

City of Foster City

CITY COUNCIL & PLANNING COMMISSION POLICY

Subject: Identifying Significant Solar Impacts to Rooms and Yards of Properties Adjacent to Proposed Room Additions

Purpose of Policy: To establish a definition of "significant solar impact" that staff can use when evaluating room additions.

Policy No.: 1-2000

Date of City Council/Planning Commission Approval: January 18, 2000

Effective Date of Revised Policy: February 1, 2000

Background and/or Problem Statement: The issue of solar impacts related to room additions and similar property improvements has become increasingly sensitive over the past several years. In instances where a solar impact from a proposed room addition to an adjacent property is extremely minimal or extremely severe, staff has a clear sense of how to prepare a recommendation to the Planning Commission. However, it is the "gray" area between those extremes where staff has greater difficulty determining what is and is not a "significant" impact.

Based on past direction from the Commission, staff has not considered impacts to a non-living space (like a bedroom) as significant as an impact to a high-use living space (like a living room, family room, or kitchen). Recommendations to the Planning Commission have been based on this rationale. Staff has required applicants to prepare shade and shadow studies, if upon initial review, staff determines that a project might have a significant solar impact to an adjacent property. These studies are helpful in assessing overall impacts and preparing a recommendation to the Planning Commission. Although helpful in illustrating what impacts will occur with an addition, these studies do not determine whether those impacts are "significant."

The City recognizes that virtually every room addition in the City is going to have some impact to surrounding properties. However, one of staff's charges when preparing a recommendation to the Commission is achieving an acceptable balance of property rights (the right of one property owner to improve his/her property and the right of another to enjoy direct sunlight). When a project is reviewed and impacts are assessed, recommendations are made based on staff's judgement relative to the particular case. The recommendation is supported with specific findings, but it is not based on a formally approved definition of what is or is not "significant."

It is the City's desire to create a definition of "significant solar impact." By establishing a well thought-out policy which contains clearly defined procedures, impartial questions, and thresholds which define significance, the City is hopeful that much of the controversy and debate surrounding such decisions can be eliminated or minimized.

Policy:

A. Definition of "High-use" and "Low-use" Rooms

Because of the nature and common duration of activities typically conducted in certain rooms of a house or areas of a property, "high use" rooms or yards are proposed to be protected from a significant loss of sunlight, even to the point of denying a property improvement application from an adjacent property owner. "Low use" rooms are not proposed to be protected by potentially denying a property improvement application at an adjacent property, although all reasonable efforts to minimize such impacts would be taken. The rooms that fall into each category are indicated in the table below:

"High-Use" Rooms/Spaces	"Low-Use" Rooms/Spaces
<ul style="list-style-type: none">• Living rooms• Dining rooms• Family rooms• Kitchens• Rear Yards	<ul style="list-style-type: none">• Bedrooms• Bathrooms/Dressing rooms• Entrances/Hallways/Stairwells• Pantries and Closets• Garages/workshops• Side Yards (less than ten [10] feet in width or yard areas with little recreational value)

B. Assessment Questions for Solar Impact Review

In each case, the following questions would be asked in order to develop a neutral set of data regarding the likely solar impacts of a project on adjacent property:

1. From which direction does the adjacent house receive direct sunlight?
2. When does the adjacent house currently receive direct sunlight?
3. Will the addition create ANY loss of sunlight to ANY window of an adjacent house?
4. If yes, what room(s) will be impacted (i.e. kitchen, living room, bedroom, etc.)?
5. Which season(s) of the year is there an impact?
6. During each season with an impact, what hours of the day will the sunlight be lost?
7. How many hours of sunlight are lost at each season?
8. How many hours of direct sunlight will be retained at each impacted season, and at what approximate time of day is this?

C. Thresholds of Significance

These thresholds of significance shall be considered as “guidelines” and not performance standards or “rules.” They are intended to provide direction to staff when evaluating a room addition’s potential impacts to an adjacent property and they are intended to be flexible so staff recommendations and City Council/Planning Commission decisions can be weighed by a specific judgement relative to its evaluation of each proposed property improvement. The City Council and Planning Commission shall continue to have the discretion to approve room additions and evaluate solar impacts on a case-by-case basis.

1. If an addition completely eliminates all direct sunlight to any high-use living space in an adjacent house
2. If an addition reduces more than 2 hours of direct sunlight to a high-use living space (living/family room or kitchen), or if it reduces more than 4 hours of direct sunlight to a low-use space (bedroom, but not including bathroom)
3. If an addition reduces the amount of time that an adjacent house’s window receives direct sunlight by more than 50% at any season where an impact occurs (requires a comparison of the hours that a window receives direct sunlight in an existing and proposed condition)