



PLANNING COMMISSION STUDY SESSION MEMORANDUM

March 20, 2019

To: Planning Commissioners
From: Gabriel Perez, City Planner
Subject: Building Height Requirements for Development Projects

The study session has been scheduled to discuss the San Clemente Municipal Code building height limits for development projects at the request of the City Council. At the City Council meeting on November 7, 2017, Commissioner Wu requested the Council call-up the Planning Commission approval of a residential addition at 230 Avenida Granada (CHP 16-304) for reconsideration due to concern the project does not comply with the City's maximum building height requirements (Council Meeting Video Link <https://youtu.be/cMhBZTAx-ac?t=4254>). The project was approved on October 4, 2017 by a 5-2 Planning Commission vote. The Council decided not to call-up the decision for CHP 16-304 and provided staff direction for the Planning Commission to clarify how the City's plateline height requirement applies to building features such as parapet walls and roof decks.

Zoning Ordinance Building Height Requirements

There are three building height limitations referenced in the Zoning Ordinance; plateline, top-of-roof, and stories. Zoning Ordinance Section 17.24.110.D.2.b, defines the "plateline" as:

"The top of the highest horizontal framing member or solid wall of a building or structure or part thereof, upon which roof beams or ceiling rafters rest. Features excluded from measurement under this definition shall include gable ends, sloping roofs, parapet walls and other vertical extensions which are normally controlled by limits on roof height as set forth in this section [which is the 33 foot top-of-roof height limit]."

The last sentence of the definition excludes design features from the plateline that are subject to the plate height limit, including "parapet walls and other vertical extensions", as shown in the underlined text above (Attachment 1). Staff has not applied the plateline height limit to roof decks since they include parapets and other vertical wall extensions to comply with building safety regulations and therefore not subject to Section 17.24.11.D.2.b. Furthermore, the plateline is referenced as a framing member upon which roof beams rest or ceiling rafters rest. Roof beams or ceiling rafters do not rest upon the roof deck or associated parapet walls for CHP 16-304. Roof deck height is restricted by the top-of-roof height limit and the residential addition under CHP 16-304 complies with the Mixed Use (MU) 3.3 Zone height limit (Attachment 2). Roof decks are not permitted to exceed the maximum height limit (top-of-roof) as identified in table

17.24.080.B (Attachment 3). A visual reference is provided to show how the plateline definition was applied to CHP 16-304 (Attachment 4).

At the November 7, 2017 Council meeting, Council inquired if roof decks qualify as an additional building story. The Zoning Ordinance defines a “Story” as:

“‘Story’ means that portion of a building included between the surface of any floor and the surface of the floor above it. If there is no floor above the surface floor, then a story shall be the space between the surface of a floor and the ceiling above it.”

The roof deck of CHP 16-304 does not qualify as a third story under this definition as no ceiling or floor above the roof deck floor was proposed. Therefore, the project did not exceed the 2 story limit of the MU 3.3 Zone.

Intent of Exclusions

The plate line definition was added to the Zoning Code in November 2015 with the first phase of updates to make zoning consistent with the Centennial General Plan. The exclusions were recommended by the Planning Commission. The intent was to apply the plateline height limit in a way that discourages massive structures and encourages attractive pitched roofs, without making it more challenging to include roof decks and other design features encouraged by the design guidelines.

Staff requests that the Planning Commission discuss the building height requirements as presented and provide direction.

Attachments:

- 1) Zoning Ordinance Section 17.24.110 – Height Limitations
- 2) Zoning Ordinance Section 17.40.040 – Mixed-Use Zone General Development Standards (Excerpt)
- 3) Zoning Ordinance Section 17.24.080 – Encroachments into Setbacks and Height Limits, General (Excerpt)
- 4) CHP 16-304 Visual Reference of Building Platelines

17.24.110 - Height Limitations.

- A. **Purpose and Intent.** One of San Clemente's defining characteristics is its varied topography. The City's building height regulations are intended to:
1. Preserve the natural topography by encouraging residential structures that follow the topography of the lots on which they are located and by discouraging significant grading or fill on infill lots. The calculation of height by individual roof element is intended to assist these objectives, by allowing roof elements to step up or down with the natural topography of the lot. The measurement of height from original grade is also intended to assist these objectives, by establishing height limits which are relative to the natural topography;
 2. Accommodate the special difficulties of developing on sloped properties by allowing height to be averaged within roof elements;
 3. Encourage developments with full roofs. The establishment of a height limit to plate line and a height limit to top of roof, in specific mixed-use and nonresidential zones where traditional architecture is required, is intended to assist with this objective; and
 4. Discourage excessively massive structures. The establishment of a story limit in mixed-use and nonresidential zones is intended to assist with this objective. The exemption of subterranean portions of structures from counting toward the story limit is intended to assist this objective, as well.
- B. **General Regulations for the Measurement of Height.** The following regulations for calculating height shall apply to all development within the City of San Clemente:
1. **Measurement of Height From Original or Finished Grade.**
 - a. **Developments With Mass Recontouring.** In the case of subdivisions and/or land development where mass recontouring has been or will be permitted by the City, building height shall be measured from finished grade, subject to approval through the site plan permit process, as described in Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this title. Please refer to Figure 17.24.110A for a map of those areas in the City which have had mass recontouring. This subsection does not include properties with significant grading which have received the approval of a variance from height limits; please refer to the following paragraph b, for the method of measuring height on these properties.
 - b. **All Other Development.** In the case of developments where mass recontouring has not been permitted, or where significant grading has been allowed but through the approval of a variance from the height limit, building height shall be measured from original grade.
 - c. In cases where it is ambiguous whether building height should be measured from finished or original grade, or where a determination of finished or original grade is difficult, the City Planner shall make such determination, subject to the appeal provisions in Section 17.12.140, Appeals of an Action, of this title.
 2. **Measurement of Height by Roof Element.** The building height limits for a zone shall be applied to and measured for each roof element of a structure. No individual roof element may exceed the height limits for the zone.
 3. **Measurement of Height to the Top of a Roof Element (TOR).** Unless additional height limits are indicated in the development standard tables in Chapters 17.32, Residential Zones and Standards, through 17.48, Public Zones and Standards, of this title, the maximum height limit stated for a zone shall be a limit upon the "average height to the top of the roof element." The average height to the top of a roof element is calculated by:
 - a. Measuring the height of each corner of the roof element. The height of each corner of the roof element is the vertical distance between original or finished grade and a projection of the top of the roof element, at each corner. Please refer to Subsection (B)(1),

