

ORDINANCE NO. 0-15477
(New Series)

(O. 81-78)
REV.

MAR 31 1981

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 1, SECTIONS 101.0101.25, 101.0101.35, and 101.0101.62; DIVISION 5, SECTION 101.0503; AND ADDING A NEW DIVISION 12, SECTIONS 101.1201 THROUGH 101.1209; AND AMENDING CHAPTER X, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 103.0101; ALL RELATING TO SOLAR SYSTEMS.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. In order to accommodate solar systems as permitted in Section 3 of this ordinance and Section 101.0201 et seq. of the San Diego Municipal Code, Chapter X, Article 1, Division 1, of the San Diego Municipal Code is hereby amended by amending Sections 101.0101.25, 101.0101.35, and 101.0101.62 to read as follows:

SEC. 101.0101.25 GROSS FLOOR AREA

The total horizontal area expressed in square feet, of all the floors of a building included within the surrounding walls, including shafts, enclosed exterior stairwells, and above-ground parking structures.

Gross area shall include:

- A. Enclosed exterior stairwells, above-ground structures and exterior elevator shafts.
- B. The floor area of mezzanines and other similar interior balconies.
- C. Exterior balconies, entrances, porches, canopies, rigid awnings, stoops, openly supported terraces, openly

supported stairways, and sun baffles or shades which are constructed and maintained with less than 40 percent of the vertical surface permanently open.

D. Half stories (attics) (Sec. 101.0101.65), basements (Sec. 101.0101.68), and cellars (Sec. 101.0101.69) shall also be included as gross floor area when said areas are utilized for residential purposes.

E. Penthouses (Sec. 101.0101.71), except when specifically excepted by the provisions of Sec. 101.0101.62 HEIGHT (BUILDING), shall be included in gross floor area.

GROSS FLOOR AREA shall not include the area occupied by a Solar System as defined in Section 101.1202.

SEC. 101.0101.35 LOT COVERAGE

That portion of the area of a lot, expressed as a percentage, occupied by all buildings or structures which are roofed or otherwise covered and which extend more than three feet above grade level, as defined in Section 101.0101.62 - HEIGHT (BUILDING); provided, however, that the following shall be exempted:

A. Exterior balconies, entrances, canopies, rigid awings, stoops, openly supported terraces, only supported exterior stairways and sun baffles or shades provided they:

1. Do not encroach into required yards.
2. Do not project more than six feet from the supporting structure.
3. Are constructed and maintained with not less than 40 percent of the vertical surface permanently open.

B. Roofed areas enclosed by no more than three exterior walls of a building which provide shelter to exterior balconies, entrances, stoops, terraces, and exterior stairways.

C. Cornices, eaves and belt courses subject to limitations imposed by Section 101.0601, Paragraph 3.

D. Those portions of underground parking structures (Sec. 101.0101.48), first stories (Sec. 101.0101.64), basements (Sec. 101.0101.68), and cellars (Sec. 101.0101.69) lying partially above grade but not exceeding three feet above grade.

E. Those portions of solar systems (Sec. 101.1202) lying outside of the exterior faces of walls.

All horizontal dimensions shall be taken from the exterior faces of walls, including those structural and architectural appendages as defined and set forth herein.

SEC. 101.0101.62 HEIGHT (BUILDING)

The height of a building or structure, including all structural appurtenances as used herein, shall be measured as the greatest vertical distance along a line between the highest part of the building or structure profile or its horizontal extension, or between the average height of a true mansard roof or between the average height of the highest gable of a pitch or hip roof, and finished grade at any point adjacent to, or five feet out from any building wall (or at the property line, whichever first occurs), whichever is lower in elevation, exclusive of retaining

walls and/or slope rights on adjacent property or properties which may be used to alter preexisting grade. Where the average roof height is used to determine true building height, such roof height shall be limited to a maximum of ten feet. Any roof height in excess of ten feet shall be fully included in determining the height of said building.

Provided, however, that for parcels which slope downward from a dedicated public right-of-way, whenever the natural grade elevation difference between the average of the grade along the front yard setback line and the average elevation of the grade along the rearmost building or structure wall exceeds a slope of 1.5:1, one foot vertical rise in 1.5 feet of horizontal distance, the building or structure height may be measured vertically along the rearmost building or structure wall, rather than five feet out from the wall.

In the cases where retaining walls or slope rights are utilized to create finished grade higher in elevation than preexisting grade, then preexisting grade shall be used in the determination of building or structure height. Preexisting grade is defined as the ground level elevation which existed prior to any site preparation related to, or to be incorporated into, the proposed new development or alteration.

As used herein, building or structure shall not include solar systems (Sec. 101.1202) which do not exceed six feet above any permitted height, utility poles, or electrical transmission towers.

As used herein, building or structure shall include such structural appurtenances as parapets; safety guardrails other than the type specified below; elevator shaft and stairwell enclosures not meeting the specified criteria below; chimneys, vents, stacks, or ducts exceeding twelve square feet in any one plane; other mechanical equipment and related screening; and similar features. Items not included as structural appurtenances nor in any determination of the height of a building or structure are television and radio reception antennae; flagstaffs; chimneys, vents, stacks, or ducts not exceeding twelve square feet in any one plane; open safety guardrails which are no higher than forty-two inches above a roofline, which contain vertical elements no greater than two inches square in cross section and no closer than four inches apart; and elevator shaft or stairwell enclosures above a building roofline and meeting the following criteria:

1. The enclosure must be used exclusively for housing elevator mechanical equipment or stairs;
2. The height of enclosures above the roofline is no more than thirteen feet for an elevator shaft nor more than nine feet for a stairwell;
3. The total plan area of an enclosure or enclosures is not more than the ten percent of the roof plan area of the building.

Section 2. In order to accommodate solar systems as permitted in Section 3 of this ordinance and Section 101.1201 et seq. of

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the San Diego Municipal Code, Chapter X, Article 1, Division 5, of the San Diego Municipal Code is hereby amended by amending Section 101.0503 to read as follows:

SEC. 101.0503 CONDITIONAL USE PERMIT GRANTED BY THE ZONING ADMINISTRATOR

A. USES WHICH MAY BE CONSIDERED.

The Zoning Administrator shall have the authority under conditions herein provided to permit by conditional use permit the following uses in any zone, including interim zones, except as otherwise provided in paragraphs "A.3.," "A.8.," "A.10.," and "A.13." of this section.

1. Churches, temples or buildings of a permanent nature, used primarily for religious purposes.
2. Electric distribution and gas regulating stations serving the immediate area, provided all equipment is located within a building.
3. Impound storage yards, provided they are located in the C and CA Zones.
4. Nursery and elementary schools (private and public).
5. Outdoor storage and display of new, unregistered motor vehicles.
6. Parking facilities.
7. Private clubs, lodges and fraternal organizations except fraternities and sororities.
8. Residential care homes, for not more than ten aged or mentally disordered or otherwise handicapped

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persons or dependent and neglected children, which are licensed or certified by the State of California, in the R-1 and R-2 Zones.

9. Teaching of the fine arts including but not limited to music, drawing, painting, sculpture, drama and dancing.

10. Veterinary clinics and hospitals in any commercial, industrial or agricultural zone.

11. Community identification signs.

12. Lights for illuminating tennis courts and similar lighting.

13. Mobile homes for use by watchmen in any industrial commercial or residential zone.

14. Guest quarters in any single-family residential zone.

15. Solar systems for individual or joint use where otherwise not permitted.

B. APPLICATION -- FORM AND CONTENTS

(No change to this subsection.)

C. HEARING BEFORE ZONING ADMINISTRATOR -- PROCEDURE

(No change to this subsection.)

D. DECISION OF THE ZONING ADMINISTRATOR

(No change to this subsection.)

E. AMENDMENT TO PERMIT

(No change to this subsection.)

F. EXTENSION OF TIME

(No change to this subsection.)

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Section 3. That Chapter X, Article 1, of the San Diego Municipal Code be, and the same is hereby amended by adding a new Division 12, Sections 101.1201 through 101.1209, to read as follows:

DIVISION 12

SOLAR SYSTEMS

SEC. 101.1201 PURPOSE AND INTENT

It is the purpose and intent of this Division to encourage the use of solar systems. Solar resources are economical, environmentally sound, and inexhaustible. The use of solar resources will contribute toward the conservation of non-renewable resources. Utilizing solar resources will benefit the health, safety, and general welfare of the residents of the City of San Diego.

