



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: October 24, 2006

SUBJECT: Variance No. 470-05

APPLICANT: Roadway Express, Inc.  
P.O. Box 471  
Akron, OH 44309

REQUEST: Variance request from Sections 9146.29(K) and 9162.52(B) 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.

PROPERTY INVOLVED: 21300 S. Wilmington Ave.

### COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Cottrell - Chairperson			Hudson
		Pulido – Vice-Chair			Saenz
		Diaz			Verrett
		Faletogo			Wilson
		Graber			

## I. **Introduction**

### *Date Application Received*

- June 14, 2005: Variance No. 470-05

### *Applicant and Property Owner*

- Roadway Express, Inc.; 21300 S. Wilmington Ave.; Carson, CA 90810

### *Project Address*

- 21300 S. Wilmington Ave.

### *Project Description*

- The applicant is requesting a variance from Sections 9146.29(K) and 9162.52(B) 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. Approval of the variance request would allow trucks to overhang into the front yard landscaping, eliminate the requirement for truck screening, and allow an existing fence to be located along the northern property line on 213th Street east of the main entrance.
- The applicant contends that strict application of the CMC would result in practical difficulties and unnecessary hardships on the property. In particular, relocating the fence in order to provide a 10-foot wide landscaping area along 213<sup>th</sup> Street would interfere with the maneuvering area for trucks and trailers. Potentially, 18 trailer parking spaces would be jeopardized if the fence were to be relocated, thus, interfering with the existing operations at the site.
- The project site is used as a truck terminal and is 7.8 acres in size in the MH (Manufacturing, Heavy) zone.

## II. **Background**

- The applicant, Roadway Express, Inc., has operated a truck terminal on the subject property for several years. The docking area for the truck terminal is 19,552 square feet located in the middle of the property. The property is developed with a 4,568 square-foot office building and 98 vehicle parking spaces, including four handicap spaces. The terminal can accommodate up to 98 trucks.
- In 1995, the prior property owner, Consolidated Freightways, requested approval of a modified parking plan. The existing employee parking located along 213<sup>th</sup> Street in the easterly portion of the property was relocated to the west adjacent to Wilmington Avenue and 213<sup>th</sup> Street. Several driveways were closed and the former employee parking was converted to truck parking. The truck parking area provided the required 10 feet of landscape setback. The approved site plan indicated a combination of small truck parking and large truck parking. The parking and maneuvering required a total of 132 feet. The site plan indicated

approximately 140 feet was provided. The plan did not indicate the placement of screening as required by Section 9162.52 (B)(2).

- In 2004, the City established a moratorium on the establishment of new truck yards and truck terminals. An investigation of existing businesses identified that many of the truck yards were operating without benefit of a business license and did not meet the CMC standards to allow for continued operation. The existing truck terminals were found to contain varying code violations that could be corrected. It was during this investigation that the Roadway Express property was found to be out of compliance with the screening requirement.
- On December 21, 2004, the City Council adopted Ordinance No. 04-1308 for the regulation of truck terminals. The Ordinance established Section 9148.9 of the CMC requiring a conditional use permit (CUP) for any new truck terminal, but exempted Roadway Express, Inc.'s truck terminal and two other existing terminals. The exemption for Roadway Express, Inc. was contingent upon the execution of an agreement for site improvements at the project site.
- On March 7, 2006, the City and Roadway Express, Inc. executed an agreement for site improvements at the project site. 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. The improvements include:
  - Installation of a wrought iron fence along Wilmington Avenue and the western portion of 213<sup>th</sup> Street;
  - Landscaping of at least 10 feet in width along portions of Wilmington Avenue and 213<sup>th</sup> Street west of the main entrance;
  - Compliance with the City's setback and landscaping requirements for the existing fence along 213<sup>th</sup> Street east of the main entrance, unless the City approves a variance request; and
  - Compliance with ADA requirements for handicap parking spaces.
- To date, none of the improvements have been completed.

#### *Previously Approved Discretionary Permits*

- None.

#### *Public Safety Issues*

- The Public Safety Department has not reported any violations with this property.

### **III. Analysis**

#### *Location/Site Characteristics/Existing Development*

- The project site is located on the southeastern corner of the intersection of Wilmington Avenue and 213<sup>th</sup> Street.
- The 405 Freeway is located approximately one-half mile to the south. Access is from Wilmington Avenue.

- The surrounding properties to the north, east, and south are developed with industrial uses. The properties to the west across Wilmington Avenue are single-family homes and a shopping center is located catty-corner to the northwest.

#### *Zoning/General Plan/Redevelopment Area Designation*

- The subject property is zoned MH (Manufacturing, Heavy). The properties to the north, east, and south are also zoned MH. The properties to the west across Wilmington Avenue are zoned RS (Residential, Single-family). The properties to the northwest are zoned ML-D (Manufacturing, Light – Design Overlay).
- The General Plan Land Use Element designates the subject property as Heavy Industrial. The properties to the north, east, and west have the same land use designation. The properties to the west are designated Low Density Residential. The properties to the northwest are designated Light Industrial.

#### *Applicable Zoning Ordinance Regulations*

- Applicable zoning ordinance regulations include the following:
  - Section 9146.23 (Front Yard) and Section 9146.24 (Side Yards) of the Carson Municipal Code (CMC) requires a minimum 10 foot landscaped 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.
- The applicant is requesting a variance from the Section 9146.29 of the CMC to allow the truck parking to encroach within the 10 foot landscape setback and Section 1962.52 (B)(2) to eliminate the screening of the truck parking area.
- Approval of the variance request would allow an existing chain link fence to be located along the northern property line on 213th Street, effectively reduce the landscape setback by allowing the trucks to park closer to street and eliminate screening of the truck parking area .

#### *Required Findings: Variance Request for Building Height*

Section 9172.22 of the Carson Municipal Code states a variance “shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.”

Staff met on a number of occasions with the applicant's representatives. Throughout the process, staff consistently advised that the variance did not meet the standards necessary for approval. On August 25, 2006, the applicant's representative submitted information to be considered by staff and the Planning Commission in support of possible findings to grant the requested variance. It should be noted that the City Council did not ask for the applicant to submit a variance request but acknowledged that this procedure would be the avenue available to request relief from the screening requirement. Both staff and the City Attorney's Office have reviewed the letter and determined that the legal standard for granting a variance has not been established.

Staff finds that 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. 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.

Additionally, a residential neighborhood is located to the west across Wilmington Avenue along 213<sup>th</sup> Street and providing the minimum required landscaping along the perimeter would improve the aesthetics of the property.

Therefore, based on the discussion above, staff cannot support the variance request. The front yard fence along 213<sup>th</sup> Street east of the main entrance should be relocated in order to provide a 10-foot landscaping area that will screen the truck parking and maneuvering areas.

#### **IV. Environmental Review**

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.

**V. Recommendation**

That the Planning Commission:

- **DENY** Variance No. 470-05; and
- **WAIVE** further reading and **ADOPT** Resolution No. \_\_\_\_\_, entitled "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."

**VI. Exhibits**

1. Resolution
2. Letter from Jennifer D. Smith dated August 25, 2006
3. Improvement Agreement executed on March 7, 2006
4. Development Plans (under separate cover)

**Prepared by:** \_\_\_\_\_  
John F. Signo, AICP, A/Senior Planner

**Approved by:** \_\_\_\_\_  
Sheri Repp, Planning Manager

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