

**CITY OF ALBANY
PLANNING AND ZONING AGENDA
STAFF REPORT**

Agenda date: 1/12/10
Prepared by: JB

ITEM: 6c

SUBJECT: Discussion of Building Height Measurement Methodology

RECOMMENDATION: For information and discussion only

Attached are a series of excerpts from the Planning and Zoning Code regarding measurements of height and exceptions to height requirements. As recently discussed in the context of an application to exceed the height standards, there may have historically been some inconsistency in how height standards are applied in applications with significant cross-slope. The past practice has been to measure height using elevation drawings, using grade at the perimeter and measuring to the top of the roof directly above. The purpose of this agenda item is to confirm that in future applications for projects that approach the height limit, we will ask applicants to show the ground plane precisely as defined in the code.

20.08.020 Definitions (A-Z).

Height means the distance of a point of any structure above a plane defined by the natural grade at the perimeter of the structure, such distance being measured directly from the point.

20.24.080 Height Limits and Exceptions.

A. Measurement of Height of a Structure. The height of a structure shall be measured with reference to a plane defined by the natural grade at the perimeter of the structure. The distance of the highest point of the structure shall be measured directly above said plane. See subsection 20.24.040.F.3 for special height measurement provisions applicable in the RHD Hillside Residential District.

B. General Exceptions. Subject to approval of a use permit, towers, spires, cupolas, chimneys, elevator penthouses, water tanks, monuments, flagpoles, theatre scenery storage structures, fire towers, and similar structures may be erected to a height not more than ten (10) feet above the height limit prescribed by the regulations for the district in which the site is located, provided that no such structure shall be used for habitable space or advertising purposes, and provided that the aggregate of such structures does not cover more than ten (10%) percent of the roof area of the top floor of the structure to which they are attached. All structures that exceed the district height limit shall be subject to design review.

C. Mechanical Appurtenances. Mechanical appurtenances covering not more than twenty (20%) percent of the roof area of the top floor of any nonresidential structure to which they are attached may exceed the height limit prescribed by the regulations for the district in which the site is located by six (6) feet subject to design review and provided that such structures are screened in accordance with subsection 20.24.110, and further provided that no screening is located within ten (10) feet of the perimeter of the plate line of the top story.

D. Exemptions.

1. The height limitations specified by this Chapter shall not be applicable to public utility distribution and transmission lines, towers and poles.

2. Rooftop equipment enclosures or screen walls that do not exceed four (4) feet in height shall be exempt from the requirement for a use permit, but shall be subject to design review.

E. Residential Additions. The Planning and Zoning Commission may grant a use permit for a second story addition that exceeds the maximum height of twenty-eight (28) feet, in no case above thirty-five (35) feet, in an R-1 Zoning District if, on the basis of the application and the evidence submitted, the Commission makes at least one of the following findings:

1. The roof pitch of the second story is designed to be consistent with the roof pitch on the existing house in order to maintain a unified architectural character.

2. The existing house has a partial ground story, which causes an increase in the overall height of the building, and there are sound design reasons for considering a roofline, which exceeds twenty-eight (28) feet.

3. The natural downward or upward topography of the site causes an increase in the overall height of the building. The minimum roof pitch has been maintained on the addition to be consistent with the existing architectural design of the house. The height has been measured from the natural or finished grade to the highest point of the roof.

4. The existing architectural character and design of the house must be maintained. Design factors have been considered to offset or minimize the increased height, such as breakup in the mass and bulk, offsetting one or more portions of the addition from the ground story wall line, and adding architectural details and elements such as horizontal trim or other features to create interest.

(Ord. No. 04-09)

20.24.020 Tables of Site Regulations by Districts.

Notes: Table 2.A, continued

12. Planning and Zoning Commission, subject to Design Review criteria, may grant a use permit to allow greater height for second story additions, up to 35 feet, measured in accordance with subsection 20.24.080, and based on at least one of the following findings:

a. The existing house has a partial ground story that causes an increase in the overall height of the building, and there are sound design reasons for considering a roof line which exceeds twenty-eight (28) feet.

b. The natural downward or upward topography of the site causes an increase in the overall height of the building. The minimum roof pitch has been maintained on the addition to be consistent with the existing architectural design of the house. The height has been measured from the natural or finished grade to the highest point of the roof.

c. The existing architectural character and design of the house is maintained. Design factors have been considered to offset or minimize the increased height, such as breakup in the mass and bulk, offsetting one or more portions of the addition from the ground story wall line, and adding architectural details and elements such as horizontal trim or other features to create interest.

