

Sustainable Code Committee
Minutes
December 18, 2013
3:00 PM
Joel D. Valdez Main Library
101 N. Stone Ave., 4th floor conference room

1. Welcome and Introductions

Attendees:

City Staff: Adam Smith (PDSD)

Committee Members: Shawn Cote, David Godlewski, Hank Krzysik, Rob Kulakofsky, Irene Ogata, Bruce Plenk, and Allyson Solomon, Jason Wong

Audience: Chuck Martin and Casey Townsend

2. Debriefing of the December 11th Urban Agricultural Task Force meeting

Staff briefed the committee on the task force meeting.

3. Update and Discussion of the Proposed Solar Development Regulations

Dimensional Standards, Exceptions to Perimeter Yards – Proposed Revisions and Committee Response

Committee Response: Revise to allow the proposed additions to apply to principal and accessory structures. [Note: Future drafts will include this proposed addition.]

General Standards – Proposed Revisions and Committee Response

1. Deletes the proposed “inoperable” regulation (Sec. 6.6.2.L.1.d).

Committee Response: The committee agreed with this proposed revision.

2. Clarifies that ground- or wall-mounted solar collection systems may also double as the roof of a carport or shade structure (e.g. patio, ramada, etc.) without requiring roof framing or other type of substrate (Sec. 6.6.2.L.1.e).

Committee Response: The committee agreed with this proposed revision.

3. Revises the ground-mounted solar collection system section to distinguish standards in residential and nonresidential zones (Sec. 6.6.2.L.2).

Committee Response: The committee agreed with this proposed revision.

Ground-Mounted Solar Collection Systems – Proposed Revisions and Committee Response

1. Deletes the proposed railing, access space, and decking provision based on discussions with City’s Building Official and zoning reviewers (Sec. 6.6.2.L.2.a.ii).

Committee Response: The committee agreed with this proposed revision. One committee member asked how issues between the UDC and the Building Code will be resolved. Staff answered that they will inquire with the City’s Building Official once the draft is more fully developed, and what, if any, amendments to the Building Code are necessary. Staff does not recommend including exceptions to the Building Code in the UDC. Rather, the Building Code should be amended when applicable.

2. Deletes provisions allowing modifications via neighbor sign-off (Sec. 6.6.2.L.2.a & b).

Committee Response: The committee agreed with the proposed deletion.

Ground-Mounted Solar Collection Systems in Residential Zones – Proposed Revisions and Committee Response

1. *Committee Question/Comment:* Re: exception to the solar collection systems in the front yard prohibition (Sec. 6.6.2.L.2.b.i) –
 - A. What is an appropriate level of screening? What type of screening is acceptable?
 - B. Consider allowing an exception via a Design Development Option (DDO). This way the surrounding property owners are notified and have an opportunity to comment or appeal a decision.
 - C. Do this prohibition apply to church uses also? What if a church’s parking lot extends into the front yard (e.g. Grace St. Paul Church just west of Tucson Blvd.)? What then? Can an exception be considered via the DDO process?
2. *Committee Question/Comment:* Ask the City Attorney’s Office whether the State’s solar regulations prohibiting homeowners’ associations from restricting solar

collection systems also apply to cities, i.e. is the City prohibited from enacting any regulations that potentially increase the cost of solar?

3. Clarifies the distinction between maximum heights permitted between systems that are attached (height permitted by zone) vs. detached [10' (+ 3' if pole-mounted tracker)] (Sec. 6.6.2.L.2.b.iv).

Committee Response: The committee agreed with this proposed revision.

4. Detached systems that also serve as carports on an Agricultural, Civic, and Recreation use may be up to 22' in height (consistent with Zoning Administrator determination) (Sec. 6.6.2.L.2.b.iv).

Committee Response:

- A. The committee agreed with this proposed revision.
 - B. A committee member requested a copy of the Zoning Administrator determination regarding the maximum permitted height of solar collection systems that are detached accessory structures.
5. Deletes screening requirement when system is within 50' of abutting property line. Reasons: 1) how is 6' screen going to adequately screen 10'+ system?; 2) Screening could cast shadows on the system (Sec. 6.6.2.L.2.b.v).

