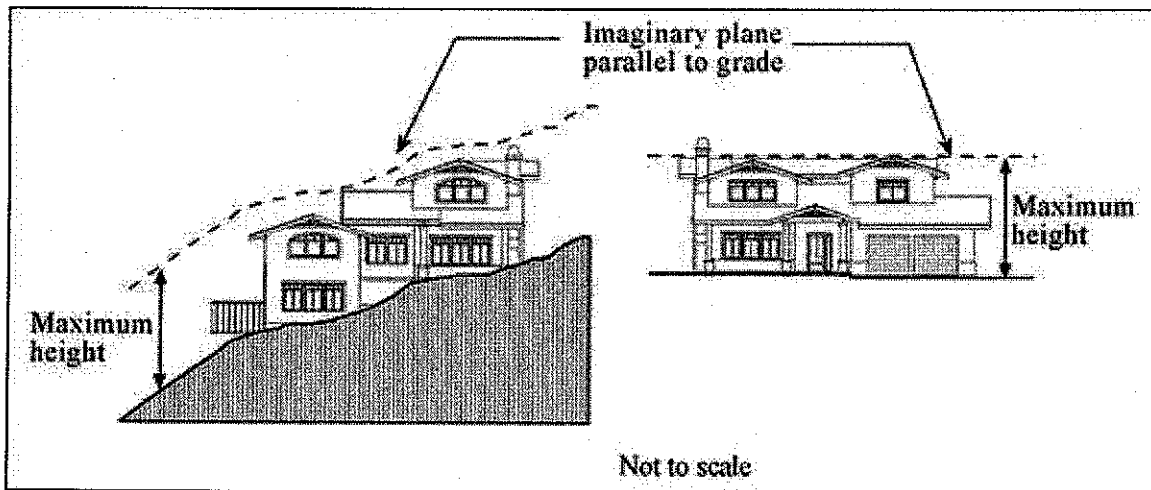


Figure 3-2
HEIGHT MEASUREMENT

2. Sloping Sites. At the option of an applicant, the following method of measuring the maximum allowed building height may be used instead of the method provided in subsection (B)(1) above, only on sites with slopes of 5 percent or more. This method of establishing heights on sloping parcels is intended to ensure compliance of structures on sloping parcels as closely as practicable to the height limit provisions of this section, in a manner that considers the design of efficient spaces within proposed structures.

a. Side Sloping Sites. Side sloping sites shall be measured as follows (as shown in Figure 3-3a):

(1) Sites with slopes of 5 percent or more from side property line to side property line along the street frontage, shall be broken into segments of fifty feet in width if zoned residential, and 70 feet in width if located in a non-residential zoning district;

(2) The midpoint of the front or rear property line, whichever is higher, of each segment shall be used to establish the maximum allowable height for the segment; and

(3) The number of segments shall be determined by dividing the total parcel frontage by either fifty feet or seventy feet as applicable. The width of the segments should then be evenly distributed by dividing the total parcel width by the required number of segments. The Commission may modify the number and width of segments when the Commission finds that the redesign meets the intent of this section.

