

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE TO AMEND SECTION 19.56.020 OF
CHAPTER 19.56 (ALTERNATIVE ENERGY SYSTEMS) OF
TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL
CODE RELATING TO IMPAIRMENT OF SOLAR ACCESS
BY STRUCTURES**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS
FOLLOWS:

SECTION 1. SECTION 19.56.020 AMENDED. Section 19.56.020 of Chapter 19.56 (Alternative Energy Systems) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.56.020. Solar energy systems—Impairment of solar access by structures.

(a) No building permit shall be issued for any construction, the effect of which when completed would be to interfere with solar access to the rooftops of ~~any-the sum of all permitted~~ structures on an adjacent property or to any preexisting active solar collector on ~~nearby-an adjacent~~ property. Solar access means the absence of shadows blocking or reducing exposure to the sun to an extent greater than ten percent daily during the hours between nine a.m. to three p.m., Pacific ~~Standard~~ Time, throughout any solar cycle. Nothing contained herein shall require modification to any structure, the shade pattern of which would impair solar access to rooftops or active solar collectors established later in time.

(b) Applications for new construction above the first level of any structure shall include the following solar shading analysis by a qualified professional:

(1) The solar shading analysis shall show the extent to which the proposed construction will shade adjacent rooftops and solar collectors at nine a.m. and three p.m. Pacific Time on December 21st.

(2) If the above solar shading analysis shows a conflict with solar access greater than ten percent, the applicant shall provide an additional analysis which calculates the extent to which the proposed construction will shade adjacent rooftops and solar collectors between nine a.m. to three p.m. Pacific Time throughout the entire 365-day solar cycle. If the analysis shows a cumulative shadowing effect of less than ten percent total over the course of the 365-day solar cycle, the application shall be deemed to be in compliance with this section.

(~~b~~c) [Renumbered; text unchanged]

SECTION 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations Section 15378(a) that this project is exempt from the requirements of the California Environmental Quality Act (CEQA) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In addition, the action is exempt from CEQA pursuant to CEQA Guidelines section 15305, minor alterations in land use limitations in which do not result in any changes in land use or density.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney