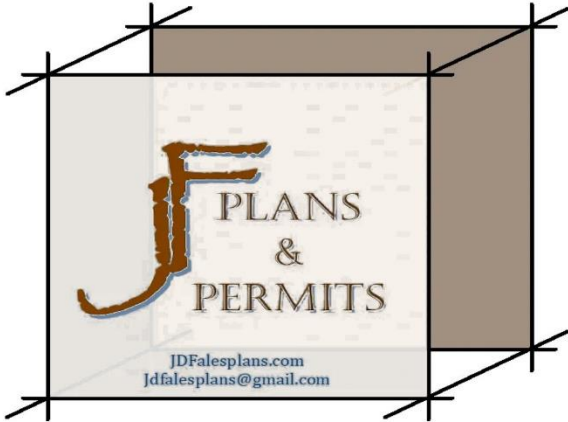
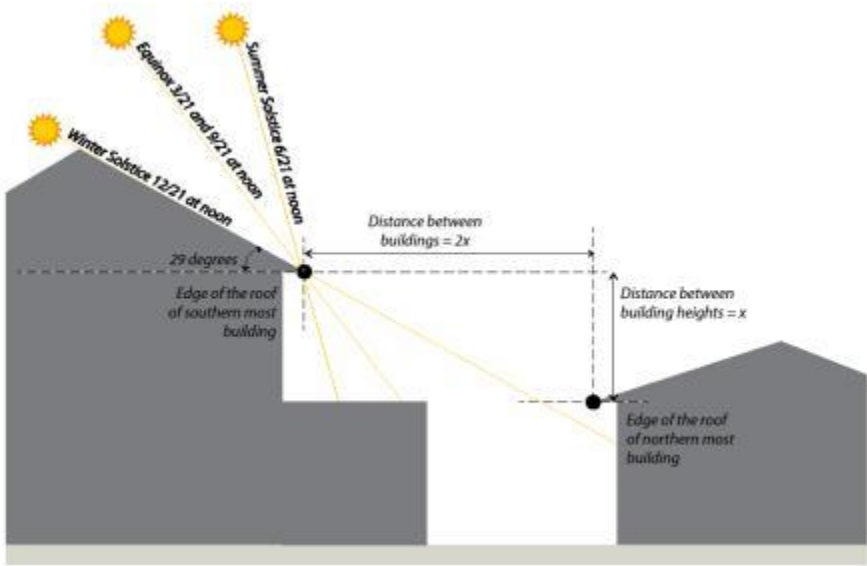


Do you need help with a Solar Preservation Plan?



Municipal Code from Fremont CA
18.186.030 Basic requirement – Solar access preservation setback.
New structures and vertical additions to existing structures shall observe a setback equal to or greater than two times the difference in height between the proposed structure and any adjacent structure(s) located along northerly lot line(s). See Section 18.186.050 for alternatives to

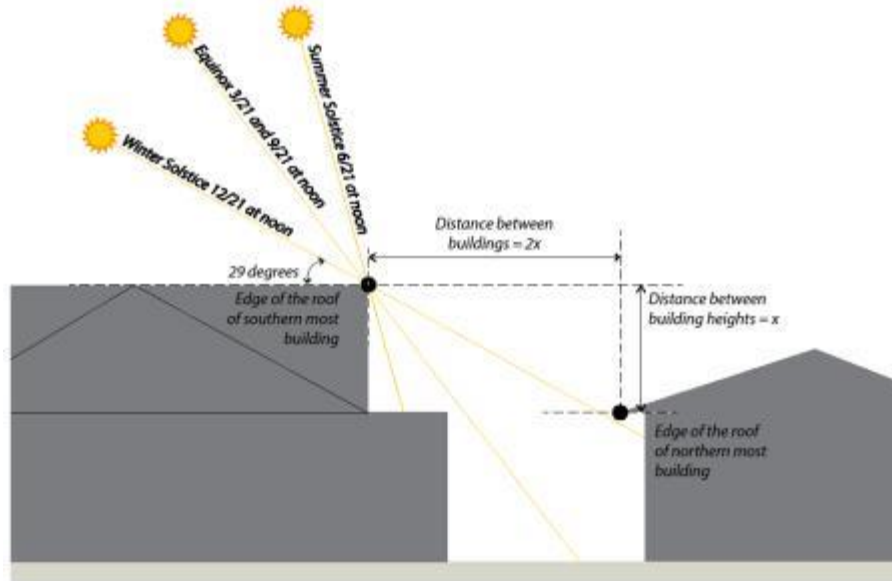
the basic requirement. The following diagrams illustrate the solar access preservation setback requirements:



