



AGENDA

REGULAR MEETING OF THE MAYWOOD CITY COUNCIL AND THE SUCCESSOR AGENCY TO THE MAYWOOD COMMUNITY REDEVELOPMENT AGENCY

Maywood City Council Chambers
4319 E. Slauson Avenue, Maywood, CA 90270
Wednesday, September 25, 2019 at 7:00 p.m.

Rules of Decorum

*"Members of the Public are advised that all **ELECTRONIC DEVICES, CELLULAR TELEPHONES and any OTHER COMMUNICATION DEVICES** are to be turned off upon entering the City Council Chambers." If you need to have a discussion with someone in the audience, kindly step out into the lobby.*

Reglas de Comportamiento

"Al público en general se le avisa que todos los teléfonos celulares, pagers y demás aparatos de comunicación deben ser apagados al entrar a la sala de audiencias del Consejo Municipal de la Ciudad." Si usted necesita tener una conversación con alguien que está en la audiencia, amablemente le pedimos que salga del recinto y tenga su conversación en el vestíbulo de la sala de audiencias.

ROLL CALL:

Eduardo De La Riva, Mayor
Ricardo Lara, Mayor Pro Tem
Ramon Medina, Councilmember
Carlos Alvarez, Councilmember
Heber Marquez, Councilmember
Gloria Viramontes, City Treasurer
Gerardo Mayagoitia, City Clerk
Jennifer Vasquez, City Manager
David Mango, Director of Building and Planning
Anthony Rainey, Interim Finance Director
Roxanne Diaz, City Attorney

*In order to address the Council, please complete a Public Comment Card.
No Public Comment Cards will be accepted after 7:15 p.m. Time allotted per speaker: 3 minutes.
No agenda item may be taken after 9:00 p.m. without a motion to extend time by the majority of Council present.*

INVOCATION* AND PLEDGE OF ALLEGIANCE

**In permitting a nonsectarian invocation, the City does not intend to proselytize, advance, or disparage any faith or belief. Neither the City nor the City Council endorses any particular belief or form of invocation.*

COUNCIL MEMBERS' COMMENTS (3 MINUTES EACH)

PUBLIC PARTICIPATION (Agenda Items Only)

At this time speakers wishing to address the City Council on items on the agenda will be called upon in the order that the speaker card is received. The maximum time allotted for individuals to speak shall not exceed three (3) minutes.

PRESENTATION(S)

Contract Training Presentation

Presented by City Attorney, Roxanne Diaz, from Richards, Watson & Gershon

LA County Sheriff's Report – A report regarding public safety in the community

Presented by Sergeant Bearse

PUBLIC HEARING

1. Consider a Resolution establishing recurring and non-recurring administrative fees applicable to small wireless facilities
2. Public hearing for an appeal of a Planning Commission decision denying a Conditional Use Permit to allow a non-storefront vehicle dispensary in an existing building located at 4006 Slauson Avenue in the CM (Commercial Manufacturing) Zone for Kiki Greens.
3. Public hearing for an appeal of a Planning Commission decision denying a Conditional Use Permit to allow cannabis cultivation facility in an existing building located at 3744 Fruitland Avenue in the Manufacturing (M) Zone for MJM Holdings.
4. Public hearing for an appeal of Planning Commission decision denying a Conditional Use Permit to establish a cannabis testing laboratory in an existing building located at 4000 Slauson Avenue in the CM (Commercial Manufacturing) Zone for LA Labs.

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the City Council request specific items to be removed from the Consent Calendar for separate discussion or action.

1. Minutes for 09/11/19 Council Meeting.

2. Resolution of the City Council of the City of Maywood and Successor Agency to the Maywood Community Redevelopment Agency Approving Prepaid Warrants.
3. Consideration of extending the Municipal Staffing Agreement with Muni Temps for assigned position, Interim Finance Director.
4. Consideration of publishing monthly newsletter and allocating Community Benefit Funds for the printing and mailing of the City Newsletter.
5. A recommendation approving the Community Benefit Fund application from Fishburn Ave. Elementary School in the amount of \$1,569.
6. Consider the adoption of a Resolution granting a commercial cannabis vehicle dispensary license for Kiki Greens, located at 4006 Slauson Avenue if a conditional use permit is granted.
7. Consider the adoption of a Resolution granting a commercial cannabis cultivation license for MJM Holdings LLC, located at 3744 Fruitland Avenue if a Conditional Use Permit is granted.
8. Consider the adoption of a Resolution granting a commercial cannabis testing license for LA Labs Inc., located at 4000 Slauson Avenue if a Conditional Use Permit is granted.

DISCUSSION/ACTION ITEMS

9. Consideration of City street name sign design.
10. City position on Resolutions being considered by the League of California Cities at the 2019 Annual Conference.

CLOSED SESSION

Conference with Legal Counsel, Existing Litigation, Government Code Section 54956.9(d)(1); Rose Vasquez v. City of Maywood et. al, Los Angeles Superior Court Case No. BC710399

PUBLIC PARTICIPATION (Non-Agenda Items)

At this time speakers wishing to address the City Council on an item not on the agenda will be called upon in the order that the speaker card is received. The maximum time allotted for individuals to speak shall not exceed three (3) minutes.

ADJOURNMENT - The next Regular Meeting of the Maywood City Council is on October 9, 2019.

PUBLIC ACCESS TO CITY COUNCIL MEETING AGENDA AND AGENDA PACKETS

I, Priscilla Kinnard Gerardo Mayagoitia, City Clerk or Priscilla Kinnard, Deputy City Clerk, hereby certify that this agenda was duly posted by law at 4319 E. Slauson Avenue, Maywood, CA 90270 and the City Website. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at the Maywood City Hall, 4319 E. Slauson Avenue, Maywood CA 90270. If you challenge in court any discussion or action taken concerning an item on this Agenda, you may be limited to rising only those issues you or someone else raised during the meeting or in written correspondence delivered to the City at or prior to the City's consideration of the item at the meeting. In compliance with the ADA, if you need special assistance for the meeting, call (323) 562-5714 within 72 hours prior to the meeting so the City can make reasonable arrangements to ensure accessibility.





Consent Calendar

AGENDA 1
ITEM NO. _____

September 11, 2019

**MINUTES OF THE REGULAR MEETING
OF THE MAYWOOD CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
4319 EAST SLAUSON AVENUE, MAYWOOD, CALIFORNIA**

Mayor opened the meeting at approximately 7:00 p.m.

ROLL CALL: Eduardo De La Riva, Mayor
Ricardo Lara, Mayor Pro Tem
Ramon Medina, Councilmember (Absent)
Carlos Alvarez, Councilmember (Absent)
Heber Marquez, Councilmember
Gloria Viramontes, City Treasurer (Absent)
City Clerk, Gerardo Mayagoitia (Absent)
City Manager, Jennifer Vasquez
Director of Building and Planning, David Mango
Interim Director of Finance, Anthony Rainey
City Attorney, Roxanne Diaz

COUNCIL MEMBERS' COMMENTS (3 MINUTES EACH)

PUBLIC PARTICIPATION (Agenda Items Only)

At this time speakers wishing to address the City Council on items on the agenda will be called upon in the order that the speaker card is received. The maximum time allotted for individuals to speak shall not exceed three (3) minutes.