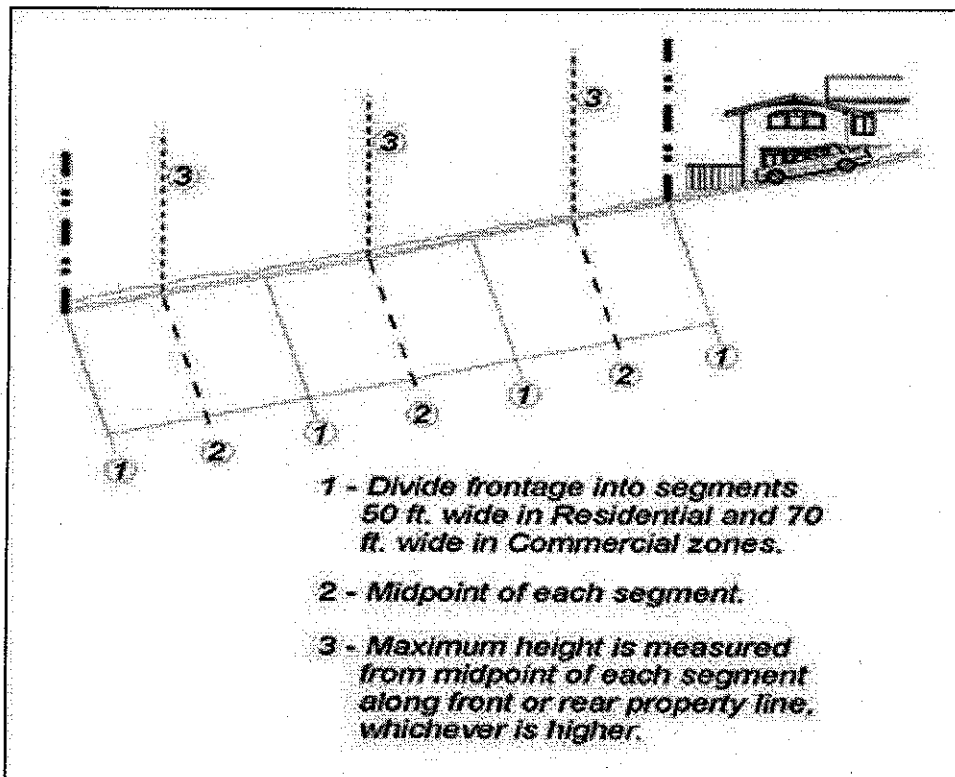


Figure 3-3a
SLOPING SITE SEGMENTS

b. Laterally Sloping Sites. The maximum allowed height shall be measured on a laterally sloping site by first establishing a midpoint as defined in subsection (B)(2)(a), above, and then by measuring through the parcel as defined in subsection (B)(2)(c), below. A laterally sloping site is one with slopes of 5 percent or more from the front property line to the rear property line.

c. Method of measurement through the parcel. Minimum height shall be measured as follows (as shown in Figures 3-3b and 3-3c):

(1) After establishing the midpoint for a parcel, or for each segment of a parcel on a sloping site, as defined in subsection (B)(2)(a), above, the maximum height allowed by this Zoning Ordinance shall be measured upward from that midpoint.

(2) An imaginary line is then drawn perpendicular to and extended outward toward the front or rear property line, whichever is lower, until it reaches the angle line created by subsection (B)(2)(c)(4), below.

(3) The midpoint of the front or rear property line, whichever is lower, is then established as described above and the maximum height limit prescribed for the property by this section is measured upward at that point.

(4) From the top of the midpoint line established by subsection (3), above, an angle is drawn at a profile of one foot vertically to two feet horizontally (1:2) to connect the lower midpoint line with the perpendicular line created by subsection (B)(2)(c)(2), above.