Addition with a hip roof form near the roof of the northernmost building's roof.

JDFalesPlans.com

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Addition with a gable roof form near the northernmost building's roof.

(Ord. 17-2017 § 7, 11-7-17; Ord. 05-2021 § 42, 4-20-21.)

18.186.040 Exemptions.

The provisions of this chapter shall not apply to:

- (a) Any structure for which a valid building permit was issued and any project having received discretionary approvals or a complete design review application prior to December 7, 2017.
- (b) Structures within the downtown, city center, town center, multifamily residential (R-3-30 or greater), or Warm Springs innovation districts.
- (c) Any flagpole, antenna, ornamental spire, chimney, wireless facility, or other building element less than four feet along each horizontal dimension.
- (d) Any light pole or utility pole and lines.
- (e) Any wireless facility subject to review under Section 18.187.040(b) or subject to an exception from standards pursuant to Section 18.187.170.
- (f) Any portion of a structure that does not exceed the boundaries of a simultaneous shadow cast by a legally existing structure, or by a hill or other topographical feature other than trees or other vegetation. (Ord. 17-2017 § 7, 11-7-17; Ord. 05-2021 § 43, 4-20-21.)

18.186.050 Alternatives to the solar access preservation setback.

As an alternative to the basic requirement set forth in Section 18.186.030, a property owner may:

- (a) Cause to have prepared a more refined shadow plan in accordance with Section 18.186.060 to demonstrate a lesser setback is sufficient to protect existing systems or potential solar zones on adjacent properties.
- (b) Acquire a solar shading easement from the affected adjacent property owner(s) allowing partial shading of a solar zone. The city attorney shall review the easement language for conformity with this section prior to the easement being recorded on the affected properties with the Alameda County recorder.
- (c) Demonstrate through a solar study that:
 - (1) Any solar shading will impact less than five percent of the annual production from an existing or potential solar zone on an affected adjacent property. Use of this alternative requires approval from the affected property owner(s); and
 - (2) That an existing solar thermal (e.g., domestic hot water, radiant heating or pool heating) system will not be shaded. (Ord. 17-2017 § 7, 11-7-17; Ord. 05-2021 § 44, 4-20-21.)

18.186.060 Shadow plans and diagrams.

(a) In order to use either alternative described in Section 18.186.050(a) or (c), the property owner shall submit a shadow plan prepared by a qualified professional with accompanying diagrams including the following information:

- (1) A true north arrow;
- (2) Topography of the proposed site and any adjacent northerly [lots](#), and existing improvements thereon;
- (3) Site plan and exterior elevations of the proposed structure showing the location of all northerly property lines on both site plan and elevations;
- (4) Diagrams of the shadows cast at 10:00 a.m., 12:00 p.m., and 2:00 p.m. Pacific Standard Time on December 21st by the structure, or portion thereof, being considered; and

(5) Any other information deemed necessary by the [community development director](#).

(b) The shadow plan and diagrams may be included on the site plan or may be shown as a separate drawing.

(c) The city may require a peer review by a qualified consultant to verify the study is properly prepared and accurately represents solar shading or the lack thereof. (Ord. 17-2017 § 7, 11-7-17.)

18.186.070 Guidelines and administration.

The community development director may develop additional guidelines and create examples, templates or tools for the administration and interpretation of this chapter. (Ord. 17-2017 § 7, 11-7-17.)