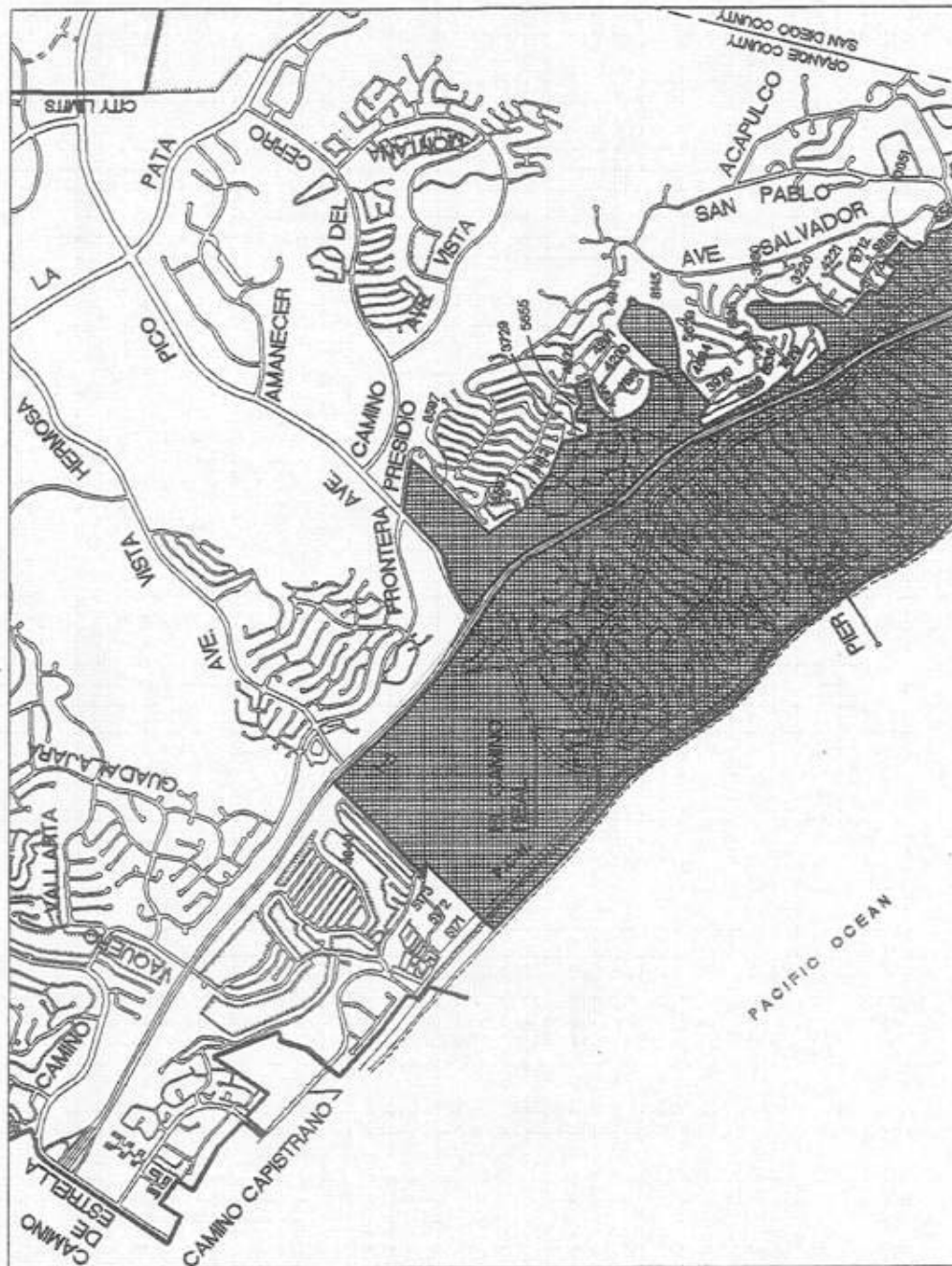
Measurement of Height from Original or Finished Grade, of this section, regarding whether original or finished grade should be used; and

- b. Averaging the sum of the height of each corner of the roof element.

C. Height Limits in Residential Zones.

- 1. Height Limits. The maximum building height limits for structures in residential zones are described in Table 17.32.040, Residential Zone Development Standards, of this title.

Figure 17.24.110A



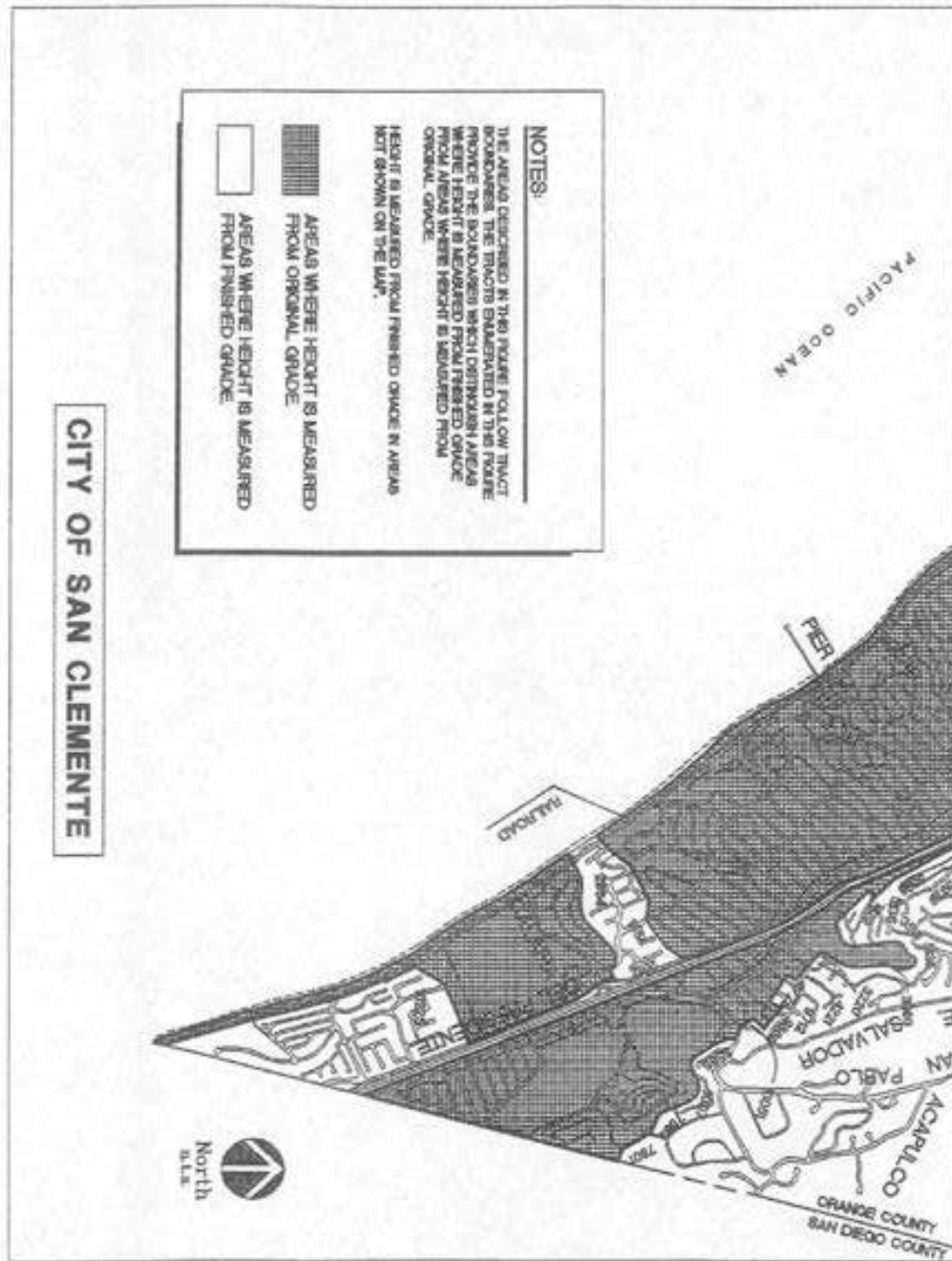
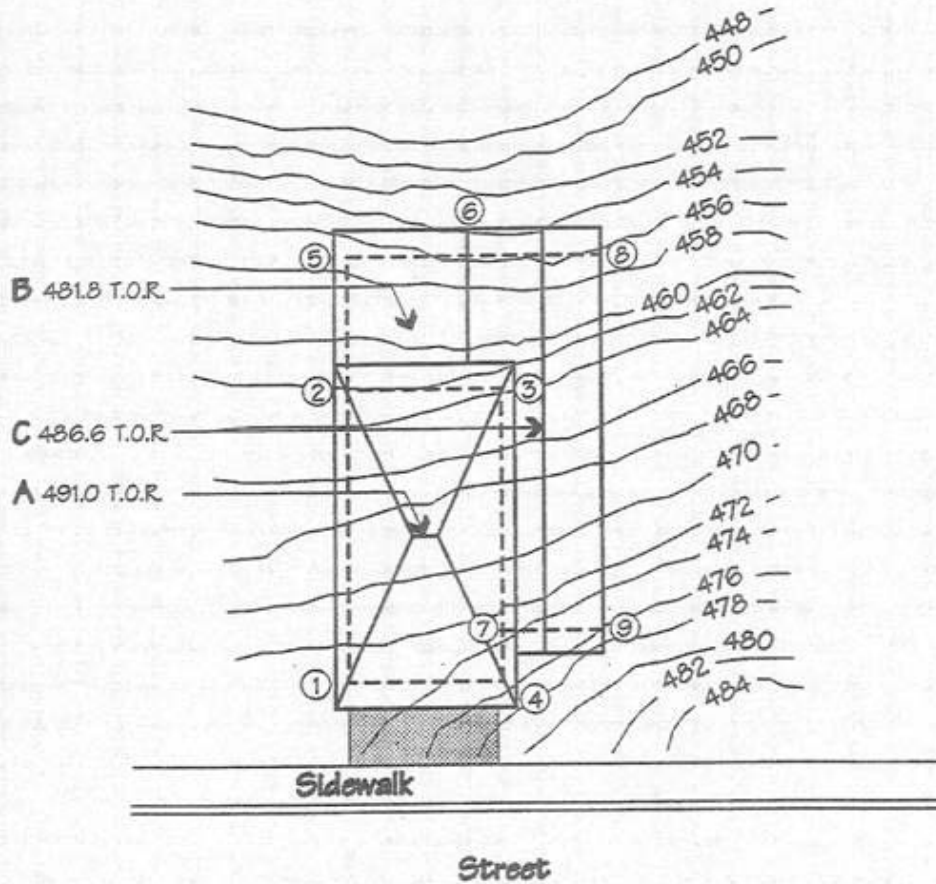


