

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SANTA BARBARA AMENDING RESOLUTION
NO. 98-027 PERTAINING TO THE RULES AND
REGULATIONS FOR THE PROTECTION AND
ENHANCEMENT OF SOLAR ACCESS IN THE CITY
OF SANTA BARBARA

WHEREAS, on October 7, 1986 the City adopted Ordinance 4426 pertaining to the Protection and Enhancement of Solar Access;

WHEREAS, on October 7, 1986 the City also adopted Resolution No. 86-189 Establishing Rules and Regulations Pertaining to the Protection and Enhancement of Solar Access in the City of Santa Barbara; and

WHEREAS, on March 31, 1998 the City Council adopted Resolution No. 98-027 amending the Rules and Regulations for the Protection and Enhancement of Solar Access in the City of Santa Barbara.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. Pursuant to Section 28.11.040 of the Santa Barbara Municipal Code, the attached Rules and Regulations Pertaining to the Protection and Enhancement of Solar Access dated October 7, 1986, as initially amended on March 31, 1998, are hereby further amended.

SECTION 2. These Rules and Regulations, as amended, shall be effective immediately upon adoption.

**RULES AND REGULATIONS PERTAINING TO THE
PROTECTION AND ENHANCEMENT OF SOLAR ACCESS IN
THE CITY OF SANTA BARBARA**

ADOPTED OCTOBER 7, 1986

AS AMENDED MARCH 31, 1998 AND _____, 2016
(CHANGES SHOWN IN STRIKEOUT AND UNDERLINE)

(Attachment to Resolution 16-_____)

1. Authority

These rules and regulations are promulgated and approved pursuant to Santa Barbara Municipal Code Section 28.11.040.

2. Policy for Protection and Enhancement of Solar Access

a. **GOALS.** It is the goal of the City to promote the use of renewable energy resources, including solar energy. Since the present and future applications of solar energy are well suited to the needs of the residential sector, the City Council adopted Ordinance No. 4426 on October 7, 1986. The intent of the ordinance is to:

- i. Establish height limitations for structures constructed hereafter in a residential zone so as to provide a balance between solar rights and development rights. The Municipal Code contains a formula that allows the maximum building height to increase in relation to the distance from a northerly lot line (SBMC §28.11.020).
- ii. Allow the Community Development Department to establish rules and regulations regarding administration and interpretation of the Municipal Code Sections related to solar access, subject to City Council approval.

It is not the intent of the ordinance to reduce the allowable number of units on any lot, nor to discourage the development of affordable housing. It is not the intent of the ordinance to establish height limitations on vegetation, because existing state law on this subject is considered adequate for the time being. Neither is it the intent of the ordinance to consider shadows cast by vegetation

as a permanent shading source. Therefore, a structure shall not be granted relief from the height limitations on the grounds that its shadow falls within those cast by existing vegetation.

- b. POLICY. The Community Development Director shall pursue a policy of:
 - i. Enforcing the height limitation contained in SBMC §28.11.20; and
 - ii. Facilitating the granting of appropriate modifications.

3. **Compliance with Height Limitations**

- a. HEIGHT LIMITATIONS. The allowable height of any point on a structure in a residential zone is set forth in §28.11.020 of the Santa Barbara Municipal Code. The Community Development Director may, at any time prior to or during construction, require calculations demonstrating compliance with such limitations. The height limitations is related to the distance from a northerly lot line, which is defined so as to include any lot line facing within 40 degrees of north. The intention of this definition is to include both the northwest and northeast lot line on a lot that is oriented 45 degrees away from the cardinal points of the compass. This is considered necessary so as to provide protection to southeast and southwest facing walls and roof areas.
- b. ~~NATURAL GRADE~~ BASE ELEVATION DETERMINATION. In determining the base elevation for use in calculating allowable building height, the ~~natural existing~~ grade shall be used to determine the “highest point of contact of the structure with the adjacent ground.”

In cases where the existing elevation of the lot to the north is higher than the existing elevation of the lot on which development is proposed, the existing grade at the highest elevation point along the northerly lot line, measured at the location(s) with the shortest distance from the structure to the northerly lot line, shall be used as the “highest point of contact of the structure with the adjacent ground”.

- c. SHADOW DIAGRAMS.
 - i. In order to obtain an exemption based on SBMC §28.11.030.E, the applicant must submit an acceptable shadow diagram including the following information:
 - (1) A true north arrow;
 - (2) Topographical features of the proposed site and any adjacent northerly lots, and existing improvements thereon;

- (3) Plan view and exterior elevation view of the proposed structure showing the location of all northerly property lines on both;
 - (4) Diagrams of the shadows cast at 9:00 a.m., Noon, and 3:00 p.m. Pacific Standard Time on December 21 by the portion of the structure being considered for an exemption.
 - (5) Any other information deemed necessary by the Community Development Director.
- ii. The shadow diagram may be included on the site plan or may be a separate diagram.
 - iii. The Community Development Director shall provide a sample shadow diagram as a part of the informational materials prepared to implement SBMC Chapter 28.11.

4. **Modification of Solar Access Height Limitations**

- a. MUNICIPAL CODE REFERENCE. Santa Barbara Municipal Code §28.92.110.A.4 allows modification of the solar access height limitations to be granted where the modification is necessary to prevent an unreasonable restriction.
- b. CRITERIA FOR DETERMINATION OF UNREASONABLE RESTRICTION.
 - i. MAINTAINING ALLOWABLE NUMBER OF DWELLING UNITS. In the event that the solar access height limitations result in a reduction in the otherwise allowable number of dwelling units in a residential structure or development, including density bonus, such situation may be considered an unreasonable restriction if all of the following criteria apply:
 - (1) Every feasible effort has been made for the proposed development or structure to comply with the solar access height limitations established by SBMC §28.11.020, and the development or structure is determined to be unable to achieve the otherwise allowable number of dwelling units without violating such height limitations; and
 - (2) The proposed infringement on solar access is the minimum necessary to permit the allowable number of units on the property.

Applicants desiring a modification on the basis of such criteria shall provide documentation demonstrating that the above criteria are met and demonstrating the reason that the non-complying portion of the structure or development

cannot be relocated or redesigned so as to be in compliance.

- ii. **AFFORDABLE HOUSING.** A development which includes 25% or more dwelling units meeting the affordability criteria of the Community Development Department and which is subject to City monitoring of rent or resale price levels for a minimum of ten years shall receive special consideration in the granting of modifications of the solar access height limitations. If compliance with such limitations will result in significant additional costs for the construction phase of development, this additional cost may be considered an unreasonable restriction.

An applicant desiring modification based on this criterium shall provide adequate documentation showing the extent of the extra costs associated with compliance and demonstrating that the proposed infringement on solar access is the minimum necessary to prevent significant extra construction costs.

CONSIDERATION OF SECOND STORY ADDITIONS. In cases of second story additions to dwellings in residential zones other than R-3 and R-4, a modification of the solar access height limitations may be granted on the basis of an unreasonable restriction such that the height limitation would be the same as that specified for R-3 and R-4 zones by SBMC Section 28.11.020 providing that all of the following criteria apply:

- (1) All portions of the proposed addition which will violate the solar access height limitations for zones other than R-3 and R-4, except for roof overhangs of up to two (2) feet, are entirely within the perimeter of a structure which was constructed or was issued a building permit prior to the effective date of the ordinance first enacting SBMC Chapter 28.11.
- (2) The horizontal dimensions of the proposed addition, excluding roof overhangs, as measured parallel to all northerly lot lines of the lot upon which it is proposed, do not exceed twenty five (25) feet, except that portions of the addition that comply with the solar access height limitations for zones other than R-3 and R-4 shall be exempt from the provisions of this sentence.
- (3) All portions of the addition which violate the solar access height limitations for zones other than R-3 and R-4 have been designed so as to cast no shadow at 9:00 a.m., Noon, and 3:00 p.m. PST on December 21

on any solar collector in existence, or for which a building permit has been issued. For the purposes of this subsection, a solar collector shall be any device which is designed primarily to collect solar energy and which contains an area of twenty four (24) square feet or more.

- (4) The amount of direct sunlight on all south facing windows on any adjacent lot at 9:00 a.m., Noon, and at 3:00 p.m. PST on December 21 following construction of the proposed addition will be greater than or equal to the amount of such sunlight in the event that the maximum addition in compliance with the solar access height limitations were to be constructed. The effect of shade caused by vegetation shall not be a consideration in this determination. For the purposes of this subsection, south facing windows shall include any window in a dwelling which faces 45 degrees or less from true south and which separates heated from non-heated space.

Applicants desiring a modification of the solar access height limitations based on these criteria shall provide adequate documentation, including but not limited to shadow diagrams as described in Section 3, Paragraph C above, demonstrating that these criteria are met.

