

**RESOLUTION NO. 6069**

**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. 19-04 FOR A CANNABIS TESTING FACILITY AT 4000 SLAUSON AVENUE IN THE IN THE COMMERCIAL MANUFACTURING (CM) ZONE**

**WHEREAS**, Mr. Jose Mendoza of LA Labs Inc. ("Applicant") filed Application No. PC 19-04 for a Conditional Use Permit ("CUP") pursuant to the provisions of Appendix C of the Maywood Zoning Ordinance, as amended per Ordinance No. 18-12, and Section 5100 et. seq. of the Maywood Zoning Ordinance to allow for the establishment of a cannabis testing facility ("Application" or "Proposed Use") on property located at 4000 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 17, 2019, the Planning Commission adopted Resolution PC19-0458 denying Conditional Use Permit No. 19-04;

**WHEREAS**, the Applicant filed a timely appeal to the City Council of the Planning Commission's decision to deny Conditional Use Permit No. 19-04;

**WHEREAS**, the City Council held a duly noticed public hearing on the appeal on September 25, 2019 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) of the MZO 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 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 cannabis testing facility 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 Proposed Use will be for the testing of cannabis whereby cannabis samples are taken to the facility by vehicle by appointment. The facility will be open from 6:30 a.m. to midnight, Monday through Fridays. The Subject Site for the Proposed Use has a General Plan designation of Mixed Use and is located in the General Commercial/Manufacturing zone. The Proposed Use will be located in a 3,560 square foot tenant space within an existing 7,030 square foot building. The site is approximately 10,165 square feet. Seven (7) on-site parking spaces are on the site including one handicapped space for the three tenant spaces located in the single building. 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 next the Proposed Use, 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. Residential uses exist to the south of the site but also at the rear adjacent to the parking lot.

Vehicular access to the Subject Site is a two-way driveway off of Corona Avenue at the rear of the Subject Site with a wrought-iron gate to close off the area. This driveway, however, also contains the parking area on which there are marked stalls. Because of the configuration of the marked stalls, the area used for the ingress and egress of vehicles is narrow and there is not enough area for vehicles to back-up or turn-around safely. In addition, the driveway/parking area is adjacent to sensitive residential uses.

The Subject Site is not appropriate for the Proposed Use and is detrimental to the property and persons in the vicinity and a menace to the health, safety and general welfare because of the lack of parking as well as unsafe ingress and egress onto the site, as well as the noise and safety impacts to the vicinity.

While the Proposed Use will front Slauson Avenue, the delivery of cannabis samples occurs at the rear of the Subject Site adjacent to sensitive residential areas. In this case, at least thirty vehicles through the day and evening will be arriving at the facility via vehicle to drop off their samples for testing. After the first year of use, the number of vehicles may increase. Such vehicles will enter the site and shall park in the driveway/parking area. The driveway/parking area, however, is not wide enough to accommodate the existing parked vehicles on the site generated by one of the current tenants as well as the vehicles of visitors to the facility arriving throughout the day and evening.

Furthermore, the driveway/parking area does not have enough area to allow the proper ingress/egress of those vehicles in a safe manner or the backing-up or turn-around of vehicles on the site. This may cause some back-up of vehicles on the

street. Also, if such vehicles are unable to park in the secure parking lot in the rear of the building, such vehicles may be forced to park on Corona Avenue, which is a narrow street with densely populated residences or park on Slauson Avenue and then proceed to walk to the rear of the building with their samples. The carrying of cannabis samples on public streets is unsafe both to the carrier of those samples and those living in the neighborhood or those visiting the retail and other commercial businesses in the area. Vehicles may also have to idle on neighborhood streets, specifically on Corona Avenue, while waiting for parking on the site, or if the security guard on-site needs to verify their appointment and/or their identification.

These conditions are a safety hazard to the vicinity as Corona Avenue is already impacted by parking on both sides and is a narrow street and densely populated. In addition, the parking and the steady vehicular travel to and from the site are a safety concern to persons, including families, from adjacent residential uses who will walk past the parking/driveway to access the commercial retail and other businesses on Slauson Avenue and public transit. In addition, the noise of the wrought-iron gate opening and closing through the day and evening adjacent to sensitive residential uses is detrimental to and impacts the health and general welfare of such persons.

Last, the Applicant proposes up to eleven 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, 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.

The Applicant proposes safety measures to secure the tenant space at the Subject Site with bullet proof windows and two 24-hour security personnel, one of which will be stationed in the parking/driveway area and one of which will roam the perimeter. Although the Applicant claims that this will make the facility safe and is necessary to protect the expensive equipment used at the facility, the existence of uniformed security guards raises the awareness that the Subject Site is utilized for cannabis activities.

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 cannabis testing laboratory 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 parking and ingress/egress impacts that the Proposed Use may have on the adjacent residences as well as the noise and safety impacts. Because of the configuration of the Subject Site with its 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 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 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; (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 4.** 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 PC19-04 to allow a cannabis testing use at 4000 Slauson Avenue.

**Section 5.** 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 6.** 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:

ABSENT: Alvarez and Medina

ABSTAIN:

  
EDUARDO DE LA RIVA, MAYOR

ATTEST:

  
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GERARDO MAYAGOITIA, CITY CLERK

APPROVED AS TO FORM:

  
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ROXANNE DIAZ, CITY ATTORNEY