Committee Response: In general, the committee agreed with this proposed revision. However, one committee member suggested checking Pima County's standards. Pima County may only require screening for "utility-sized" solar collection systems, but this should be confirmed.

Ground-Mounted Solar Collection Systems in Nonresidential Zones – Proposed Revisions and Committee Response

1. Limits detached systems to 16' in height (+3' for pole-mounted trackers) (note: this is the same height currently permitted in the Renewable Energy Generation Use).

Committee Response: The committee agreed with this proposed revision.

2. Detached systems that also serve as carports may be up to 22' in height (consistent with Zoning Administrator determination).

Committee Response: The committee agreed with this proposed revision.

Solar Development Standards – Proposed Revisions and Committee Response

1. Shadows from Multistory Structures (Sec. 7.3.2)

Committee Response:

- A. One committee member recommended deleting this section because it is problematic to enforce, particularly if the regulation applies retroactively. Instead, this regulation is more appropriately regulated as a condition of rezoning and limited to new development.
 - B. One committee member recommended deleting the last sentence of this section only.
 - C. One committee said that the regulation should be a “should” statement rather than a “shall.”
 - D. A general rule of thumb is to account for shadows that are approximately double the height of the structure
2. Removes the “Violations” section proposed in the October. The current procedure used for the enforcement of zoning violations will be used instead (Sec. 7.3.4).

Committee Response: The committee agreed with this proposed revision.

Unaddressed Issues

- 1. Should “shadow” regulations be expanded to include the potential future placement of solar collection systems on adjacent properties? (Sec. 7.3.2)
- 2. When and from what direction shadows are going measured (Sec. 7.3.2)

4. Update and Discussion of the Other Draft Sustainability Code amendments

Cisterns – Proposed Revisions and Committee Response

1. Cistern Size (Sec. 6.6.2.K.1)

Committee Response:

- A. The size limitation for cisterns that can have zero foot setbacks is very small. Check with Watershed Management, SARG, or Ethos for the type and typical size cisterns being installed and use that in the regulation. For example, a 500

gallon tank is 47” – 54” in diameter and a 860 gallon tank is 61” in diameter and 3’ tall.

- B. If a permit is not required, Sec. 6.6.2.K.2 & 3 may not be needed. In other words, any cistern larger than the exception established in Sec. 6.6.2.K.1 must be setback in compliance with the underlying zone.
 - C. Do not require setbacks when adjacent to an alley or easement.
2. Deletes provisions allowing modifications via neighbor sign-off (Sec. 6.6.2.K.2).

Committee Response: The committee agreed with the proposed deletion.

3. Deletes the “integrated cistern” standard proposed in the November draft because it is redundant with other standards and the need for a Zoning Administrator determination adds a level of uncertainty that is unacceptable (Sec. 6.6.2.K.3).

Committee Response: The committee agreed with this proposed revision.

4. Should there be an exemption for underground cisterns?

Committee Response: Yes. Verify what the current zoning requirements are for underground cisterns. [Note: Future drafts will include an exemption to side perimeter yards for underground cisterns.]

Private Covenant Restrictions – Proposed Revisions and Committee Response

Deletes the standard proposed in the November draft preventing private covenants from prohibiting sustainable-related features and activities. State law does not give the city the authority to restrict the use of private covenants, conditions, and restrictions. This does not negate State restrictions preventing homeowners’ associations from prohibiting solar panels.

Committee Response: Most of the committee agreed with this proposed revision. One committee member questioned whether the City has more ability to limit the scope of CC&R’s than the City Attorney’s Office thinks. Talk to the City Attorney’s Office again.

Nonconforming Uses, Buildings, and Structures – Proposed Revisions and Committee Response

The committee ran out of time to discuss the proposed amendments to the nonconforming use and building regulations. They will be discussed at the meeting in January.

5. Call to the Audience

There were no speakers.

6. Next Steps

The next Sustainable Code Committee meeting is:

January 15, 2014

3:00 PM

Joel D. Valdez Main Library

101 N. Stone Ave., 4th floor conference room