Figure 17.24.110B



Height Analysis

	①	②	③	④		
A Ridge Elevation	491.0	491.0	491.0	491.0		
Existing Grade	<u>472.5</u>	<u>461.5</u>	<u>462.7</u>	<u>477.0</u>	<u>= 90.3</u>	<u>= 22.6</u>
	18.5	29.5	28.3	14.0	4	
	②	③	⑤	⑥		
B Roof Elevation	481.8	481.8	481.8	481.8		
Existing Grade	<u>461.5</u>	<u>462.7</u>	<u>450.8</u>	<u>452.0</u>	<u>= 100.2</u>	<u>= 25</u>
	20.3	19.1	31.0	29.8	4	
	⑥	⑦	⑧	⑨		
C Ridge Elevation	486.6	486.6	486.6	486.6		
Existing Grade	<u>452.0</u>	<u>469.0</u>	<u>454.5</u>	<u>472.0</u>	<u>= 98.9</u>	<u>= 24.7</u>
	34.6	17.6	32.1	14.6	4	

- Measurement of Height. Structures in residential zones must comply with the general regulations for measuring height in Subsection (B), General Regulations for the Measurement of Height, of this section.

D. Height Limits in Nonresidential and Mixed-Use Zones.

- Height Limits. The maximum building height limits for structures in nonresidential and mixed-use zones are described in the development standard tables in Chapters 17.36, Commercial Zones

and Standards, through 17.48, Public Zones and Standards, of this title. Maximum building height limits for nonresidential and mixed-use structures are expressed in terms of both numerical height limits and a story limit; structures must comply with all the height limits for the zone.

2. Measurement of Height. Please refer to the general regulations for the measurement of height in Subsection (B), General Regulations for the Measurement of Height, of this section. In addition to compliance with the general regulations above, height in non-residential and mixed-use zones shall, when required in Chapters 17.36, Commercial Zones and Standards, through 17.48, Public Zones and Standards, comply with the following regulations:
 - a. Story Limits. The number of stories in each roof element shall not exceed the story limit for each zone, as indicated in Chapters 17.36, Commercial Zones and Standards, through 17.48, Public Zones and Standards. The following may be excepted from the story limits of this subsection:
 - i. Residential structures in the MU 5.1 zone do not have story limits;
 - ii. Basements shall not be counted toward the story limits for a structure.
 - b. Height Limit to Plateline (PL). For zones specified in the development standard tables, as required in Chapters 17.36, Commercial Zones and Standards, through 17.48, Public Zones and Standards, of this title, a height limit to the plateline of a roof has been established. The height of the plate line of a roof element shall be a measurement of the "average height of the plateline." The average height of the plate line of the roof element is calculated as follows:
 - i. Measuring the height to the plate line at each corner of the roof element. The height to the plate line at each corner of the roof element is the vertical distance between original or finished grade and the plate line, at each corner. Please refer to Subsection (B)(1), Measurement of Height from Original or Finished Grade, of this section, regarding whether original or finished grade should be used; and
 - ii. Averaging the sum of the heights to the plate line at each corner of the roof element.
 - iii. Plate Line is defined as the top of the highest horizontal framing member or solid wall of a building or structure or part thereof, upon which roof beams or ceiling rafters rest. Features excluded from measurement under this definition shall include gable ends, sloping roofs, parapet walls and other vertical extensions which are normally controlled by limits on roof height as set forth in this section.
- E. **Visual Analysis Tools.** The City Planner and review authority may require the submittal of visual analysis tools to evaluate visual impacts of projects that require a discretionary permit application. Visual analysis tools may include, but are not limited to, story pole staking, visual simulations, models, etc. Refer to Section 17.12.060.

(Ord. No. 1561, § 3(Exh. A, § 11), 11-27-2012; Ord. No. 1575, § 3(Exh. A, § 6), 12-3-2013; Ord. No. 1594, § 3(Exh. A, § 25), 5-5-2015; Ord. No. 1609/1610, § 6(Exh. D, 2), 11-17-2015)

17.40.040 - Mixed-Use Zone General Development Standards.

**Table 17.40.040G
MU 3.3 Development Standards**

MU 3.3 Development Standards	
Standard	MU 3.3 Zone Requirement
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Residential Density, Maximum	24.0 units per gross acre 36.0 units per net acre
Maximum number of Residential Units	Maximum of one dwelling unit per 1,200 square feet of net lot area or one dwelling unit per 1,800 square feet of gross area, whichever is less.
Dwelling Unit Size, Minimum	600 square feet.
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Setback to Street-Facing Garage (for Stand-alone Residential Projects), Minimum	18'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	100 percent of lot area
Residential Development Location; Mixed Use	In Mixed Use projects, habitable residential space shall be located on the second story or higher.

Floor Area Ratio, Maximum	Commercial projects: 1.0 Mixed use projects: 2.0. For Mixed Use projects, the Floor Area Ratio devoted to Commercial use shall be a minimum of 0.35 and a maximum of 1.0
Height Limitations	For all projects: 2 Stories with a maximum plate height of 26'-0" and a maximum Top of Roof height of 33'-0". Exception with Conditional Use Permit approved by City Council for sites with sloping topography: 3 Stories with a maximum Top of Roof height of 35'-0".

17.24.080 - Encroachments into Setbacks and Height Limits, General.

A. **Purpose and Intent.** The regulations included in this section provide for the encroachment of architectural and functional features into setback areas. Limitations have also been established as a measure to control the overuse of the projection provisions in this section.

The maximum percentages will help prevent aesthetically inappropriate architectural façades or features that would pose a detriment to adjacent properties.

B. **Maximum Length of Encroachments.**

1. General Limitations.

a. The total horizontal length of encroachments allowed in Table 17.24.080B, Maximum Encroachments into Setbacks and Height Limits, of this chapter on a given building elevation shall not exceed the maximum percentage of building elevation length as specified below:

Table 17.24.080A

General Limitations on Encroachments into Setbacks

Building Elevation	Maximum Percentage of Building Elevation Length
Front	60%
Side	40%
Rear	80%

b. Building elevation length shall be measured at the first floor.

2. Exceptions. At the discretion of the City Planner, the total length of all projections on a given elevation may be reduced to a smaller number in order to implement the intent of this section.

C. **Encroachments.**

1. General Notes Regarding Encroachments. In this section, encroachments into the minimum setback areas required in the development standard tables in each of the zones are described in the following two ways:

a. Minimum Distance from Property Line. When stated in terms of a minimum distance from the property line, the encroachment into the required setback area is allowed to some minimum distance from the property line.

b. Maximum Projection. When stated in terms of a projection, the encroachment into the required setback area is a projection into the setback measured from the setback line. ¹

2. Specific Encroachments. The following items may encroach into required yards or extend beyond the maximum height limits, subject to the conditions identified in the table.

Table 17.24.080B

Maximum Encroachments into Setbacks and Height Limits

Item	Front Encroachments Into Front Yard Setback Area	Side Encroachments Into Side Yard Setback Area	Rear Encroachments Into Rear Yard Setback Area	Maximum Projection Above Height Limit	Other Limitations
Arbors	For encroachments into front yard setback, please see Section 17.32.050(A), Arbors, of this title.				
Architectural Projections: Awnings in Residential Zones, Cornices, Eaves, and Roof Overhangs	A projection of up to 25% of the front yard setback, with a maximum projection of 5 ft. ²	30 in. from property line; for dwelling units with an 8 ft. side yard setback in accordance with Section 17.32.050(F), Special Provisions for Dwelling Units With Front Entrances Located Along the Side Property Line, a distance of 66 in. from the property line shall be maintained within the 8 ft. setback area.	30 in. from property line	Not Permitted	
Awnings in	Awnings in nonresidential zones shall be permitted			Not	

<p>Nonresidential Zones (For standards for awning signs, please refer to Chapter 17.84, Sign Regulations)</p>	<p>outright to encroach into setbacks and public rights-of-way up to 48 inches if the awning complies with the following conditions, as determined by the City:</p> <ol style="list-style-type: none"> 1. It is permanently affixed to the building it serves; 2. It shall not create a hazard for pedestrians or vehicles; 3. It shall not extend beyond the edge of sidewalk or curb adjacent to street; 4. It shall maintain a minimum of 8 feet vertical clearance between the sidewalk and bottom of awning; <p>The owner of the awning encroaching into the public right-of-way shall be required to enter into an agreement with the City that indemnifies the City from all liability associated with the awning that encroaches.</p>			<p>Permitted</p>	
<p>Balconies, Porches, Decks, Landing Places and Stairways Open, Uncovered and Under 30 in. (As Measured from Finished Grade)</p>	<p>0 ft. from property line</p>	<p>0 ft. from property line</p>	<p>0 ft. from property line</p>	<p>Not Permitted</p>	
<p>Open, Uncovered and 30 in. or Taller (Measured from Finished Grade)</p>	<p>Projection of up to 6 ft. into front yard setback ³ Exception ⁶</p>	<p>5 ft. from property line ⁴</p>	<p>5 ft. from property line ⁵</p>	<p>Not Permitted</p>	
<p>Barbeque structure (Maximum 6 ft. width)</p>					

