

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 06-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON DENYING VARIANCE NO. 470-05 FOR THE
PROPERTY LOCATED AT 21300 S. WILMINGTON AVENUE.**

**THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA,
HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:**

Section 1. An application was duly filed by the applicant, Roadway Express, Inc., with respect to real property located at 21300 S. Wilmington Avenue, and described in Exhibit "A" attached hereto, requesting the approval of Variance No. 470-05. The variance request is for Sections 9146.29(K) and 9162.52(B)(1) of the Carson Municipal Code (CMC), which requires not less than 10 feet in width of landscaping to screen a parking area, and Section 9162.62(B)(2) of the CMC, which requires that truck loading facilities, maneuvering areas, and parking spaces be screened from public view by landscaping. The variance is being requested in order to allow trucks to encroach into the front yard landscaping, eliminate truck screening, and allow an existing fence to be located along the northern property line on 213th Street east of the main entrance. The subject property is 7.8 acres in size and located in the MH (Manufacturing, Heave) zone.

A Planning Commission meeting was duly held on October 24, 2006, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

a) Section 9146.23 (Front Yard) and Section 9146.24 (Side Yards) of the CMC requires a minimum 10-foot landscape setback adjacent to the street. Section 9162.52(B)(1) further states that a parking facility located adjacent to the street shall be provided with a 10-foot landscape setback running parallel to the street. Section 9146.29 (Encroachments) of the CMC states that parking is permitted in required yards except the area within 10 feet of an existing or future street right-of-way. Section 9162.52 (B)(2) states that all parking facilities and truck parking, loading and maneuvering areas shall be screened from the public right-of-way. Such screening shall be accomplished by use of a decorative wall, a retaining wall, mounded landscaped planter, a densely landscaped planter, or a combination thereof.

b) A truck terminal is permitted in the MH zone pursuant to CMC Section 9141.1 provided certain requirements are met. Section 9148.9 of the CMC establishes standards for new truck terminals. Existing truck terminals were exempted from Section 9148.9 of the CMC pursuant to the execution of improvement agreements assuring that certain improvements would be implemented according to an established timeline. An Improvement Agreement between the City of Carson and YRC Enterprise Service Inc./Roadway Express Inc. was executed on March 7, 2006. The Improvement Agreement acknowledges that the site is not in full compliance with the CMC and provides that the City reserves all of its rights to require compliance unless a variance is granted.

c) The subject property contains no such special circumstance in regards to size, shape, topography, location or surroundings in that it is rectangular-shaped, fairly flat, and 7.8 acres in size. The subject property is larger than most of the industrial properties in the immediate area, including those along Wilmington Avenue.

d) Meeting the Municipal Code requirements for 10 feet of landscape setback is not an undue hardship for the applicant because of the property's size and ample space to provide such landscaping. Pursuant to the approved site plan in 1995, the property was able to provide the required 10 foot landscape setback. Currently, the applicant indicates there is 134 feet from the back of the landscape setback to the end of the truck parking space. As noted previously, the CMC requires 132 feet. Thus, the 134 feet is adequate to meet the minimum code requirement. The applicant is utilizing larger vehicles within the truck parking area than was initially contemplated or approved by the 1995 site plan. Compliance with the 1995 approved site plan would allow for the applicant to meet the code requirements, including the placement of a wall, fence and/or landscaping behind the 10 foot landscape setback to provide required screening. The applicant contends that placing the fence behind the landscape setback will interfere with the container parking and truck maneuvering area. The applicant's contention that a safety hazard would be created by meeting the minimum Code requirement is unsubstantiated. The applicant requests the granting of a special privilege to allow their parking of larger trucks in an area that was never approved for such use.

e) A residential neighborhood is located to the west across Wilmington Avenue along 213th Street and providing the minimum required landscaping along the perimeter would improve the aesthetics of the property.

Section 4. The variance request discussed above is exempt from the provisions of the California Environmental Quality Act as a Class 3 exemption, pursuant to Section 15303(e) of the CEQA Guidelines. Furthermore, pursuant to Section 15061(b)(4) of the CEQA Guidelines, a project is exempt from CEQA if it is disapproved by the City.

Section 5. Based on the aforementioned findings, the Commission hereby denies Variance No. 470-05 with respect to the property described in Section 1 hereof.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 24TH DAY OF OCTOBER, 2006.

CHAIRMAN

ATTEST:

SECRETARY