- iv. TWO AND THREE STORY STRUCTURES IN THE CENTRAL BUSINESS DISTRICT. A modification may be granted to applicants proposing to construct a two (2) or three (3) story structure on property zoned R-3 or R-4 and located in the Central Business District pursuant to SBMC §28.92.110.A.4 provided the following:

- (1) The property has less than the required 60 feet of frontage on a public street;
- (2) All portions of the structure which exceed the requirements of the solar access height limitations for zones R-3 and R-4 have been designed so as to cast no shadow at 9:00 a.m., Noon, and 3:00 p.m. PST on December 21 on any solar collector in existence, or for which a building permit has been issued. For the purposes of this subsection, a solar collector shall be any device which is designed primarily to collect solar energy and which contains an area of twenty four (24) square feet or more.

- (3) The amount of direct sunlight reaching all south facing windows of any structure on an adjacent lot at 9:00 a.m., Noon, and at 3:00 p.m. PST on December 21 following construction of the proposed third story will be greater than or equal to the amount of such sunlight in the event that the maximum development in compliance with the solar access height limitations were to be constructed. The effect of shade caused by vegetation shall not be a consideration in this determination. For the purposes of this subsection, south facing windows shall include any window in a dwelling which faces 45 degrees or less from true south and which separates heated from non-heated space.

Applicants desiring a modification of the solar access height limitations based on these criteria shall provide adequate documentation acceptable to the Community Development Director, including but not limited to shadow diagrams as described in Section 3, Paragraph C above, demonstrating that these criteria are met.

For the purposes of this Resolution, the Central Business District (CBD) shall be defined as the area bounded by Garden Street on the northeast, De La Vina Street on the southwest, Arrellaga Street to the northwest and U.S. Highway 101 to the southeast.

5. Modification of Required Yards Setbacks to Promote the Use of Solar Energy

- a. MUNICIPAL CODE REFERENCE. Santa Barbara Municipal Code Section §28.92.110.A.2 allows a modification of required ~~yard~~ setback size where the modification is consistent with the purposes and intent of the Zoning Ordinance (SBMC Title 28) and is necessary to:
 - i. Secure an appropriate improvement on a lot,
 - ii. Prevent unreasonable hardship, or
 - iii. Promote uniformity of improvement.
- b. CRITERIA FOR MODIFICATIONS OF REQUIRED YARDS SETBACKS TO PROMOTE THE USE OF SOLAR ENERGY. The construction of a dwelling or a solar energy collection and/or storage device within a required ~~yard~~ setback may be considered an appropriate improvement on a lot and the basis for a modification of required ~~yards~~ setbacks as follows:
 - i. A modification may be granted for up to a 50% reduction in a required ~~yard~~ setback dimension for the purpose of locating

a dwelling to achieve better solar access, provided that all of the following criteria are met:

- (1) The portion of the required ~~yard~~ setback that is reduced as a result of the modification will be added to the required ~~yard~~ setback space elsewhere on the lot; and
- (2) The proposed structure is designed so as to utilize the solar energy provided by the improved solar access.

Applicants for such modifications shall provide adequate documentation demonstrating that the above criteria are met.

- ii. A modification for up to 50% reduction of a required ~~yard~~ setback dimension may be granted for the purpose of installing a solar energy collection and/or storage device, provided that all of the following criteria are met:

- (1) The device is primarily for use in collecting and/or storing solar energy; and
- (2) The device or structure will not provide additional habitable floor space.

Applicants for such modifications shall provide adequate documentation demonstrating that the above criteria are met.

- iii. In cases where construction is proposed on two adjacent lots at the same time, a zero lot line modification may be granted for the purposes of improving solar access. In such cases, a required interior setback may be eliminated so as to allow the joining of structures along a common lot line provided that all of the following criteria are met:

- (1) Both structures are applied for and approved concurrently;
- (2) The opposite required ~~yards~~ setbacks on both lots are increased by the amount eliminated such that there will be no increase in the buildable area on either lot; and
- (3) The applicant demonstrates the advantages gained for improved solar access.

- c. **POLICY STATEMENT IN SUPPORT OF SOLAR ENERGY.** As a part of the City's support for the use of solar energy, applications for such modifications shall be given special consideration and regarded favorably as long as the modifications would not

substantially impair other purposes and intents of the Zoning Ordinance.