The following spoke on Agenda Items only:

1. Daisy Uykim pang;
2. Todd Smith;
3. Maritza Cruz;
4. Javier Gonzalez;
5. Veronica Guardado;
6. Heather Wilson.

PRESENTATION(S)

Proclamation

California Clean Air Day

CONSENT CALENDAR

Item 5 was pulled from the consent calendar for further discussion

All matters listed under CONSENT CALENDAR are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the City Council request specific items to be removed from the Consent Calendar for separate discussion or action.

1. Minutes for 08/28/19 Council Meeting. **Motion to approve by De La Riva. Second by Marquez. AYES: Marquez, Lara, and De La Riva. ABSENT: Alvarez and Medina. PASSES**
2. Resolution of the City Council of the City of Maywood and Successor Agency to the Maywood Community Redevelopment Agency Approving Prepaid Warrants. **Motion to approve by De La Riva. Second by Marquez. AYES: Marquez, Lara, and De La Riva. ABSENT: Alvarez and Medina. PASSES**
3. Revenue Report for the months of July – August 2019. **Motion to approve by De La Riva. Second by Marquez. AYES: Marquez, Lara, and De La Riva. ABSENT: Alvarez and Medina. PASSES**
4. Second reading of Ordinance 19-05 adopting regulations and procedures to administer installation of wireless telecommunications facilities in the public rights-of-way and making a finding of exemption under the California Environmental Quality Act. **Motion to approve by De La Riva. Second by Marquez. AYES: Marquez, Lara, and De La Riva. ABSENT: Alvarez and Medina. PASSES**
5. Consider the adoption of a Resolution granting commercial cannabis cultivation, manufacturing, retail dispensary, vehicle dispensary and distribution licenses for PMB Group LLC, located at 3580 Fruitland Avenue. **Motion to approve by De La Riva. Second by Lara. AYES: Marquez, Lara, and De La Riva. ABSENT: Alvarez and Medina. PASSES**

Council asked for Attorney J. Brian Urtnowski to speak on behalf of his client, PMB Group LLC

PUBLIC PARTICIPATION (Non-Agenda Items)

At this time speakers wishing to address the City Council on an item not on the agenda will be called upon in the order that the speaker card is received. The maximum time allotted for individuals to speak shall not exceed three (3) minutes.

The following spoke on Non-Agenda Items:

1. Daisy Uykipang;
2. Todd Smith;
3. Maritza Cruz;
4. Javier Gonzalez;
5. Veronica Guardado;
6. Heather Wilson;
7. Dimas E. Donis;
8. Carlos Cordova.

ADJOURNMENT Meeting adjourned at approximately 8:00 p.m. to September 25, 2019 at 7:00 pm for the regular meeting of the Maywood City Council.


Eduardo De La Riva, Mayor

ATTEST:


Gerardo Mayagoitia, City Clerk

COUNCIL AGENDA

ITEM No. 2

RESOLUTION NO. 6065

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MAYWOOD AND SUCCESSOR AGENCY TO THE MAYWOOD COMMUNITY
REDEVELOPMENT AGENCY APPROVING THE WARRANTS FOR PAYMENT**

WHEREAS, the following listed demands have been reviewed by the Interim Director of Finance, and

WHEREAS, the Interim Director of Finance has certified to the accuracy and availability of funds for payment thereof, and

WHEREAS, the register of audited demands is hereby submitted to the City Council of the City of Maywood and Successor Agency to the Maywood Community Redevelopment Agency for approval.

NOW, THEREFORE, BE IT RESOLVED, that the listed Warrants and Wire Transfers/Automated Clearing House (ACH) Transactions for \$726,729.25 are hereby ratified:

- Exhibit A – Summary of Warrants and Wire Transfers/ACH Transactions
- Exhibit B – Detail of Warrants
- Exhibit C – NOTES-Summary Warrants for Payment and Wire Transfers/ACH Transactions

PASSED, APPROVED AND ADOPTED THIS 25th day of September, 2019.

Eduardo De La Riva, Mayor

ATTEST:

APPROVED AS TO FORM:

Gerardo Mayagoitia, City Clerk

Roxanne Diaz, City Attorney

)
)
)

Gerardo Mayagoitia, City Clerk

City of Maywood
Summary Warrants for Payment and Wire Transfers/ACH Transactions
Council Meeting Date
Wednesday, September 25, 2019

Accounts Payable

Accounts Payable prepaid warrants for payment: Checks No. 086429 - 086452	Amount
	\$ 31,499.17
Accounts Payable regular warrants for payment: Checks No. 086453 - 086468	\$ 533,622.42
Sub-total	\$ 565,121.59

Wire Transfers/ACH Transactions

09/05/19 Lease Payment for Front Counter Cash Registers - September 2019	\$ 129.57
09/05/19 CalPERS Unfunded Liability Payment Plan - Safety & Misc. Employees	\$ 110,480.44
09/05/19 CalPERS Employer Contribution - Pay Period 8/18/19-8/31/19	\$ 5,817.85
09/05/19 CalPERS Health Premium and Admin Fee- September 2019	\$ 25,552.23
09/13/19 ADP Payroll Fees	\$ 176.23
09/16/19 US Bank Analysis Service Charge	\$ 1,176.34
09/17/19 California Joint Powers Insurance Authority (CJPIA) repayment plan agreement	\$ 12,000.00
09/18/19 CalPERS Employer Contribution - Pay Period 9/1/19-9/14/19	\$ 6,275.00
Sub-total	\$ 161,607.66

Total Demands **\$ 726,729.25**

City of Maywood
Detail Warrants for Payment
Warrants No. 086429 to 086468

EXHIBIT B

Check No.	Prepays	Date	Vendor Name	Check Amt	Transaction Description
086429	P	9/12/2019	VOID	0.00	VOID
086430	P	9/16/2019	VOID	0.00	VOID
086431	P	9/19/2019	Brinks, Inc.	365.31	August 2019 Cash Handling Service
086432	P	9/19/2019	CoreLogic Solutions, LLC.	150.00	Property Finder August 2019
086433	P	9/19/2019	Dewey Pest Control	509.00	September 2019 Pest Control City Hall
086434	P	9/19/2019	Los Angeles Regional Food Bank	150.00	One Time Service 3601 E. 53rd Street
086435	P	9/19/2019	L.B. Johnson Hardware Co.	141.57	Mobile Food Pantry August 2019
086436	P	9/19/2019	LA County Auditor-Controller	93.85	Public Works Supplies
086437	P	9/19/2019	Mapcon Technologies, Inc.	83.00	Direct Assessment Pay Listing Report FY 13/14-16/17 Rubbish
086438	P	9/19/2019	Maywood Car Wash	236.17	Mapcon Building & Planning Software
086439	P	9/19/2019	Maywood Mutual Water No.1	666.47	Car Wash/Gas August 2019
086440	P	9/19/2019	Maywood Mutual Water Co. No.2	1,331.19	Various Locations 06/24/2019-08/23/2019
086441	P	9/19/2019	Maywood Mutual Water No.3	4,827.00	Various Locations 07/01/2019 to 09/01/2019
086442	P	9/19/2019	OnTrac	20.88	Various Locations 06-15-2019 to 08-19-2019
086443	P	9/19/2019	Petty Cash	185.92	Document Shipping/Delivery Service: Building & Planning
086444	P	9/19/2019	Preferred Benefit Insurance Administrators, Inc.	2,294.30	Petty Cash Reimbursement
086445	P	9/19/2019	QDoxs	88.59	Denial & Vision Insurance: September 2019
086446	P	9/19/2019	Southern California Edison	17,624.68	Copier Base Charge: 09/01/2019 - 09/30/2019
086447	P	9/19/2019	Staples Business Advantage	1,153.14	Various Locations 07-25-2019 to 08-23-2019
086448	P	9/19/2019	The Gas Company	57.03	Office Supplies
086449	P	9/19/2019	Time Warner Cable	629.89	Various Locations (08-07-2019 - 09-06-2019)
086450	P	9/19/2019	Vernon, City of	129.41	Internet & Phone Service: September 2019
086451	P	9/19/2019	Xerox	386.37	Slauson & Downey 07-02-2019 to 07-30-2019
					August 2019 Base Charge and Printing Fee

