

ATTACHMENT 7



VARIANCE JUSTIFICATIONS

All three of the following findings must be made in order to approve a Variance application.

The Sunnyvale Municipal code states that all three of the following justifications must be met before granting the Variance. Please provide us information on how your project meets all of the following criteria.

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

Re: Solar Access

We are requesting a Variance for Solar Access in order to preserve the property right to develop a multi-story hotel and avoid undue hardships imposed by the physical constraints of the site and surrounding single story retail buildings which would restrict the economic feasibility of developing a hotel of the same program in a similar setting and location for the following specific reasons: 1. The site's long and very narrow configuration abutting residential causes the structure to be pushed far to the front of the site in order to respect the one and two-story character of the residential neighborhood and to provide adequate landscape screening of the hotel from these residences. 2. Only a one or two story hotel would comply with the requirements of solar access making it economically unfeasible to the Owner due to the extreme limitation on the number of guestrooms on this size site. 3. The proposed height of the hotel is well below the allowable height for this particular zone/site.

AND

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements, or uses within the immediate vicinity and within the same zoning district.

Re: Solar Access

The hotel's shading impacts the roofs of the adjacent single story retail to the northwest and two story retail to the southeast. The most extreme shading impacts are in Winter (December) with the adjacent Panda Express to the northwest completely shaded in early morning to approximately 50% at noon and the adjacent single story Walgreen's further to the northwest shaded approximately 60% at the worst case in early morning, while the small two story retail building to the southeast is shaded by approximately 60% at noon to 100% at sunset, however this property is slated for redevelopment into a much taller multi-story medical office building. No residential properties are impacted. In summary, a structure which would not shade the adjacent retail buildings would prohibit the intended use, height and scale of a hotel as allowed pursuant to the City's adopted Specific Plan.

AND

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

Re: Solar Access

The project's Variance for Solar Access is only required to allow for a reasonably programmed, economically feasible hotel designed on a physically constrained site which is in compliance with the City's requirements for building height, mass and scale. The proposed project is for a hotel which is an intended use compliant with the City Specific Plan, with a design which is much shorter than the Specific Plan allows.

If you need assistance in answering any of these justifications, contact the Planning Division staff at the One-Stop Permit Center.