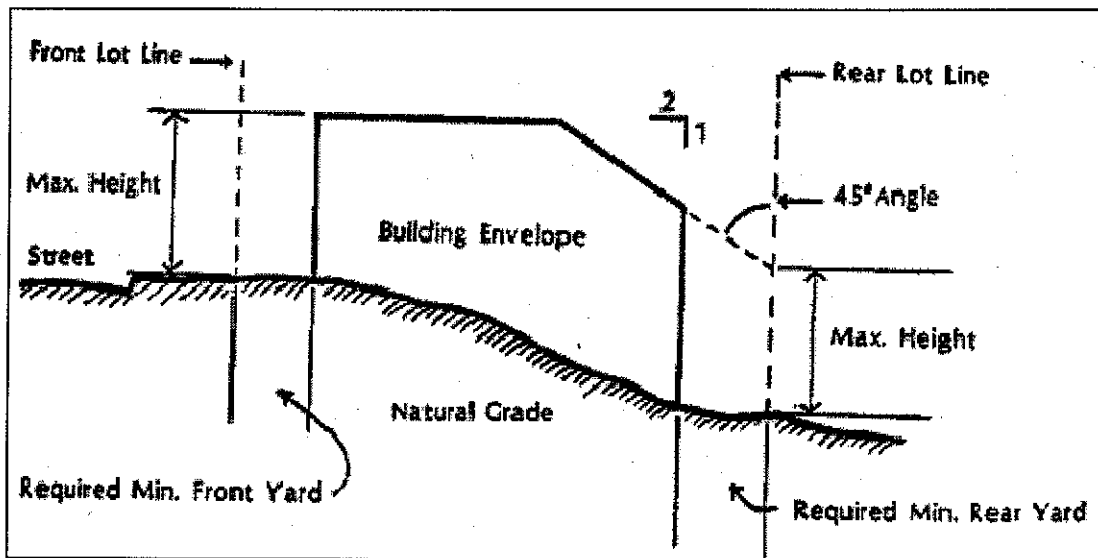


Figure 3-3b
SLOPING SITE CROSS-SECTION

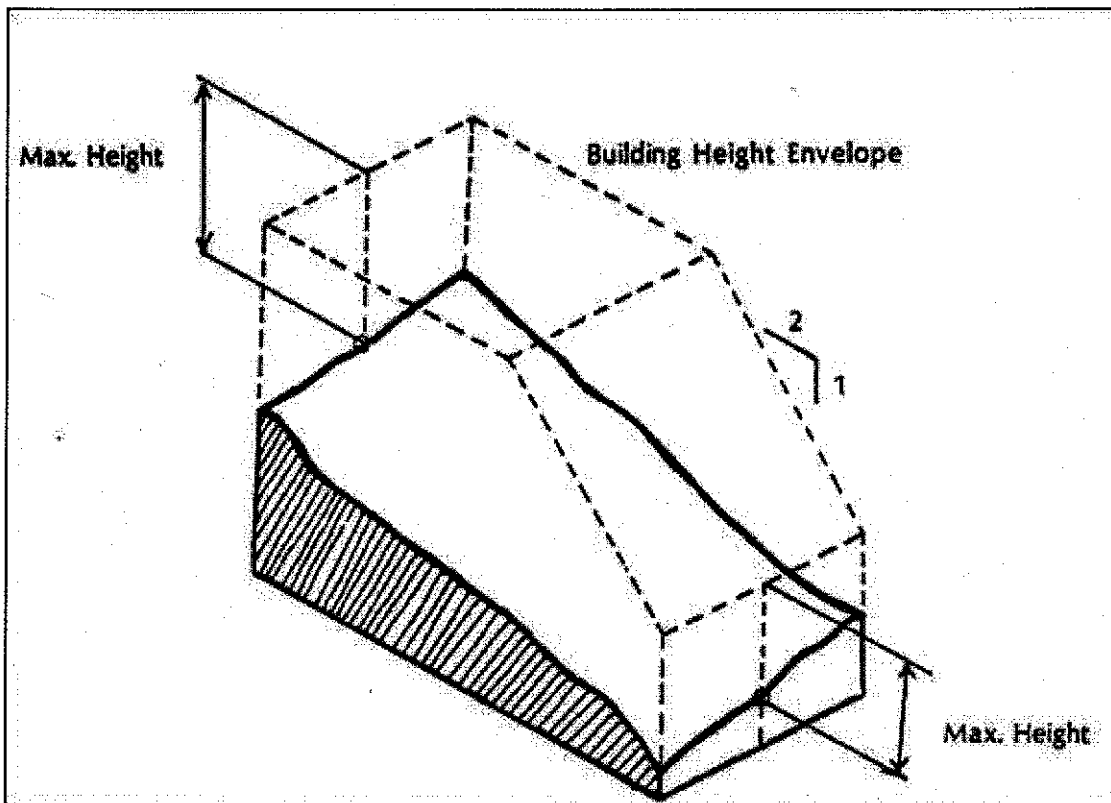


Figure 3-3c
SLOPING SITE THREE-DIMENSIONAL VIEW

d. Commercial Height Measurement when Adjacent to a Residential Zoning District. The purpose of the following methods of measurement is to require modifications to the height of commercial structures adjacent to a residential zoning district to ensure an appropriate transition in scale and use. These requirements apply where a rear or interior side lot line of a commercially zoned parcel abuts a residential zoning district, either within or outside the city.

(1) Rear Lot Line. Any structure on the commercial parcel shall not exceed the maximum height required for the abutting residential zoning district unless the structure, or that portion thereof which exceeds the height, is set back from any required rear yard a minimum horizontal distance of one foot for each two feet by which the structure, or portion thereof, exceeds the maximum height.

(2) Side Lot Line. Any structure on the commercial parcel shall not exceed the maximum height prescribed for the abutting residential zoning district unless the structure, or that portion thereof which exceeds the height, is set back from any required side yard a minimum horizontal distance equal to one foot for each four feet by which the structure, or portion thereof, exceeds the maximum height.