

# **Solar panels' problem in Los Gatos: visibility**

**San Jose Mercury, August 3, 2003, Paul Rogers**

Town planners in Los Gatos are cracking down on a project they say threatens to make their upscale Silicon Valley village an ugly place.

A proposed copper smelter? A cattle feed lot? An auto wrecking yard?

No. Solar Panels.

Concerned about "design impacts and architectural compatibility," the Los Gatos Planning department has ordered the owner of a small solar power company to remove or cover up 18 solar panels he installed on his office roof because three are visible from the street.

Barry Cinnamon, president of Akeena Solar on University Avenue, says he and his 20 employees are dumbfounded. They plan to appeal to the Los Gatos Town Council when it meets Monday night.

"If we support the environment, and we support renewable energy, we should be supporting solar power," he said, " Not inhibiting and restricting it."

Evidently, however, Cinnamon is not alone. Dozens of other cities across California are making life difficult for people who want to install solar panels on roofs and businesses, even as state leaders are trying to encourage renewable energy with millions in tax credits and rebates.

Some cities require that solar panels can't be seen from roads. Others say they must be installed at the same angle as roofs, which can limit the electricity they generate.

"This is an increasing problem," said Jan McFarland, executive director of the California Solar Energy Industries Association, in Sacramento.

"I don't think building inspectors are out to kill solar power. But there are some outrageous stories, and these are the ones we have to stop."

McFarland's group has heard tales of zealous local bureaucrats raining on solar power in Santa Barbara, Glendale, Palm Springs, Lakewood, Yorba Linda, Cerritos, Long Beach and Fresno County.

The irony, she notes, is that last year, Gov. Gray Davis signed a law requiring 20 percent of California's electricity to come from renewable sources by 2017. Currently about 12 percent comes from those renewable sources.

The problem has become so pronounced the solar industry is pushing for a new law.

A bill by Assemblywoman Lois Wolk, D-Vacaville, would ban California cities and counties from imposing unreasonable restrictions on solar power. Any change that increases costs by 20 percent or reduces efficiency by 20 percent would be considered too extreme.

The bill, AB 1407, has sailed through the Legislature, passing the Senate and Assembly unanimously. It is expected to reach the governor's desk by the end of the month.

"This doesn't prevent restrictions, it just says that they can't be unreasonable," Wolk said.

"Some people seem to be losing sight of the larger picture. We're blessed in California with the opportunity to use solar energy. We ought to be encouraging that. Some of these restriction are misguided."

Wolk's bill contains loopholes, however, that she says were needed to stave off opposition from cities. Rather than simply banning overzealous zoning of solar power - which has been in effect for California homeowners associations since 1978 - Wolk's bill says cities and counties violating the law won't be eligible for state grants for their own municipal solar projects.

In other words, cities could continue restricting solar if they turned down, or had no plans to apply for state solar power grants to build city solar projects.

"It's a good start," Wolk said. "If we need to do more, we can come back next year."

In Los Gatos, city officials say they aren't unreasonable.

"The town of Los Gatos, seeks architectural excellence," said Bud Lortz, director of the Los Gatos Community Development Department.

Lortz denied final approval of Cinnamon's building permit for the 18 solar panels.

The town totally supports use of renewable energy." He said. "We approve solar panels all the time. It's just when they become visible that we run into a challenge."

Lortz said homeowners who want to install solar power cannot have panels visible from the road. They also must follow the pitch of the roof. For commercial buildings, he cited a section of the city general plan that requires, "roof mounted mechanical equipment shall be screened."

Solar panels, said Lortz are "mechanical equipment," just like big air conditioning units.

Cinnamon, who has a degree in mechanical engineering from MIT, disagrees.

"This isn't mechanical equipment. There are no moving parts," he said. "It's like a light bulb."

Cinnamon also notes that if the 5-by-3 foot panels are required to be shielded from the sun, they won't work. After he applied for a permit in December; he said, he grouped the 18 panels in the middle of his roof so they would be nearly invisible from University Avenue.

He faced them east and west, instead of the most efficient direction, south, cutting about 10 percent of the electricity they would generate.

Ironically, Akeena Solar's 3,400-square-foot building sits surrounded by auto body shops and corrugated metal buildings in a commercial section of town. Nearby buildings have air conditioning units and antennas atop their roofs.

"Every single person I've talked to says 'I can't believe the city is putting you through this,' he said. "We haven't had a single complaint. The neighbors love it."

Lortz said Cinnamon can satisfy town planners if he builds a small wall around the top of his roof. But Cinnamon says he's already spent \$4,300 in planning fees on his \$15,000 system, and that to build the wall would cost \$8,000 more. He's proposing that he be allowed to put other solar panels on top of the building to screen the 18 panels in question.

But planners said that would be a violation of the town's sign ordinance, because even though no words would be on the panels, they would be advertising his solar business.

On May 28, the Los Gatos Planning Commission voted 6-1 to deny Cinnamon's compromise. So he's appealing to the council. The day the planning commission voted, California grid operators declared a State 1 power alert.

Similar solar showdowns have occurred in San Jose.

In April, architect Marvin Bamburg applied to place 54 solar panels atop his Willow Glen office. The San Jose Planning Department said no.

"I thought they'd just rubberstamp it," he said, "They immediately turned us down. They said very loudly it was ugly."

Bamburg sought the help of San Jose Vice Mayor Pat Dando. Two days later, he had a permit. He removed six panels to make the array less visible from Lincoln Avenue. The project should be up by October.

"These planners are trying to do what they perceive is their job," Bamburg said. "But for the good that solar panels do, maybe a slight bit of ugliness, in their opinion, should be allowed. And I don't even think solar panels are ugly. They're handsome."