City of Maywood
Detail Warrants for Payment
Warrants No. 086429 to 086468

Check No.	Prepays	Date	Vendor Name	Check Amt	Transaction Description
086452	P	9/19/2019	Xerox Financial Services	375.40	Copier Lease: 08-15-2019 - 09-14-2019 Finance and Front Counter
086453		9/19/2019	Robert Half Company International / Accountemps	2,037.70	Temp Labor: Administrative Assistant
086454		9/19/2019	American Guard Services, Inc.	2,754.81	Crossing Guard Services-August 2019
086455		9/19/2019	California Consulting, Inc.	3,000.00	Grant Writing Services September 2019
086456		9/19/2019	Calmex Graphics	216.81	Business Cards: City Council
086457		9/19/2019	Carpenter Rothan & Dumont LLP	1,754.22	Legal Services July 2019
086458		9/19/2019	Daily Journal Corporation	3,120.60	Publication of Official Notices
086459		9/19/2019	Dapeer, Rosenblit & Litvak, LLP	155.60	Code Enforcement Legal Services: August 2019
086460		9/19/2019	Graffiti Protective Coatings	15,000.00	CityWide Graffiti Removal July 2019
086461		9/19/2019	Interwest Consulting Group	72,106.25	City Engineering Services: July 2019
086462		9/19/2019	National Plant Services, Inc.	3,580.00	Clean Hot Spots Heliotrope & Randolph August 20, 2019
086463		9/19/2019	Phoenix Group Information Systems	2,902.95	Citation Equipment and Mobile Software Licensing
086464		9/19/2019	Salazar Landscaping	322.04	Riverfront Park Replace/Repair Irrigation Valves
086465		9/19/2019	Sheriff's Department	385,742.05	Public Safety Services - July 2019
086466		9/19/2019	V & M Iron Works	33,564.33	City Hall and Library Maintenance & Repair June 2019 Park Maintenance June 2019 (Riverfront Included) Street Maintenance June 2019
086467		9/19/2019	Veronica Alvarez	25.06	Reimbursement Mileage MTA Audit Training
086468		9/19/2019	Veronica Tam & Associates	7,340.00	Housing Element Scope/Schedule/Reports/Notices
TOTAL:				\$565,121.59	

NOTES – Summary Warrants for Payment and Wire Transfers/ACH Transactions

I. Accounts Payable – This is depicted on:

- A. The first section of **EXHIBIT A Summary Warrants for Payment and Wire Transfers/ACH Transactions** for Checks 086429 through 086452 – designated with a “P” for “Prepays” on **EXHIBIT B, Detail Warrants for Payment** totaling \$31,499.17.
- B. The first section of **EXHIBIT A Summary Warrants for Payment and Wire Transfers/ACH Transactions** for Checks 086453 through 086468 on **EXHIBIT B, Detail Warrants for Payment** totaling \$533,622.42. **EXHIBIT B** portrays the respective dates, vendor names, check amounts, and a brief transaction description of each “warrant” by its respective check number.

II. Wire Transfers/Automated Clearing House (ACH) Transactions – This is depicted on:

- A. Within the second section of **EXHIBIT A 09/05/19 Summary Warrants for Payment and Wire Transfers/ACH Transactions** for **Lease Payment for Front Counter Registers –September 2019** totaling \$129.57. This is the City’s payment to the lease the Point of Sale equipment for the front counter registers.
- B. Within the second section of **EXHIBIT A 09/05/19 Summary Warrants for Payment and Wire Transfers/ACH Transactions** for **CalPERS Unfunded Liability Payment Plan – Safety & Miscellaneous Employees** totaling \$110,480.44. This is the City’s contributions to the California Public Employees’ Retirement System (CalPERS) for the Projected Benefit Obligation (PBO) that CalPERS actuaries calculate for the City’s portion of unfunded liabilities in the future.
- C. Within the second section of **EXHIBIT A 09/05/19 Summary Warrants for Payment and Wire Transfers/ACH Transactions** for **CalPERS Employer Contribution – Pay Period 8/18/19 – 8/31/19** totaling \$5,817.85. This is the City’s contributions to the California Public Employees’ Retirement System (CalPERS) for Pay Period
- D. Within the second section of **EXHIBIT A 09/05/19 Summary Warrants for Payment and Wire Transfers/ACH Transactions** for **CalPERS Health Premium and Administrative Fee – September 2019** totaling \$25,552.23. This is the City’s contributions to the California Public Employees’ Retirement System (CalPERS) for health premiums (health insurance) for Active and Retired City employees including the CalPERS administrative fee.
- E. Within the second section of **EXHIBIT A 09/13/19 Summary Warrants for Payment and Wire Transfers/ACH Transactions** for **ADP (Automatic Data Processing Inc.) Payroll Fees** totaling \$176.23. This is the City’s payment for payroll processing services.
- F. Within the second section of **EXHIBIT A 09/16/19 Summary Warrants for Payment and Wire Transfers/ACH Transactions** for **US Bank Analysis Service Charge** totaling \$1,176.34. This is the City’s payment for banking services
- G. Within the second section of **EXHIBIT A 09/17/19 Summary Warrants for Payment and Wire Transfers/ACH Transactions** for **California Joint Powers Insurance Authority (CJPIA) repayment plan agreement** totaling \$12,000.00. This is the City’s retrospective deposit payment to be applied to the outstanding liability program balance.

EXHIBIT C

- H. Within the second section of **EXHIBIT A** 09/18/19 *Summary Warrants for Payment and Wire Transfers/ACH Transactions* for **CalPERS Employer Contribution – Pay Period 9/01/19 – 9/14/19** totaling \$6,275.00. This is the City's contributions to the California Public Employees' Retirement System (CalPERS) for Pay Period



Consent Calendar

AGENDA 3
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 25, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JV*

RE: **CONSIDERATION OF EXTENDING THE MUNICIPAL STAFFING AGREEMENT WITH MUNI TEMPS FOR ASSIGNED POSITION, INTERIM FINANCE DIRECTOR**

RECOMMENDATION

Staff recommends that the City Council extend the municipal staffing agreement with MuniTemps for assigned position, Interim Finance Director, with an amount not-to-exceed \$106,920.

