



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

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

SUMMARY OF PLANNING COMMISSION ACTION

This item was considered by the Planning Commission at their July 11, 2016 hearing. Staff answered questions from the Commissioners and further clarified the issue of solar access rights (Attachment 6). One member of the public spoke on the item.

The Planning Commission recommended 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 an initial analysis conducted on December 21st and if that analysis shows a conflict with solar access greater than 10%, then a second analysis of the full 365 day solar cycle must be performed (The Commission made one edit to the Draft Ordinance it considered, which is reflected in the Ordinance included as Attachment 3), and clarifying when Pacific Time and Pacific Standard Time will be used.

The Report to Planning Commission can be found in Attachment 1. Minutes from the Planning Commission hearing can be found in Attachment 10.

SUMMARY OF THE SUSTAINABILITY COMMISSION ACTION

This item was considered by the Sustainability Commission at their July 18, 2016 hearing. Staff presented the item and answered questions from the Commissioners. No members of the public spoke on this item.

The Sustainability Commission recommended introduction of an ordinance with modifications to the staff recommendation. The Sustainability Commission suggested two modifications to the draft ordinance: 1) to also require a shading measurement for June 21 (with adjusted times), and 2) to require the annual solar cycle measurement with adjustments to the hours based on the day of the solar cycle (exact language is in the Sustainability Commission Minutes in Attachment 11).

Staff is not recommending incorporating the suggested changes from the Sustainability Commission. Many applicants have voluntarily provided the additional summer solstice (June 21) shading data and staff cannot recall any instance when there was additional shading in summer. It is unlikely that even the expanded hours would result in higher shading level than the winter solstice. In addition, staff consulted with solar companies while working on the draft ordinance and none of the companies suggested that testing on June 21st would result in more shadowing or that that the staff recommendation would cause solar access issues.

Maintaining simple and less complicated requirements that have clear and defined time boundaries will make the process more efficient. Adjusting the time linearly throughout the year may complicate the analysis and burden development applicants, particularly for single-family property owners.

The Sustainability Commission received the same report as the Planning Commission (Attachment 1). The Sustainability Commission's meeting minutes can be found in Attachment 11.

ALTERNATIVES

1. Introduce an Ordinance to Amend Chapter 19.56 (Alternative Energy Systems) of the Sunnyvale Municipal Code related to solar access requirements.
2. Introduce an Ordinance with the modifications recommended by the Sustainability Commission.
3. Introduce an ordinance with other modifications to the staff recommendation.
4. Do not amend Chapter 19.56 (Alternative Energy Systems) of the Sunnyvale Municipal Code and make no changes to the current standard of practice for solar access requirement evaluation.

RECOMMENDATION

Alternative 1: Introduce an Ordinance to Amend Chapter 19.56 (Alternative Energy Systems) of the Sunnyvale Municipal Code related to solar access requirements.

Staff concurs with the clarification provided by the Planning Commission and has incorporated it into the draft ordinance. The recommended amendments to the Sunnyvale Municipal Code will help clarify the existing solar access requirements and also provide more flexibility to balance property owners' solar access, for the purpose of photovoltaic installation, with property owners' rights (e.g. the potential to build to heights allowed in the Sunnyvale Municipal Code).

Prepared by: Amber Blizinski, Principal Planner

Reviewed by: Andrew Miner, Planning Officer

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Walter C. Rossmann, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. **Planning Commission Report from July 11, 2016** (*without attachments*)
2. Study Issue Paper
3. Draft Ordinance (**updated for City Council hearing**)
4. Full Text of Council Policy 3.5.1 (Energy)
5. Information on Other Options to Consider
6. City Attorney Office Memo Regarding Solar Access Rights
7. Solar Access and Shadow Analysis Handout
8. Summary of California State Laws Related to Solar Access
9. Other Jurisdiction's Solar Access Regulations

Additional Attachments - for Report to Council

10. **Planning Commission Minutes of July 11, 2016**

11. **Sustainability Commission Minutes of July 18, 2016**