SEC. 101.1202 DEFINITIONS

The following definitions shall be used for this Chapter:

A. "Solar system" means any system or combination of systems or other components thereof attached or detached which relies upon the receipt of direct sunlight as an energy source for use in:

1. The heating and/or cooling of space in a building or other structure;
2. The heating of water;
3. An industrial, commercial, domestic, or agricultural process;
4. The generation of electricity; or
5. Any combination of the above functions.

B. A solar system which is "attached" is a solar system or component thereof which is attached to a building or other structure; or serves as part of a roof of a building or other structure; or serves as a window or wall; or otherwise serves as a structural member of a building or other structure which has a primary use other than solar collection; or

C. A solar system which is detached is a solar system or component thereof which is not attached to a building or structure but having as its primary use solar collection, except that plumbing and electrical connections are not considered attachments. Landscaping may be considered a detached element of a solar system.

D. "Joint use solar system" is a solar system which is intended to serve more than one user and may or may not be owned and operated by a public utility.

E. "Solar access" is the ability of a solar system to receive direct sunlight between azimuths 45 degrees east and 45 degrees west of due south on December 21 of any calendar year. Shadows cast by a six foot structure located on the property line are not considered to impair solar access.

SEC. 101.1203 SOLAR SYSTEMS AS ACCESSORY USES

Solar systems as accessory uses as defined in Section 101.0101.3 are permitted in any zone.

As accessory uses, solar systems are exempt from the regulations requiring their location in the same building as the permitted use.

SEC. 101.1204 SOLAR SYSTEMS AS PRIMARY USES

Solar systems as a primary or joint use shall be permitted in the R-4 and all less restrictive zones.

A. Solar systems shall be developed in substantial conformance with approved development plans, and substantial conformance shall be determined by the Zoning Administrator.

B. For the purposes of this Division, primary use shall be considered the same as permitted use.

SEC. 101.1205 ENCLOSURE OF SOLAR SYSTEMS

Solar systems are exempt from regulations requiring their location within enclosed buildings. Solar systems are exempt from regulations requiring undergrounding of utilities.

SEC. 101.1206 SOLAR SYSTEMS WITHIN REQUIRED YARDS

Solar systems shall be permitted within rear yards as defined in Section 101.0101.50.3 and side yards as defined in Section 101.0101.50.4.

SEC. 101.1207 MANUFACTURE OF SOLAR SYSTEMS

The manufacture of solar systems shall be permitted in the following zones: M-L1, M-IP, M-1B, M-1A, M-1, M-2A, M-2.

For purposes of this section, "manufacture" refers to the assembly and construction of a consumer product. The manufacture of subcomponents involving foundry work, hazardous chemicals, air pollution generating manufacturing

techniques or any other similar activity inconsistent with the underlying zone is not allowed under this section.

SEC. 101.1208 IMPACTS OF PLANNED DEVELOPMENTS ON SOLAR ACCESS

When in the opinion of the Planning Director the structures and major landscaping at maturity of a project developed pursuant to the provisions of Chapter X, Article 1, Division 9 (Planned Developments) may have an impact on the solar access of adjacent property, the Planning Director shall require a shadow plan.

SEC. 101.1209 SOLAR SYSTEMS IN PLANNED DISTRICTS

Solar systems shall be permitted in Planned District as defined in Section 103.0101.

Section 4. That Chapter X, Article 3, Division 1 of the San Diego Municipal Code be, and it is hereby amended by amending Section 103.0101 relating to Planned Districts to provide for solar systems to read as follows:

SEC. 103.0101 DEFINITIONS AND PROCEDURES

A. PURPOSE AND INTENT

(No change to this subsection.)

B. PLANNED DISTRICT DEFINED

(No change to this subsection.)

C. PERMITTED DEVELOPMENT CONTROLS

In a Planned District, no building or structure shall be erected, constructed, altered, moved or enlarged on any premises nor shall any premises be used unless the buildings, structures, and premises comply with the development controls in force in the Planned District.

1. (No change to this subsection.)

2. In addition to the development controls listed in paragraph (1) above, the following planning element and development controls for developing or undeveloped geographic areas in which a program of phased growth is desirable may be made applicable:

a. (No change to this subsection.)

b. (No change to this subsection.)

c. (No change to this subsection.)

d. (No change to this subsection.)

e. (No change to this subsection.)

f. Standards for solar systems:

(1) Shadow Plans. When, in the opinion of the Planning Director, structures and major landscaping at maturity may have an impact on the solar access of adjacent property, the Planning Director shall require a shadow plan.

(2) Design Criteria. Wherever possible, maximum feasible energy conservation measures, including both active and passive solar systems, shall be utilized.

D. INITIATION

(No change to this subsection.)

E. NOTICE OF HEARING

(No change to this subsection.)

F. ACTION BY THE PLANNING COMMISSION

(No change to this subsection.)

G. HEARING SET BEFORE CITY COUNCIL

(No change to this subsection.)

H. ACTION BY THE CITY COUNCIL

(No change to this subsection.)

I. SUSPENSION OF ZONING REGULATIONS

(No change to this subsection.)

J. REINSTATEMENT OF ZONING REGULATIONS

(No change to this subsection.)

K. EXCEPTIONS AND COMPLIANCE WITH SOLAR SYSTEM REGULATIONS

1. The provisions of Section 101.1201 et seq. relating to solar systems shall be applicable to all Planned Districts except Mission Beach (Section 103.0500 et seq.), Old San Diego (Section 103.0204 et seq.) and Gaslamp Quarter Planned Districts (Section 103.0400 et seq.).

2. For the purposes of compliance with solar systems regulations (Section 101.1201 et seq.) all residential zones within a planned district shall be considered more restrictive than the R-4 zone, and all nonresidential zones shall be considered the same as R-4 or less restrictive zones.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
John K. Riess, Deputy

JKR:lco:551.3
12/29/80 REV. 3/12/81 3/17/81
Or.Dept.:PS&S Comm.

MAR 31 1981

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Mayrell L. Pontecorvo, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 17 1981

MAR 31 1981

_____, and on _____.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Mayrell L. Pontecorvo, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15477 Adopted MAR 31 1981

RECEIVED
CITY CLERK'S OFFICE

CERTIFICATE OF PUBLICATION APR 24 PM 3:53

SAN DIEGO, CALIF. nca

San Diego, City of
202 C St., 12th floor
San Diego, CA 92101
ATTN: Maydell L. Pontecorvo

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVI-
SION 1, SECTIONS 101.0101.25, 101.0101.35, ETC.

I, Camille Simpson, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above-entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-15477
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVI-
SION 1, SECTIONS 101.0101.25, 101.0101.35, 101.0101.50.3,
101.0101.50.4 and 101.0101.62; DIVISION 5, SECTION 101.0503;
AND ADDING A NEW DIVISION 12, SECTIONS 101.1201
THROUGH 101.1206; AND AMENDING CHAPTER X, ARTI-
CLE 3, DIVISION 1 BY AMENDING SECTION 103.0101; ALL
RELATING TO SOLAR SYSTEMS.

This is an ordinance to encourage the use of solar systems
in San Diego. It permits the use of solar systems in various
zones and encourages their manufacture. This ordinance pro-
vides revised definitions for side yards, rear yards, building
height, etc., to allow solar installations. It provides a definition of
solar access. This ordinance will also allow the zoning ad-
ministrator to permit solar devices in the same manner as other
variances.

A complete copy of the Ordinance is available for inspection
in the Office of the City Clerk of the City of San Diego, 12th Floor,
City Administration Building, 202 "C" Street, San Diego, CA
92101.

Introduced on March 17, 1981.
Passed and adopted by the Council of The City of San Diego
on March 31, 1981.

AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.

(SEAL)
By MAYDELL L. PONTECORVO, Deputy
Publish April 13, 1981

60-4145

ORDINANCE NO. O-15477 (New Series)

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

April 13, 1981

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 13th day of Apr., 19 81.

Camille Simpson
(Signature)

3" X 2 X 7.33 = 43.98