FISCAL IMPACT

Fiscal year 2019/2020 includes the position of Finance Director. At this time funding allocated for this position is being utilized to cover the professional services agreement with MuniTemps.

As of September 13, the amount expended is \$27,831. The Interim Finance position is forty (40) hours per week and paid at a rate of \$99 per hour. At this time staff is requesting for the agreement, which began July 23, 2019 be extended to January 23, 2019. The proposed not-to-exceed amount is \$106,920; this amount includes the funds already expended under the City Manager's signing authority of \$30,000. If approved, staff will transfer funds allocated for finance director under general government (01-614-5001) salaries to general government (01-614-5435) Temp Services.

LEGAL REVIEW

City Attorney has reviewed this report.

BACKGROUND

Upon the departure of the Finance Director in July of this year, the City contracted with MuniTemps for assigned position, Interim Finance Director to temporarily fill the position. After interviews with several candidates for the position of Interim Finance Director, the City Manager signed the municipal staffing agreement to appoint Anthony Rainey to the position of Interim Finance Director.

DISCUSSION

Through the Personnel Rules and Regulations (Article 4, Section 4.15) the City Manager has the authority to make temporary appointments for up to three (3) months, in the absence of eligible lists. This appointment began July 23, 2019; thus the three (3) month period would come to an end October 23, 2019. In anticipation of this deadline and in line with the Personnel Rules and Regulations the City Manager finds that it is necessary for business continuity that this appointment is renewed for a period of up to three (3) months; concluding January 23, 2019, if necessary. The position of Finance Director is vital to overseeing the fiscal health of the City and provides guidance and support to those assigned to the department. This extension will provide adequate amount of time for the recruitment process and transition. If less time is needed the municipal staffing agreement allows for termination upon seven (7) days written notice.

Following Mr. Rainey's appointment to his temporary position of Interim Finance Director, the City initiated a recruitment process for permanent placement of a Finance Director. The position is currently being advertised and will close on October 4th. After review of the eligible candidates interviews will be held and staff anticipates that a selection would be made towards the end of October.

ATTACHMENT

Attachment No. 1 - Municipal Staffing Agreement

ATTACHMENT NO. 1



Municipal Staffing Agreement

GOVERNMENT STAFFING SERVICES, INC., dba **MuniTemps**, with principal office located at 14241 E. Firestone Blvd, Suite 400, La Mirada, CA 90638. Our corporate correspondence Mailing Address is **PO Box 718, Imperial Beach, CA 91933** ("STAFFING FIRM"), and the **CITY OF MAYWOOD**, with its principal municipal office located at **4319 East Slauson Avenue, Maywood, CA 90270** ("CITY") agree to the terms and conditions set forth in this Municipal Staffing Agreement (the "Agreement").

STAFFING FIRM's Duties and Responsibilities

1. STAFFING FIRM is an independent contracting firm with its own employees and will:
 - a. Recruit, screen, interview, and assign its own employees ("Assigned Employees") to perform the type of work described on Exhibit A under CITY's supervision at the locations specified on Exhibit A;
 - b. Pay Assigned Employees' wages every two weeks and provide them with the benefits that STAFFING FIRM offers to them;
 - c. Pay, withhold, and transmit payroll taxes; provide unemployment insurance and workers' compensation benefits; and handle unemployment and workers' compensation claims involving Assigned Employees;

CITY's Duties and Responsibilities

2. CITY will:
 - a. Properly supervise Assigned Employees performing its work and be responsible for its business operations, products, services, and intellectual property;
 - b. Properly supervise, control, and safeguard its premises, processes, or systems, and not permit STAFFING FIRM employees to operate any vehicle or mobile equipment (unless authorized under section 2.f. below), or entrust them with unattended premises, cash, checks, keys, credit cards, merchandise, confidential or trade secret information, negotiable instruments, or other valuables without STAFFING FIRM's express prior written approval or as strictly required by the job description provided to STAFFING FIRM;
 - c. Provide Assigned Employees with a safe work site and provide appropriate safety information, training, and safety equipment with respect to any hazardous substances or conditions to which they may be exposed at the work site;
 - d. Not change Assigned Employees' job duties without STAFFING FIRM's express advance written approval; and



Corporate Mailing Address: PO Box 718, Imperial Beach, CA 91933
Phone: 1-866-406-6864 • Fax: 1-866-498-6678
Website: www.munitemps.com

- e. Exclude Assigned Employees from CITY's benefit plans, policies, and practices, and not make any offer or promise relating to Assigned Employees' compensation or benefits without the advance written approval of STAFFING FIRM.
- f. CITY is authorized to direct STAFFING FIRM's employees to drive CITY vehicles and equipment if CITY assumes liability for STAFFING FIRM's employees under CITY's auto insurance policy and names STAFFING FIRM as "additionally insured".

Payment Terms, Bill Rates, and Delinquent Invoice Charges

- 3. CITY will direct its Accounts Payable staff to pay STAFFING FIRM invoices every two weeks upon receipt when supported by an approved bi-weekly timesheet or email certification of hours worked, signed by authorized CITY staff, at the hourly bill rates set forth on the Exhibit A attached to this Agreement. STAFFING FIRM shall email invoices to CITY for services provided under this Agreement on a Bi-Weekly basis. CITY shall sign STAFFING FIRM timesheets every other Friday by 6pm, as shown in Exhibit B, to allow STAFFING FIRM employees to be paid timely every two weeks. **CITY agrees to pay a LATE FEE of 10% of the invoice due on the 31st day following the date of the invoice.**
- 4. STAFFING FIRM shall email invoices and supporting timesheets directly to the CITY's Accounts Payable office with a copy sent to other City Departments if so directed by the CITY, however, **CITY shall NOT allow Accounts Payable or any City Department to delay payment of STAFFING FIRM invoices when said invoices are supported by a signed bi-weekly timesheet or email certification of hours worked.**
- 5. STAFFING FIRM may assign two classes of Employees to the CITY: (1) **Salary**, which are employees exempt from overtime pay, and (2) **Non-Salary**, which must be paid overtime and or double time pay, depending on the work schedule STAFFING FIRM employee is assigned to work at the CITY. The Bi-Weekly invoice for Salary employees is billed at a flat rate as approved in the attached Exhibit "A". The Bi-Weekly invoice for Non-Salary employees is billed at an hourly rate as shown in the attached Exhibit "A". The hourly bill rate for Non-Salary employees will be **billed at premium bill rates only if CITY directs STAFFING FIRM employees to work "outside" the work schedule approved in advance by CITY and STAFFING FIRM**, which would trigger the overtime or double time hours at the premium bill rates approved by CITY in advance in the attached Exhibit "A".

