

**RESOLUTION NO. 6067**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, TO DENY THE APPEAL OF THE PLANNING COMMISSION'S DECISION AND DENY CONDITIONAL USE PERMIT NO. 19-03 TO ALLOW ESTABLISHMENT OF A NON-STOREFRONT VEHICLE DISPENSING FACILITY AT 4006 SLAUSON AVENUE IN THE COMMERCIAL MANUFACTURING (CM) ZONE**

**WHEREAS**, Ms. Nadiya Aziz for Kiki Greens ("Applicant") filed Application No. PC 19-03 for a Conditional Use Permit pursuant to the provisions of Appendix C of the Maywood Zoning Ordinance ("MZO"), as amended per Ordinance No. 18-12, and Section 5100 et. seq. of the MZO to allow for the establishment of a non-storefront cannabis vehicle dispensing facility ("Application" or "Proposed Use") on property located at 4006 Slauson Avenue (APN 6312-028-005), Maywood CA 90270, ("Subject Site"); and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the Application on September 3, 2019. Evidence, both written and oral, was presented at said hearing and the conditional use permit was denied on a 5-0 vote and the Planning Commission directed staff to bring back a resolution of denial; and

**WHEREAS**, on September 9, 2019, the Planning Commission adopted Resolution PC19-0456 denying Conditional Use Permit No. 19-03;

**WHEREAS**, the Applicant filed a timely appeal to the City Council of the Planning Commission's decision to deny Conditional Use Permit No. 19-03;

**WHEREAS**, the City Council held a duly noticed public hearing on the appeal where evidence, both written and oral, was presented at said hearing.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD HEREBY DETERMINES, FINDS AND RESOLVES AS FOLLOWS:**

**Section 1.** The recitals set forth in this Resolution are true and correct and incorporated herein as if set forth in full.

**Section 2.** Section 5100.40(C) provides that a requested conditional use permit shall be denied where the findings indicate that the applicant has failed to show: (i) that the requested use will not be materially detrimental to the property of other persons located in the vicinity, or a menace to the public health, safety, or general welfare; and (ii) that reasonable restrictions or conditions to permit the establishment of the proposed use would prevent [the] detriment, or menace as indicated.

**Section 3.** Based on the entire record before the City Council, all written and oral evidence presented to the City Council and the record before the Planning Commission, and pursuant Section 5100.40(C) of the Maywood Zoning Ordinance, the City Council finds as follows:

A. The Applicant has failed to show that the proposed non-storefront

cannabis vehicle dispensary use will not be materially detrimental to the property of other persons located in the vicinity, or a menace to the public health, safety, or general welfare. The Subject Site has a General Plan designation of Mixed Use and is located in the General Commercial/Manufacturing zone. The purpose of the General Commercial/Manufacturing zone is to permit a range of commercial uses in appropriate areas consistent with the Mixed Use General Plan designation. Uses in the Mixed Use designation are characterized by a mix of retail, residential, office and dining establishment.

The proposed use is surrounded by residential uses to the south and commercial uses to the north, east and west. The types of commercial uses include, but are not limited to, a party supply store, a flower shop and a variety of restaurants and other neighborhood commercial uses. A speech and language therapy center is adjacent to the Subject Site separated only by a parking lot.

The City Council finds that the impacts of the Proposed Use are detrimental to the properties in the area. In the vicinity of the Proposed Use are several businesses that cater to or are frequented by families with children including the speech and language therapy center that assist children as young as 18 months of age. As such, the nature of the Proposed Use will be detrimental to these sensitive uses. The City Council agrees with the testimony and information provided at the Planning Commission hearing that several businesses have expressed concern regarding the Proposed Use and the impact that other nearby cannabis uses have had on the neighborhood and their business. Specifically, an owner and resident stated that her flower business has decreased because of the existence of cannabis uses in the immediate location of her flower establishment on Slauson Avenue and the addition of another cannabis use will be detrimental. Therefore, the impacts of the Proposed Use are detrimental to the properties in the area.

The Subject Site is proposed to be in a building located on the corner of Slauson and Corona Avenues. Vehicular access to the Subject Site is a two-way driveway off of Corona Avenue at the rear of the Subject Site. This driveway also contains the parking area. The parking area can accommodate 7 nonconforming spaces shared by all three tenants of the Subject Site and there is insufficient space to back up and turn-around. In addition, the driveway/parking area is adjacent to sensitive residential uses. In this driveway/parking area, vehicles will enter the site and drive to a side warehouse with roll-up gates that need to be opened to allow the vehicle to enter. Once inside, the vehicle is accompanied by a security guard and the roll-up gate descends and the vehicle is loaded with product. To exit, the roll-up gates open and the vehicle proceeds out of the gate down the driveway back onto Corona Avenue. This process will occur a minimum of least three times during the day and evening, seven days a week, beginning with one to two delivery vehicles with additional delivery vehicles added over time in order to deliver the cannabis products. While the Proposed Use will front Slauson Avenue, the primary purpose of the Proposed Use (vehicle pick up of product and delivery) occurs at the rear of the Subject Site adjacent to sensitive residential areas and such activity is a menace to the public health, safety and general welfare.

Due to the operation of the Proposed Use, there is a concern regarding the safety of the community and those residents adjacent to the Subject Site. The Proposed Use, specifically the vehicles when they enter and exit the Subject Site, has a potential to be the target of and subject to criminal attack (i.e. robbery). While a uniformed security guard will be on-site patrolling the Subject Site, such activity raises the awareness that the Subject Site is utilized for cannabis activities.

