

those who did not sign the petition he can support the motion.

Vice Chair Harrison said that although she completely agrees with all of the points made by Mr. Dor, the applicants followed the process and she will support the motion.

Commissioner Weiss said she is impressed by the neighbors gathering together to discuss the combining district, which will preserve the sense of a very special neighborhood in terms of architecture and heritage.

Chair Melton commended the applicants who are implementing a policy tool that exists in in the Municipal Code, and that a finding that should be made is that the application is deemed to be in the public interest. He said this is a broad finding and he looks at whether the benefits outweigh the negatives, of which there are not many on this application. He said several things could change the equation on another application, including if there was substantially more opposition to an overlay within the contemplated district, if there was no broad commonality of architecture or if there was overreach in terms of geography, none of which he sees on this application, so he is supporting the motion.

The motion carried by the following vote:

**Yes:** 6 - Chair Melton  
Vice Chair Harrison  
Commissioner Klein  
Commissioner Olevson  
Commissioner Rheame  
Commissioner Weiss

**No:** 0

**Absent:** 1 - Commissioner Simons

- 3**      [16-0376](#)      Forward a recommendation to the City Council to Introduce an Ordinance to Amend Chapter 19.56 (Alternative Energy Systems) of the Sunnyvale Municipal Code related to the Solar Access Requirements Study Issue (2016-7279), and Find that the Action is Exempt from CEQA.

Principal Planner Amber Blizinski presented the staff report.

Commissioner Klein discussed with Senior Assistant City Attorney Rebecca Moon solar access rights in California and legislation enacted by local governments to preserve access to sunlight. They also discussed whether economic loss resulting from a new project would make it appealable or would have to go through the court,

and whether recently considered solar Variance requests would have passed if solar access was calculated based on a full 365 day solar cycle. Commissioner Klein discussed with Principal Planner Blizinski the cost of conducting a solar analysis.

Commissioner Rheaume confirmed with Principal Planner Blizinski that shading would be evaluated based on the percentage of neighboring rooftop shading, rather than site shading.

Commissioner Olevson clarified with staff whether the 365-day solar cycle analysis would include daylight savings time, and discussed why staff had no positive or negative examples of the other solar access options listed in Attachment 5.

Commissioner Weiss discussed with Principal Planner Blizinski the appropriateness of having different standards for low and low-medium density developments in comparison to high density developments.

Vice Chair Harrison confirmed with staff the process of putting language about solar shading requirements into the City's specific plans that are tailored to each area.

Chair Melton discussed with Principal Planner Blizinski the original intent of the Ordinance on solar access requirements, and discussed with staff how the staff recommendation aims to reduce solar Variance requests for properties to the south of a one-story building. Chair Melton also discussed with Planning Officer Miner what the findings would have looked like for a project such as the one proposed at the former SummerWinds site if the 1985 Ordinance was in place as intended, and discussed the result of recommending to City Council directing staff to conduct research on measuring solar access rights based on shading of the whole parcel.

Commissioner Klein clarified with Senior Assistant City Attorney Moon the purpose of solar easements, and discussed the feasibility of property owners being compensated to give up their solar rights.

Commissioner Olevson commented on the precedent of a property owner selling their rights.

Chair Melton opened the Public Hearing.

Zachary Kaufman, Sunnyvale resident, noted that the draft Ordinance refers to a "solar collector on an adjacent property," which he notes is singular and should be

plural.

Chair Melton closed the Public Hearing.

MOTION: Vice Chair Harrison moved and Commissioner Klein seconded the motion to recommend to City Council Alternative 1 to introduce an Ordinance to Amend Chapter 19.56 (Alternative Energy Systems) of the Sunnyvale Municipal Code that allows solar access to be calculated based on a full 365 day solar cycle.

Vice Chair Harrison said she has struggled with the Ordinance saying one thing while the general interpretation said another, and that the staff recommendation brings the two into line. She said the dominant thing is the basic regulation rather than the implementation measure, and that with the knowledge that we will be looking at solar access requirements within each specific plan, she can forward the motion and recommendation to City Council.

Commissioner Klein said he is supporting the motion with reservations, and that what has been crafted would will reduce a majority of the Variances requested and speed up the processes of staff and the Planning Commission. He said we are raising the Variance level and that the feedback that can be given to developers if they go through the first and second barriers and are still requesting more than ten percent shading is that the project will not be approved. He said we should be encouraging solar access, and that he was disappointed that the staff report did not capture the multiple items requested in the study issue.

Commissioner Olevson said that as much as he appreciates the report adding clarity and correcting what looked like a three-decades old mistake, he is abstaining from voting on this item because he did not receive all attachments of the report in time to fully vet and appreciate the City Attorney's memo and the information on other jurisdictions. He added that this is a good Ordinance to recommend to the City Council.

Chair Melton said he is supporting the motion and thanked staff for the research and City Attorney's memo supporting the overall document. He said this is the right recommendation for City Council, and that we are helping to reduce solar Variance requests for properties to the south of a one-story building. He said the Ordinance syncs up the reality of what we are trying to accomplish with its revised language.

The motion carried by the following vote:

**Yes:** 5 - Chair Melton  
Vice Chair Harrison  
Commissioner Klein  
Commissioner Rheume  
Commissioner Weiss

**No:** 0

**Absent:** 1 - Commissioner Simons

**Abstained:** 1 - Commissioner Olevson

**4**      [16-0702](#)      **Selection of Chair**

Planning Officer Miner described the process of selecting a new chair and said the vote would be taken by hand.

Commissioner Klein nominated Vice Chair Harrison for Chair of the Planning Commission for 2016-2017.

Commissioner Harrison accepted.

The nomination resulted in a unanimous vote for Commissioner Harrison as Chair.

Chair Melton said it has been an honor and pleasure to serve as Chair of the Planning Commission and to work with City staff.

**5**      [16-0703](#)      **Selection of Vice Chair**

Vice Chair Harrison nominated Commissioner Rheume for Vice Chair of the Planning Commission for 2016-2017.

Commissioner Rheume Harrison accepted.

The nomination resulted in a unanimous vote for Commissioner Rheume as Vice Chair.

**6**      [16-0704](#)      **Selection of Seats**

Chair Melton noted that the order of the selection of seats would be determined by seniority.

Selection of seats resulted in the following arrangement (from left to right, facing the dais from the podium):