Confidential Information

- 6. Both parties may receive information that is proprietary to or confidential to the other party or its affiliated companies and their CITYs. Both parties agree to hold such information in strict confidence and not to disclose such information to third parties or to use such information for any purpose whatsoever other than performing under this Agreement or as required by law. No knowledge, possession, or use of CITY's confidential information will be imputed to STAFFING FIRM as a result of Assigned Employees' access to such information.

Cooperation

- 7. The parties agree to cooperate fully and to provide assistance to the other party in the investigation and resolution of any complaints, claims, actions, or proceedings that may be brought by or that may involve Assigned Employees.



Corporate Mailing Address: PO Box 718, Imperial Beach, CA 91933
Phone: 1-866-406-6864 • Fax: 1-866-498-6678
Website: www.munitemps.com

Indemnification and Limitation of Liability

8. To the extent permitted by law, STAFFING FIRM will defend, indemnify, and hold CITY and its directors, officers, agents, representatives, and employees harmless from all claims, losses, and liabilities (including reasonable attorneys' fees) to the extent caused by STAFFING FIRM's breach of this Agreement; its failure to discharge its duties and responsibilities set forth in paragraph 1; or the negligence, gross negligence, or willful misconduct of STAFFING FIRM or STAFFING FIRM's officers, employees, or authorized agents in the discharge of those duties and responsibilities.
9. To the extent permitted by law, CITY will defend, indemnify, and hold STAFFING FIRM and its parent, subsidiaries, directors, officers, agents, representatives, and employees harmless from all claims, losses, and liabilities (including reasonable attorneys' fees) to the extent caused by CITY's breach of this Agreement; its failure to discharge its duties and responsibilities set forth in paragraph 2; or the negligence, gross negligence, or willful misconduct of CITY or CITY's officers, employees, or authorized agents in the discharge of those duties and responsibilities.
10. Neither party shall be liable for or be required to indemnify the other party for any incidental, consequential, exemplary, special, punitive, or lost profit damages that arise in connection with this Agreement, regardless of the form of action (whether in contract, tort, negligence, strict liability, or otherwise) and regardless of how characterized, even if such party has been advised of the possibility of such damages.
11. As a condition precedent to indemnification, the party seeking indemnification will inform the other party within 15 business days after it receives notice of any claim, loss, liability, or demand for which it seeks indemnification from the other party; and the party seeking indemnification will cooperate in the investigation and defense of any such matter.
12. The provisions in paragraphs 8 through 12 of this Agreement constitute the complete agreement between the parties with respect to indemnification, and each party waives its right to assert any common-law indemnification or contribution claim against the other party.

Miscellaneous

13. Notwithstanding any other provision of this Agreement to the contrary, the provisions of paragraphs 8 - 12 shall remain effective after termination or renewal of this Agreement.
14. No provision of this Agreement may be amended or waived unless agreed to in a writing signed by the parties.
15. Each provision of this Agreement will be considered severable, such that if any one provision or clause conflicts with existing or future applicable law or may not be given full effect because of such law, no other provision that can operate without the conflicting provision or clause will be affected.
16. This Agreement and the exhibits attached to it contain the entire understanding between the parties and supersede all prior agreements and understandings relating to the subject matter of the Agreement.
17. The provisions of this Agreement will inure to the benefit of and be binding on the parties and their respective representatives, successors, and assigns.



Corporate Mailing Address: PO Box 718, Imperial Beach, CA 91933
Phone: 1-866-406-6864 • Fax: 1-866-498-6678
Website: www.munitemps.com

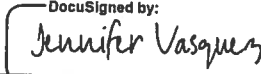
18. The failure of a party to enforce the provisions of this Agreement will not be a waiver of any provision or the right of such party thereafter to enforce each and every provision of this Agreement.
19. CITY will not transfer or assign this Agreement without STAFFING FIRM's written consent.
20. Any notice or other communication will be deemed to be properly given only when sent via the United States Postal Service or a nationally recognized courier, addressed as shown on the first page of this Agreement.
21. Neither party will be responsible for failure or delay in performance of this Agreement if the failure or delay is due to labor disputes, strikes, fire, riot, war, terrorism, acts of God, or any other causes beyond the control of the nonperforming party.
22. The provisions of this agreement shall be entered into according to the laws of the State of California.

Term of Agreement

23. This Agreement shall remain valid until terminated by either party upon **7 days** written notice. The **Exhibit "A"** can be terminated upon **1 day** written notice.

Authorized representatives of the parties have executed this Agreement below to express the parties' agreement to its terms.

CITY OF MAYWOOD

DocuSigned by:

E2BC1A8430244D8...

Signature

Jennifer Vasquez

Printed Name

City Manager

Title

7/22/2019

Date

GOVERNMENT STAFFING SERVICES, INC.



Signature

John Herrera, CPA

Printed Name

President / CEO

Title

07/19/2019

Date

GOVERNMENT STAFFING SERVICES, INC.



EXHIBIT "A" of Municipal Staffing Agreement

Corporate Mailing Address: PO Box 718, Imperial Beach, CA 91933
 Phone: 1-866-406-6864 • Fax: 1-866-498-6678
 Website: www.munitemps.com

Municipality:	City of Maywood, CA
Client Contact:	Jennifer Vasquez
Interim Position:	Finance Director
Class of Assignment:	Non-Salary
Bill Rate per Hour:	\$99
Hours per Week:	40
Work Schedule:	Regular Schedule
Start Date:	7/23/2019
Expected Duration:	6 Months

Depending on Needs of City.

PROPER SUPERVISION

City will properly supervise Munitemps employee(s) performing its work and be responsible for its business operations, services, and intellectual property. City will also properly supervise, control, and safeguard its premises, processes, or systems, and not permit Munitemps employees to operate any vehicle or mobile equipment unless approved by Munitemps in writing.

JOB DESCRIPTION

Plans, organizes, and directs all operations of the Department of Finance. Supervises directly or through subordinate supervisors a staff of professional, technical, and clerical employees. Directs the preparation of departmental budget estimates, and submits them in preliminary form to the City Manager. Estimates revenues and probable tax yields for submission to the City Manager. Directs and participates in the review of all financial transactions, and controls the expenditure of appropriated funds; enforces compliance with standard accounting systems and fiscal procedures. Provides administrative direction to the central accounting activity, including the preparation of various financial reports; directs central payroll, purchasing, and data processing operations. Directs the collection of all revenues receivable by the City. Related duties as assigned.

OVERTIME / DOUBLETIME BILL RATES

Unless approved in advance in writing, City will NOT allow Munitemps employee to work hours outside the above stated work schedule as this will trigger overtime or doubletime bill rates. The hourly bill rate will be billed at 150% for any overtime hours and 200% for doubletime hours worked by Munitemps employees. City agrees to pay for any overtime or doubletime hours as requested and pre-approved by the City and verified on the signed timesheets.

DIRECT HIRE / CONVERSION FEE OF MUNITEMPS ASSOCIATES

CITY may hire Munitemps associate (Anthony H. Rainey) "directly" as Employee or as Independent contractor, or "indirectly" through a third party upon paying a direct hire / conversion fee as follows:

- (1) If Munitemps associate has worked a "minimum of" 980 hours on this assignment at CITY (per this Exhibit A), CITY shall pay a direct hire / conversion fee equal to 9% of the annualized hourly pay rate (pay rate x 2,080) offered by CITY to Munitemps associate.
- (2) If Munitemps associate has worked "less than" 980 hours on this assignment at CITY (per this Exhibit A), CITY shall pay a direct hire / conversion fee equal to 18% of the annualized hourly pay rate (pay rate x 2,080) offered by CITY to Munitemps associate.

INVOICING & TIMESHEET APPROVER: City shall fill out the information below for City representative who will sign the bi-weekly timesheet.

Name: Jennifer Vasquez Name: David Mango

Title: City Manager Title: Assistant City Manager

Email: Jennifer.Vasquez@cityofmaywood.org

Authorized Signature: _____

DocuSigned by:
Jennifer Vasquez
 City Representative

Date 7/22/2019



Consent Calendar

AGENDA 4
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 25, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JV*

RE: **CONSIDERATION OF PUBLISHING MONTHLY NEWSLETTER
AND ALLOCATING COMMUNITY BENEFIT FUNDS FOR THE
PRINTING AND MAILING OF THE CITY NEWSLETTER**

RECOMMENDATION

Staff recommends that the City Council direct staff to publish a monthly newsletter to increase community engagement and to allocate \$19,000 from the community benefit funds for this purpose.

FISCAL IMPACT

The City Council has budgeted \$75,000 in the community benefit fund; to date only \$5,000 has been distributed. Staff is recommending that the City Council approve an amount not-to-exceed \$19,000 from the community benefit fund for a monthly newsletter (November 2019 through June 2020).

The costs associated with the proposed monthly newsletter is as follows:

1. Printing

7,000 copies (double-sided), Black and White Print, Yellow Card Stock 8

½ x 11

\$817.00

2. USPS Bulk Mailing

Business Permit #61 annual renewal \$235.00 for 2019.

3. Postage for mailing

Estimate for postage from USPS.com (EDDM) \$1,300.00

LEGAL REVIEW

City Attorney has reviewed this report.

BACKGROUND

In past years, the City has published a monthly newsletter to keep its residents informed. Such newsletters have been bilingual and have taken on different forms. Some years the City published quarterly, multi-page newsletters, and in others, a simpler single page newsletter was published.

DISCUSSION

The Community Benefit fund was established with the purpose of supporting community based programs and activities. Staff feels that by publishing an English/Spanish newsletter the City can better communicate activities, policies, and general information within the community. It is essential that the community receives accurate information as we try to increase community engagement in the City.

Staff is recommending a single page (English/Spanish) newsletter for the City at this time. Adding the newsletter to our current outreach methods will allow us to reach out to our residents who may feel more comfortable reading their news in paper format.



Consent Calendar

AGENDA 5
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 25, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JV*

RE: A RECOMMENDATION APPROVING THE COMMUNITY BENEFIT FUND APPLICATION FROM FISHBURN AVE. ELEMENTARY SCHOOL IN THE AMOUNT OF \$1,569.

RECOMMENDATION

Staff recommends that the City Council approve Community Benefit Fund application from Fishburn Ave. Elementary School in the amount of \$1,569. This recommendation is based on the applicant providing further requested documentation to support their application and its evaluation.

FISCAL IMPACT

The City Council budgeted \$75,000 in the Community Benefit Fund for fiscal year 2019/2020; to date by approval of the City Council \$5,000 has been expended. There is an adequate balance remaining in the fund to meet this request.

LEGAL REVIEW

The City Attorney has reviewed this report.

BACKGROUND

The City Council first received this request in August 2019; however based on the lack of response from the applicant in providing further requested documentation supporting their application and its evaluation staff recommended denial until such information could be provided.

The City of Maywood has established a "Community Based Fund" to support community based programs and activities. Applicant eligibility is determined by the City's Community Benefit Fund Guidelines and Procedures ("Guidelines") for the distribution of funds to eligible organizations that provide community based programs, community activities and educational activities.

DISCUSSION

To apply for a grant under the City Community Benefit Fund, an applicant must be an "Eligible Organization." Eligible Organizations include non-profit agencies that provide programs or services to residents of the city, a school or school-based/affiliated organization in the city or other city-based organizations. The Eligible Organization must also be in existence prior to submitting an application and have a record of successfully providing the services for which funding is requested.

According to the requester's application, Fishburn Avenue Elementary School has been in existence for 100 years, is a school located in the City and has non-profit status. Since the August City Council meeting City staff has had the opportunity to clarify the matter of non-profit status with the applicant. The applicant has notified the City that they are not a 501(c)(3) as initially stated in their application, but given that they are a school located in the City they still fit into a category that makes them eligible to receive funds; they have also included their IRS designation letter in the their revised application which can be found in the attachment.

The applicant states that the school has offered English as a Second Language (ESL) classes and computer literacy programs for parents and the community since 2015. Furthermore, during a follow-up meeting with the applicant it was explained that the ESL classes are part of a Memorandum of Understanding agreement that Los Angeles Unified School District has with East Los Angeles City College and Los Angeles City College to provide such classes. It was explained to staff that this fall session was being brought to Fishburn elementary by Los Angeles City College; this class is open to everyone in the community; with 26 parents registered, as of September 13, 2019.

The Guidelines also require that an Eligible Organization provide an eligible service or activity defined as a program, service, activity, event or other similar activity that has a benefit to the residents of the City or a specified target group by: (i) enhancing the quality of life or the delivery of services in the City; or (ii) providing educational opportunities for

the residents or students of the City. City Staff has received information from the applicant to clarify that the requested funding will be used for a program that is open to the public and taught by an instructor from Los Angeles City College. Attached to the application is a letter from the most recent instructor at Fishburn Elementary providing class details. The letter further explains that the requested books will enable students to integrate their lessons in class with online learning opportunities as the course will require students to use a computer.

All requested information and clarification requested in August has been provided and it is determined that the applicant is an eligible organization providing an eligible service as required by the Guidelines.

The funding request in the amount, not-to-exceed \$1,569.00, is derived from a request for 33 books and 1 DVD Active Teach. Attached to the revised application are the "check out," details from Amazon. The books will be used for multiple years and it is planned that the books will be distributed to the parents in a similar manner that books are distributed to the youth enrolled in Los Angeles Unified School District.

ATTACHMENT(S)

Attachment No. 1- City of Maywood Community Benefit Fund Guidelines
and Procedures

Attachment No. 2- Application submitted April 29, 2019

Attachment No. 3-Revised Application with additional requested information

ATTACHMENT NO. 1

CITY OF MAYWOOD COMMUNITY BENEFIT FUND GUIDELINES AND PROCEDURES

I. BACKGROUND

The City of Maywood has established a "Community Benefit Fund" to support community based programs and activities.

II. PURPOSE

The purpose of this policy is to provide guidelines and procedures for the distribution of public funds, which will in turn fund community programs, activities and educational activities conducted by Eligible Organizations that meet the requirements and guidelines set forth by the City Council in this policy.