Last, the Applicant proposes up to twelve employees for the Proposed Use. While a condition was placed to require employees to park off-site and be shuttled or otherwise transported to the Subject Site, a concern exists that notwithstanding the condition, parking may still occur on or near the site and there is limited parking in the immediate area as Slauson Avenue is 2-hour parking only and permit parking only on Corona Avenue. In addition, Corona Avenue is a narrow street with densely populated residences.

Accordingly, for the reasons set forth in this Resolution, the Proposed Use will be materially detrimental to the property of others located in the vicinity and a menace to the public health, safety and general welfare of the community including the residents located to the rear of the Subject Site on Corona Avenue and adjacent to the Subject Site fronting Slauson Avenue.

B. The Applicant has failed to show that reasonable restrictions or conditions to permit the establishment of a non-storefront cannabis vehicle dispensary use would prevent the detriment and menace as described in paragraph A above. No reasonable conditions can be placed on the Proposed Use to prevent the economic impacts that the Proposed Use may have on the adjacent businesses and the neighboring residential property owners. In addition, because of the configuration of Subject Site with its two-way vehicular access and parking lot and drive aisle located at the rear of the site adjacent to sensitive residential uses, there are no reasonable conditions that can mitigate the negative impacts to the residents. The reason is that there is no ability to locate the access point onto the Subject Site as well as the entrance to the side warehouse required for product pick-ups to any other location on the Subject Site. Accordingly, there are no reasonable conditions that can be placed on the Proposed Use to prevent the detriment and menace described in this Resolution.

C. The proposed non-storefront cannabis vehicle dispensary use is also not consistent with the Maywood General Plan. The Subject Site is designated Mixed Use in the General Plan Map with a corresponding zoning of Commercial Manufacturing (CM). As set forth in Section 4030.10 of the MZO, the purpose of General Commercial/Manufacturing zone is to permit a range of commercial uses in appropriate areas consistent with the Mixed Use General Plan designation. Uses in the CM zone tend towards local uses. Uses in the Mixed Use designation are characterized by a mix of retail, residential, office and dining establishment. The Subject Site is located along Slauson Avenue which provides a mix of commercial uses that include both higher intensity commercial as well as more neighborhood serving commercial uses. The Proposed Use, however, at this location does not further the intent of the Mixed Use designation as it is neither a retail, residential, office or dining establishment.

Moreover, the Proposed Use conflicts with Land Use Element Goal 2.0 which states: "Promote new commercial development and maintenance of existing commercial uses to enhance the quality of Maywood's commercial districts along Slauson Avenue and Atlantic Boulevard" because the addition of a cannabis vehicle dispensary use adversely affects the foot traffic to adjacent businesses and does not enhance the quality of the businesses along Slauson.

In addition, the Proposed Use conflicts with Land Use Element Policy 2.13 which states: "Require high-quality commercial development that contributes to the identity of the community" in that the Proposed Use it is neither high-quality in terms of developer nor does it contribute to the identity of the community. In this case, the proposed cannabis vehicle dispensary serves to delivery cannabis products to persons outside of the City and throughout the region, while the use has negative impacts to adjacent residential and businesses uses. Furthermore, the nature of the business requires that the building facing Slauson, the City's main commercial corridor, be nondescript so as not to draw attention to its use (i.e. the pick-up of cannabis for delivery) and that a security guard patrol the property. This is not the type of high-quality use envisioned by Policy 2.13 or the type of use with which the community seeks to identify itself with.

D. The City Council finds that it is unable to make the findings required by Section 5100.40 of the Maywood Zoning to approve a conditional use permit. Specifically, for the reasons set forth in this Resolution the Proposed Use is: (i) inconsistent with the General Plan; (ii) will adversely affect and is materially detrimental to the adjacent uses and buildings in the vicinity, specifically the adjacent residential uses and the economic impact to the commercial uses; (iii) the site is not adequate in size and shape to accommodate the parking and loading facilities and the development features required to integrate the Proposed Use with uses in the neighborhood.

**Section 5.** Based on the findings set forth above in Section 4 and on all other evidence in the record, both oral and written, the City Council of the City of Maywood hereby denies the appeal of the decision of the Planning Commission and thereby denies the application for Conditional Use Permit No. 19-03 to allow a non-storefront cannabis vehicle dispensary use at 4006 Slauson Avenue.

**Section 6.** CEQA. Staff has determined that the project proposed by this Application is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) because CEQA does not apply to a project that is rejected or disapproved. The City Council has reviewed Staff's determination of exemption, and based on its own independent judgment, concurs in staff's determination.

**Section 7.** This Resolution shall be effective immediately upon its passage and approval.

PASSED, APPROVED AND ADOPTED this 25th day of September 2019, by the following vote:

AYES: DeLaRiva, Lara, and Marquez

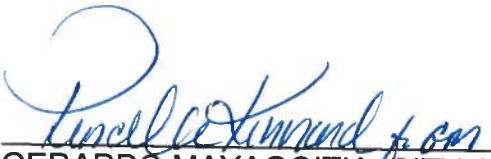
NOES: Alvarez and Medina

ABSENT:

ABSTAIN:

  
EDUARDO DE LA RIVA, MAYOR

ATTEST:

  
GERARDO MAYAGOITIA, CITY CLERK

APPROVED AS TO FORM:

  
ROXANNE DIAZ, CITY ATTORNEY