Attached:	Not permitted	Not permitted	Not permitted	Not permitted	
Detached:	<p>Front ½ lot: Not permitted</p> <p>Rear ½ of lot: Interior side: 0 ft. if the structure is less than 6 ft. in height</p> <p>Street side: Not permitted</p>	<p>0 ft. if the structure is less than 6 ft. in height</p> <p>From alley: 5 ft. from property line</p>	When allowed to encroach into setback area, detached barbeque structures shall not exceed 6 ft.		
Basement 100% Below Grade	Not Permitted	0 ft. from property line	0 ft. from property line	N/A	
Bay Windows (maximum 8 ft. width)	30 in. projection ⁷ ; Exception ⁸	30 in. from property line	Not Permitted	N/A	Encroaching bay windows shall not extend to the ground. (See graphic following table).
Chimneys (Maximum 6 ft. Width)	Not Permitted	30 in. from property line; For dwelling units with an 8 ft. side yard setback, in accordance with Section 17.32.050(F), Special Provisions for Dwelling Units with Front Entrances Located	Not Permitted	2 ft. Exception ⁹	Refer to the Building Division for additional setbacks and requirements for safety and fire.

		along the Site Property Line, a distance of 66 in. from property line shall be maintained within the 8 ft. setback area.			
Outdoor Fireplaces (Maximum 6 ft. Width)	Not Permitted	Front ½ lot: Not Permitted Rear ½ of lot: Interior side: 0 ft. if the structure is less than 6 ft. in height. Street-side: Not Permitted	0 ft. if the structure is less than 6 ft. in height. From alley: 5 ft. from property line.	Not Permitted When allowed to encroach into setback area, detached barbeque structures shall not exceed 6 ft.	
Elevator Towers	Not Permitted	Not Permitted	Not Permitted	6 ft. Exception ¹⁰	
Fences, Walls and Hedges	Please refer to Section 17.24.090, Fences, Walls and Hedges, of this title.				
Fire Pits	Not Permitted	0 ft.	0 ft.	N/A	Refer to the Building Division for additional setbacks for safety and fire concerns
Flag Poles, Antennas (other than Sat. Ant. or Ant. on City Property), Cupolas,	Flag poles only: 0 ft. from property line. Others: Not Permitted.	Flag poles only: 0 ft. from property line. Others: Not Permitted.	Flag poles only: 0 ft. from property line. Others: Not Permitted.	Not Permitted Exception ¹¹	

Church Steeples, Monuments and Similar Structures					
HVAC, Mechanical Equipment, Window Mounted Air Conditioners, Tankless Water Heaters	Not Permitted	0 ft. from property line	0 ft. from property line	Not Permitted	
Patio Covers					
Attached:	Not Permitted	Not Permitted	Not Permitted	Not Permitted	
Detached:	Not Permitted	<p>Front ½ lot: Not Permitted.</p> <p>Rear ½ of lot:</p> <p>Interior-side: Setback required by UBC.</p> <p>Street-side: Not Permitted.</p> <p>From alley: 5 ft. from property line</p>	<p>Minimum setback required by UBC.</p> <p>From alley: 5 ft. from property line.</p>	<p>When allowed to encroach into setback area, detached patio covers shall not exceed 15 ft.</p> <p>12</p>	
Retaining Walls	Please refer to Section 17.24.180, Retaining Walls, of this title.				
Roof Deck	Encroachment allowed only if the structure on	Not Permitted	Not Permitted	Not Permitted, including	Handrails and guard rails shall not exceed the

	which the roof deck is located has been allowed to encroach in accordance with this title			objects which rest upon the roof deck such as guard rails, patio furniture, landscaping, and storage	minimum height required by UBC. The roof deck shall be architecturally compatible with the exterior materials and colors of the existing structure, as determined by the City Planner, and appear as an integral part of the roof system
Storage Tanks and Similar Structures	Not Permitted	Not Permitted	Not Permitted	Not Permitted Exception ¹³	
Swimming Pools, Spas, Hot Tubs, and Other Bodies of Water with Over 18 Inches in Depth	Not Permitted	Street-side: Not Permitted ¹⁴	Setback required by Building Code.	N/A	A Minor Exception Permit may be required to construct a pool enclosure that is high enough to comply with Building Codes for swimming pools, spas, and other bodies of water.
	Exceptions ¹⁴	Interior-side: Setback required by Building Code.			
Equipment for Swimming Pools, and Hot Tubs, and	Not Permitted	5 ft. from property line. Exception ¹⁵	5 ft. from property line. Exception ¹⁵		Filters, heating systems, and/or pumps shall be sound-

Other Bodies of Water over 18 Inches in Depth					proofed to the satisfaction of the City Building Official
Water fountains and other bodies of water under 18 inches in depth	No setback required if less than 42 inches in height	No setback required if less than 6 ft. in height	No setback required if less than 6 ft. in height	Max. height: 8 ft.	

STEEL, HAND TROWEL (NO MACHINE APPLICATION), SMOOTH MISSION FINISH AND SLIGHT UNDULATIONS (APPLIED DURING BROWN COAT) AND BULL-NOSED CORNERS AND EDGES, INCLUDING ARCHWAYS (APPLIED DURING LATHE), WITH NO CONTROL/EXPANSION JOINTS

E2	TWO-PIECE, CLAY TILE ROOFING (REDLAND TWO-PIECE, SINGLE-BARREL CLAY TILE ROOFING, ICC ESR-1489, TERRACOTTA #2211) SHALL BE USED w/ BOOSTER TILES ON THE EDGES AND RIDGES w/ RANDOM MORTAR PACKING. THE MORTAR SHALL BE PACKED ON 100 PERCENT OF THE TILES IN THE FIRST TWO ROWS OF TILES AND ALONG ANY RAKE AND RIDGELINE, AND SHALL BE PACKED ON 25 PERCENT OF THE TILES ON THE REMAINING FIELD. MORTAR PACKING SHALL SERVE AS BIRD STOPS AT THE ROOF EDGES. THE VOLUME OF MORTAR PACK TO ACHIEVE THE APPROPRIATE THICKNESS SHALL BE EQUIVALENT TO A 6 INCH DIAMETER SPHERE OF MORTAR APPLIED TO EACH TILE.
E4	ALUM. CLAD WINDOWS PER PLAN, DIVIDED LITES, SIERRA PACIFIC TW BROWN 058
E5	ALUM. CLAD FRENCH DOORS PER PLAN, DIVIDED LITES, SIERRA PACIFIC TW BROWN 058
E13	DECORATIVE WROUGHT IRON GRILL (PAINTED BLACK)
E20	STUCCO RECESS
E33	POTSHELF w/ STUCCO FIN., TILE CAP
E34	WOOD SHUTTERS, PAINTED DUNN EDWARDS DRAGON BAY DE 5725
E36	FABRIC AWNING, REFER TO SAMPLE BOARD

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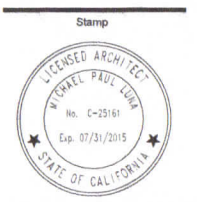
Architect
Project
Design