III. ELIGIBILITY AND POLICY

A. Eligible Organizations. The requesting organization must be: (1) a non-profit agency as defined by the Internal Revenue Service (IRS) with a tax exempt status of 501(c)(3) and is in good standing in the State of California based in the City or provides programs or services to residents of the City; a school or school-based/affiliated organization located in the City; or other City-based organization such as athletic organizations or community groups (collectively called "Eligible Organizations"); (2) must be in existence prior to submittal of an application; and (3) must have a record of successfully providing the type of service, activity or program for which funding is requested.

B. Eligible Services and Activities. To apply for a grant under the City Community Benefit Fund, the Eligible Organization must provide a program, service, activity, event or other similar activities that have a benefit to the residents of the City of Maywood or the specified target group within the City by: (i) enhancing the quality of life or the delivery of services in the City; or (ii) providing educational opportunities for the residents or students of the City. Categories of services and activities eligible for grants include but are not limited to educational programs, cultural activities (i.e. music, art, dance, recreation), youth athletics, civic projects, health and safety programs, services sponsored by Maywood community organizations and public services (i.e. senior services, youth programs, health services). If the request relates to a community event, the event must be advertised and open to the public. Grants will be awarded in maximum amounts of no more than \$5,000.

C. Restrictions and Ineligible Organizations.

1. Grants shall not be used for religious activities or political campaigning purposes or activities.

2. A non-profit entity, a school or school-based/affiliated organization or other City-based organizations such as athletic organizations or community groups that have as a member of their board or executive leadership a City employee, a City elected or

CITY OF MAYWOOD COMMUNITY BENEFIT FUND GUIDELINES AND PROCEDURES

appointed official or members of their family, are not eligible to apply for a Community Benefit Fund grant. Family members include spouse or domestic partner, child, parent, grandparent, grandchild, cousin, aunt, uncle, sibling, niece, nephew, parent-in-law, brother-in-law or sister-in-law, as well as all step relationships.

D. City Projects. This policy does not preclude the City from undertaking and funding projects on its own initiative that would be a benefit to the community.

IV. APPLICATION PROCEDURES

A. Submittal of an Application. Applicants must use the Community Benefit Fund application form. Forms are available on the City website at www.cityofmaywood.org and at Maywood City Hall at 4319 E. Slauson Avenue, Maywood, CA 90270. Applications may be requested by email at veronica.alvarez@cityofmaywood.org.

B. Application Deadline. The City Council will have quarterly application cycles available to consider requests contingent upon monies being available under the program. The application cycles and deadlines are as follows:

<u>Application Cycle</u>	<u>Application Deadline</u>
Quarter 1: July 1 - September 30	June 1
Quarter 2: October 1 - December 31	September 1
Quarter 3: January 1 - March 30	December 1
Quarter 4: April 1 - June 30	March 1

The application must be submitted by 5:00 p.m. on the applicable deadline date addressed to: City of Maywood, Attention: Community Benefit Fund via City Manager's Office, 4319 E. Slauson Avenue, Maywood, CA 90270.

C. General Information

1. Applicants may apply for funds during any application cycle. Notwithstanding, funds must be requested and spent during the same fiscal year in which the award was approved by the City Council.

2. Organizations may submit only one application per fiscal year.

3. Funding to an Eligible Organization will not constitute a precedent for contributions in subsequent fiscal years.

CITY OF MAYWOOD COMMUNITY BENEFIT FUND GUIDELINES AND PROCEDURES

V. EVALUATION OF APPLICATION AND SELECTION PROCESS

A. Review of Applications. Following the application deadline, City Staff will review the applications. Applicants may be contacted if further information is requested, to answer questions, clarify their application, etc. All applications will be evaluated to ensure that the applicant is an "Eligible Organization" and that purpose for which the grant is sought is consistent with this policy. Applications and recommendations of Staff, if any, will be presented to the City Council during a regular scheduled City Council meeting for the Council's consideration and approval.

B. City Council Action. The City Council will take final action on award of all grants and maintains the discretion to fund in whole or in part any request or not to fund any or all requests during the Application Cycle. Alternatively, the City Council may hold-over any application into the next Application Cycle. In the case of multiple applications that are competing for limited available funds, consideration may be given to applications based on the following criteria: (i) the number of residents who are expected to benefit, participate in or be positively impacted by the program; (ii) the performance of the applicant in prior years, including demonstrated fiscal responsibility and compliance with applicable requirements; (iv) the amount of funding previously award to the applicant or the program or event in prior years; and (v) the total amount of funding requested as a proportion of the total available funds for the applicable fiscal year.

VI. POST AWARD REQUIREMENTS

A. Agreement. All Eligible Organizations elected to receive funds will be required to sign and execute an agreement with the City of Maywood.

B. Reporting. Eligible Organizations must complete a report, within 45 days of fund expenditure, describing the use of the grant and amount expended, the number of participants in the event or program, copies of any publicity of the event or program, and a narrative regarding the benefit to the City of Maywood. The City reserves the right to conduct an audit and/or require additional back-up information to substantiate how funds received from the City were expended. Failure to submit this required report will make the Eligible Organization ineligible for allocation of future funds until the required report is submitted. These reports will be reviewed and taken into account for evaluating subsequent funding proposals from that entity.

C. Request for Funds. The Eligible Organization receiving the funds is responsible for submitting a funds request to the City's Finance Director and shall allow the City up to 30 days to process the request. If a third-party vendor is the recipient of the funds (i.e. bus company used for field trip), then the request shall include the information regarding that vendor including their Tax Identification Number and the check shall be made

**CITY OF MAYWOOD
COMMUNITY BENEFIT FUND
GUIDELINES AND PROCEDURES**

payable to that vendor. If the grant is to be used to purchase tangible goods or services, the City has the discretion to purchase the goods or services directly and pass-through the goods or services to the Eligible Organization rather than provide the funding.

D. Return of Funds to the City. Unexpended funds must be returned to the City at the end of the fiscal year. Funds must also be returned to the City if the City determines that the applicant has not performed in accordance with the approved application listing the use of the funds.

E. Failure to Abide by Policy. The failure of an Eligible Organization to abide by this Policy will result in the Eligible Organization being denied for funding in the future.

ATTACHMENT NO. 2

CITY OF MAYWOOD

COMMUNITY BENEFIT FUND APPLICATION

Please Type/Print Information
(attach additional pages as needed)

Application Funding CycleDate of Application: 4-25-19☒ S1: July 1 - December 31☐ S2: January 1 - June 30Amount Requested: \$1569.00

Organization Name: <u>Fishburn Ave / LACC</u>	Phone Number: <u>323-560-0878</u>
Street Address: <u>5701 Fishburn Ave</u>	Fax Number: <u>323-560-6391</u>
City, State, Zip: <u>Maywood, CA 90270</u>	Federal EIN: <u>95-6001908</u>
Contact Person: <u>Patricia Ponce / Miguel Rueng</u>	
Contact Email Address: <u>mxc6867@lausd.net / mskatelu@gmail.com</u>	

Provide a detailed description of your organization. For example, are you a school, school-based or affiliated entity, youth program, community based organization, etc.

We are a Elementary School that provides services for students from K - 5 Grade. / Dual program.