13. Height limits in RHD District are specified for single-family residences only. The maximum building height for a single-family residence on a downhill site shall be thirty-five (35) feet above the original grade of a site measured from the midpoint of the building envelope. The maximum permitted height for a single-family residence on an uphill site shall be twenty-eight (28) feet above the original grade of a site measured from the midpoint of the building envelope.

14. Maximum building height is three stories, or 35 feet, above grade, except that the maximum height allowed at the front setback line shall be 28 feet plus a 45-degree daylight plane. (See subsection 20.24.070.B.)

20.24.030 Overlay District Regulations.

A. Purpose. The purpose of this subsection is to establish regulations for the fulfillment of the purposes of the several Overlay Districts as stated in subsection 20.12.080 B.

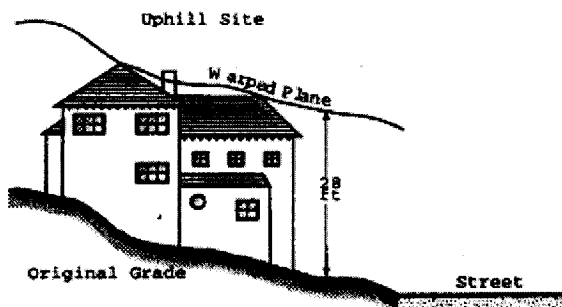
B. Hillside Overlay District (:H).

1. **Maximum Building Height.** No portion of any structure shall extend above forty (40) feet from the original grade as measured vertically from the point. In addition, for development on the downhill side of a street, the highest point of any structure shall not be greater than twenty-eight (28) feet above the elevation of the uphill street. For development located on the uphill side of a street, no portion of the structure within ten (10) feet of the downhill face of the structure shall be greater than twenty-eight (28) feet above the elevation of the downhill street, or greater than twenty-eight (28) feet above the original grade if located on top of a bluff adjacent to the street. This requirement may be varied upon the granting of a conditional use permit pursuant to procedures in subsection 20.100.030.

20.24.040 Hillside Residential Regulations.

F. Performance Standards. The performance standards contained herein are applicable to all development in the RHD District and are the minimum necessary to insure that the intent and purpose of this Chapter are accomplished.

3. **Building Height.** The maximum building height for a single-family residence on a downhill site shall be thirty-five (35) feet above the original grade of a site measured from the midpoint of the building envelope. The maximum permitted height for a single-family residence on an uphill site shall be twenty-eight (28) feet above the original grade of a site measured from the midpoint of the building envelope. No portion of a single-family dwelling or garage structure shall exceed fifteen (15) feet in height within the front setback on an uphill or downhill site.



(6) (a) (2) MEASUREMENT OF HEIGHT: RHD DISTRICT

20.100.050 Design Review.

D. Standards of Review. The reviewing authority shall evaluate all applications for new construction, additions or modifications in terms of their adherence to the following standards, to the extent they are applicable to the project under review.

3. Additional Specific Standards for Residential Additions Which Exceed the 28-Foot Height Limit in the R-1 Zoning District. In addition to standards listed in paragraphs a. and b. above, where the Planning and Zoning Commission grants a use permit for a height exception, pursuant to subsection 20.24.100.E., for a second story addition that exceeds the maximum height of twenty-eight (28) feet in an R-1 Zoning District the Planning and Zoning Commission shall make the following considerations in design review:

a. The existing architectural character and design of the house is maintained.

b. Design factors have been considered to offset or minimize the increased height, such as breakup in the mass and bulk, offsetting one or more portions of the addition from the ground story wall line, and adding architectural details and elements such as horizontal trim or other features to create interest.