Alvarez Residence Remodel

230 Avenida Granada
San Clemente, CA 92675

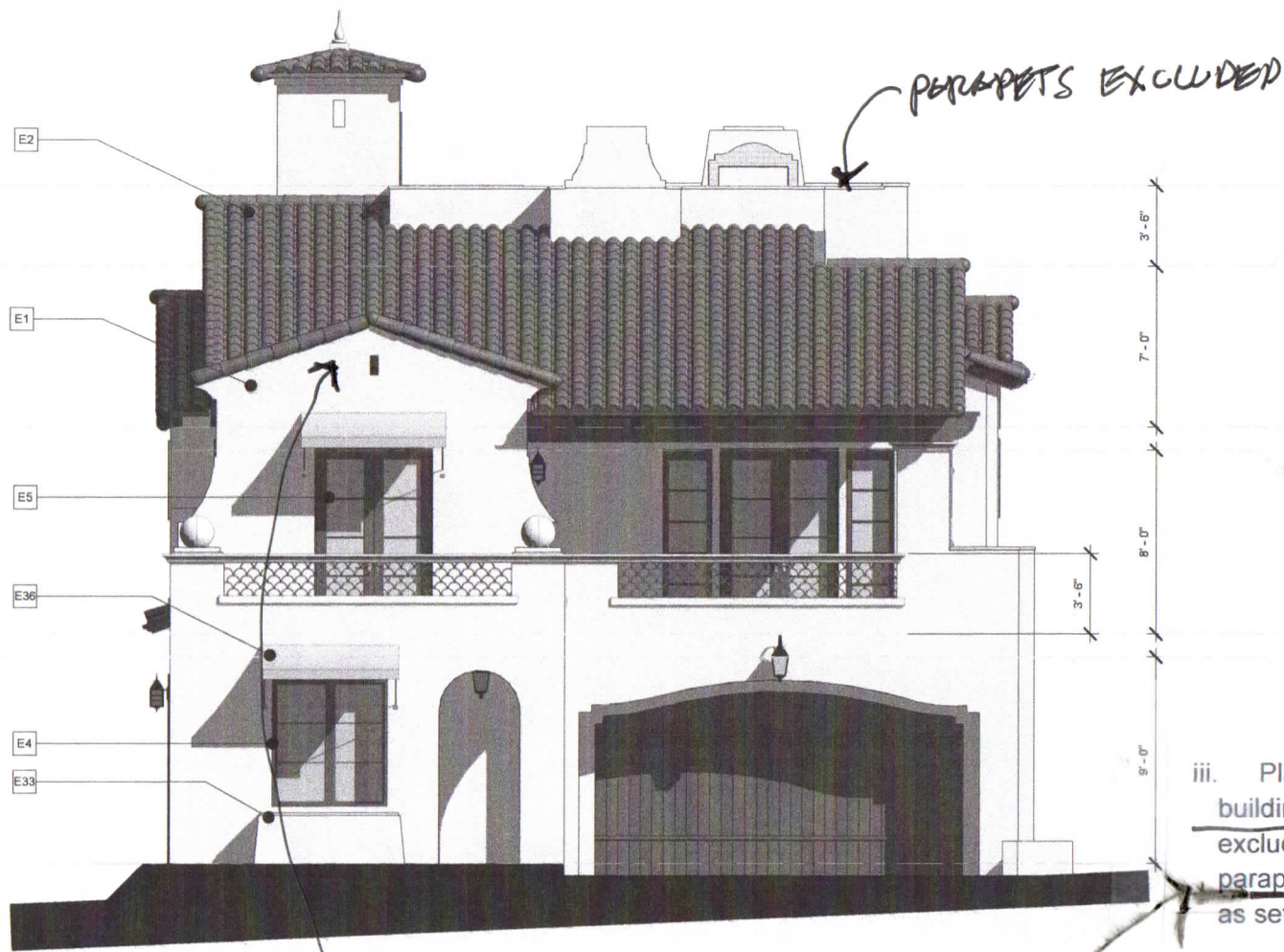
Sheet Title

Exterior Elevations East & North



Project No.	1319
Plot Date	04.07.17
B.D. Submittal	
Bid Issue	
Const. Issue	
Revision	△
Revision	△
Revision	△
Revision	△

A3.0c



ELEVATION FRONT - EAST

SCALE: 1/4" = 1'-0"

Keynotes

iii. Plate Line is defined as the top of the highest horizontal framing member or solid wall of a building or structure or part thereof, upon which roof beams or ceiling rafters rest. Features excluded from measurement under this definition shall include gable ends, sloping roofs, parapet walls and other vertical extensions which are normally controlled by limits on roof height as set forth in this section.

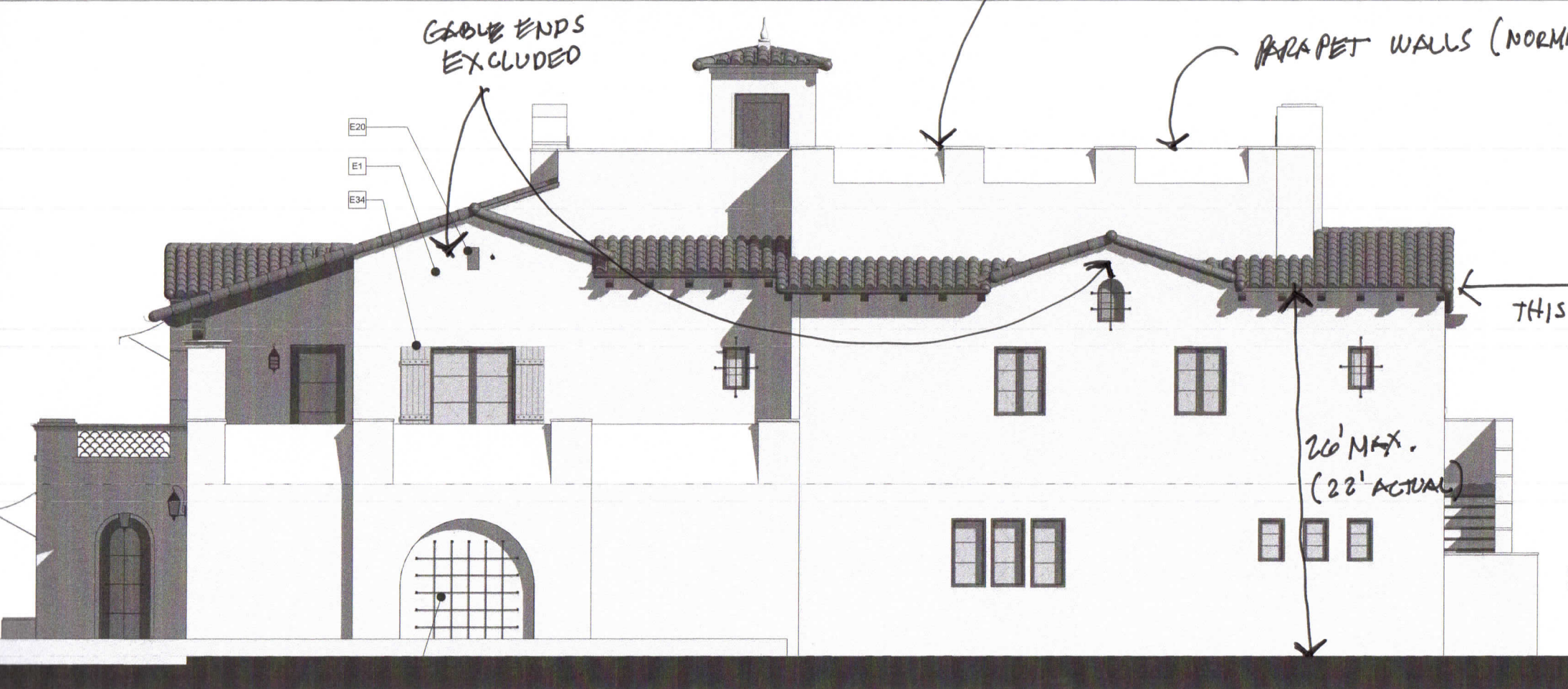
GABLE ENDS EXCLUDED

PARAPET WALLS (NORMALLY CONTROLLED BY LIMITS ON ROOF HEIGHT.)

PLATE LINE
THIS IS WHERE ROOF BEAMS, CEILING RAFTERS REST.

20' MAX.
(22' ACTUAL)

INTENT:
CONTROL HEIGHTS OF VERY TALL GROUND TO TOP OF WALL HEIGHTS



E13