

TAYLOR FINDINGS

Sec. 37-60.620. - Required findings.



Finding 1: That because of special circumstances or conditions applicable to the development site, including size, shape, topography, location, or surroundings, strict application of the requirements of this Zoning Code deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification (Code Section 37-60.620(a)).

Evidence: The subject property is a 6.2-acre lot located at 745 Airport Boulevard at the southwest corner of the Airport Boulevard/101 interchange. Aerials from Google Earth show that in September 2009 there was a substantial area along the property's Airport Boulevard frontage which could have been used for landscaping purposes. Later Google Earth aerials show that between September 2009 and May 2012 that area, except for an 800 SF +/- triangle area, was condemned and taken by Caltrans for the redesigned Airport Boulevard/101 interchange. The interchange design and improvements did not replace the lost landscaping, parking or circulation areas.

By comparison of the 2009 and 2012 aerials, it is also clear that the property immediately to the west did not lose frontage to the interchange improvements. No other properties on Airport Boulevard west of the interchange, on either side of Airport Boulevard, lost frontage area to the interchange construction.

If the applicant is required to install a 20-foot-deep landscape area it will result in the removal of not only loss of parking and circulation areas but will require removal of improvements recently installed pursuant to permits issued by the City and will impose a requirement not imposed on neighboring properties.

Finding 2: That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare (Code Section 37-60.620(b)).

Evidence: The variance requested is to allow a reduction in the requirement for front landscaping from 20 feet to approximately 10 feet in a location where no front landscaping currently exists. The proposed landscaping and fencing will create visual screen from the street and sidewalk to the parking area and buildings beyond and thereby enhance the current view from the street and sidewalk. The plan is designed so that adequate sight distance from the existing driveway to the property. The landscape and fenced area will receive regular care and maintenance to assure the landscaping is maintained a health, weed-free and litter free condition.

Finding 3: That granting the application is consistent with the purposes of the Salinas general plan and this Zoning Code and will not constitute a grant of special privilege inconsistent

with limitations on other properties in the vicinity and in the same zoning district (Code Section 37-60.620(c)).

Evidence: As shown by the comparison of the Google Earth aerials in the record none of the properties along Airport Boulevard on the west side of the interchange lost land to the interchange improvements. Therefore, based on the evidence presented to be applicable to one property only and reduction of the landscaping area is reflective of their specific circumstances. In addition, few properties along this section have any landscaping along Airport Boulevard and the ones that do, appear to be consistent with the 10 feet proposed by this variance.

Finding 4: That any variance shall not be granted which authorizes a use or activity which is not otherwise expressly authorized within the zoning district (Code Section 37-60.620(d)).

Evidence: The variance requested is to allow a reduction in the requirement for front landscaping from 20 feet to 10 feet. No change of use is proposed or approved with this variance.

Finding 5: That the hardship peculiar to the property was not created by any act of the current owner (Code Section 37-60.620(e)).

Evidence: The hardship in this case is a result of the Airport Boulevard/101 interchange improvements constructed between 2009 and 2012. That project was a cooperative effort between the City and the State of California and not by the owners of this property.

Finding 6: That personal, family, or financial difficulties and loss of prospective profits are not hardships or reasons justifying a variance (Code Section 37-60.620(f)).

Evidence: The hardship in this case is a result of the Airport Boulevard/101 interchange improvements constructed between 2009 and 2012. That project was a cooperative effort between the City and the State of California and not by the owners of this property.