Does your organization have non-profit status with the Internal Revenue Service?
Yes ☒ No ☐ (If yes, attach documentation)

How long has this organization been in existence (provide date)? 100 yrs.

Is the organization located/based in Maywood or does it provide programs or services to Maywood residents? Yes ☒ No ☐ If yes, please explain. We started ESL

Classes & Computer literacy for parents and community since 2015.
School is very active in the community providing services Food drive
Describe how the requested funds will be used? Attach a proposed budget. Donating clothes etc...

please see attach proposal. Thank you

↓ What is the anticipated time-frame to provide the proposed program, service, event activity or goods and the expenditure of the requested funds?

The program can be provided starting Fall 2019 into winter 2020, and can be continued into the following semesters.

↓ Describe the organization's efforts in obtaining funding from other sources?

↓ How will the requested funds have a benefit to Maywood residents?

The curriculum provided by the requested funds will provide basic skills, work, and communicative English necessary for success in the workplace, school, and home.

↓ How will the requested funds enhance the quality of life or the delivery of services for Maywood residents?

The funding will go toward books that allow the students to gain more advanced English skills that will help them achieve their workplace and family goals.

↓ How will the requested funds provide educational opportunities for Maywood residents or students?

The curriculum specifically requested focuses on building academic and workplace English, which will motivate students and give them the confidence to take more classes and apply for better jobs.

Has your organization previously received funding from the City of Maywood?

Yes ☒ No ☐ If yes, identify the use of the funds, total amount and fiscal year in which the funds were received. \$500- books - About March/April 2016.

Is a member of your organization's board or executive leadership a City employee, an elected or appointed City official, or a family member of a City employee or elected or appointed City official? Yes ☐ No ☒ If yes, please explain.

By my signature below, I hereby certify, under penalty of perjury, that I am qualified to sign for and bind the named organization and that the information contained within and submitted with this application is complete, true and accurate. I have received a copy of the Community Benefit Fund Guidelines and Procedures and agree to abide by its provisions. If awarded funding, an agreement will be required to be executed.

Date: 4-25-19	Signature: 			
Print Name and Title:				
Date Received	Eligibility Verified	Date Approved	Date Denied	Amount Awarded

To whom it may concern,

My name is Kate Lulinski and I am an instructor for the Los Angeles Community College District Non-Credit ESL Department. I have been an ESL instructor for 8 years, and also have my MA in TESOL. I began teaching for the district in September 2017, and in that time have taught the community members of Fishburn Elementary School in 3 different semesters. In this time, I have served as an ESL instructor for both long-term students of the program and new students as well. And so, I can truly say that I know this community of learners and what would benefit their English language and career readiness skills.

The students are highly motivated, love to learn and desire a more rigorous curriculum. Most students not only want to improve their English to better communicate with their English speaking family members and surrounding community, but also desire a job or career that would require them to speak English. Currently, the LACCD curriculum is focused on building literacy and life skills in English, however, the resources to provide this to the best of my ability has been limited by the resources available. Specifically, the students have not been supplied textbooks that they can take home to keep and use as their own to study, as well as the use of a classroom with a projector, computers, speakers, and desks reserved for the ESL students.

In my opinion, the students would greatly benefit from an integrated skills curriculum with a textbook and coordinating technology that focus on building their life, career and workplace readiness skills. These skills would also carry over into their ability to navigate family specific situations in English, ultimately not only benefiting themselves, but also their families. And so, after much research, I highly recommend the use of the Project Success Series at Fishburn Elementary. The 6 part series covers: listening and speaking, grammar, practical life skills, pronunciation, reading, writing, vocabulary, job-seeking skills, and career pathways skills in every chapter.

As the students are generally beginner learners, I recommend starting with the Level 1 book, as well as the teacher's guide for their instructor to use. This book is extremely engaging and requires the use of a computer and coordinating technology in

every lesson. The series provides direct integrated skills instruction for navigating necessary tasks for real world and work place success in English, and offers plentiful practice opportunities beyond the text book from an online practice and assessment lab that can be used any time for the length of 21 months with each book's unique student code, and also offers additional teacher reproducibles. Furthermore, because the series offers students online learning opportunities, the course will require students to use a computer and in turn improve their computer literacy skills, which are necessary for life and workplace success.

I sincerely believe the students at Fishburn Elementary are ready for the next step in their learning, and upgrading their curriculum and technology resources is the best way to do so.

Text Book Information:

Title: Project Success 1

Publisher: Pearson

Student book with e-text cost: \$40.00 on amazon (\$35.99-47.99 from publisher)

Project success DVD- Active Teach: \$128.95

Link for more info: <https://pearsonerpi.com/en/elt/integrated-skills/project-success-1-dvd-activeteach-298518>

30 student x \$47.99

One time - \$128.95
DVD Active Teach-

ATTACHMENT NO. 3

CITY OF MAYWOOD

COMMUNITY BENEFIT FUND APPLICATION

Please Type/Print Information
(attach additional pages as needed)

Application Funding Cycle

☐ S1: July 1 - December 31

☐ S2: January 1 - June 30

Date of Application: 4/25/19

Amount Requested: \$1,569.00

Organization Name: Fishburn Avenue Elementary School	Phone Number: 323-560-0878
Street Address: 5701 Fishburn Avenue	Fax Number: 323-560-6391
City, State, Zip: Maywood, CA 90270	Federal EIN: 95-6001908
Contact Person: Patricia Ponce	
Contact Email Address: pxp3218@lausd.net	

Provide a detailed description of your organization. For example, are you a school, school-based or affiliated entity, youth program, community based organization, etc.

We are an elementary school that educates students from 3yrs of age in the PALS program to 5th grade. We service students in the general core curriculum and also provide a dual language program in Spanish for students in TK-2nd grade.

Does your organization have non-profit status with the Internal Revenue Service?
Yes ☒ No ☐ (If yes, attach documentation)

How long has this organization been in existence (provide date)?

This organization/school was built in the 1920's. We will have 100 yrs in 2020 of providing educational services to the Maywood Community.

Is the organization located/based in Maywood or does it provide programs or services to Maywood residents? Yes ☒ No ☐ If yes, please explain.

In addition from servicing children in the Maywood community, we also provide ESL classes to the adults that live in the Maywood community. These ESL classes began in 2015. We also provide our low-income families with food and resources during Thanksgiving and Christmas.

Describe how the requested funds will be used? Attach a proposed budget.
See attachment.

What is the anticipated time-frame to provide the proposed program, service, event activity or goods and the expenditure of the requested funds?

We would like to purchase the books for the ESL class starting in Fall of 2019 (9/2019). The books will be used for the fall and spring 2020 semester.

Describe the organization's efforts in obtaining funding from other sources?

We've asked the local district for assistance to purchase these books, but they don't have any funding for parents to purchase ESL books.

How will the requested funds have a benefit to Maywood residents?

Fishburn ES. believes that by educating parents, children receive better support at home. Therefore, the students will struggle less and come better prepared to school. Ultimately, we want all children to have better opportunities so that they can become productive citizens and we believe this happens when parents are educated as well. This outcome positively affects the Maywood community as well.

How will the requested funds enhance the quality of life or the delivery of services for Maywood residents?

The parents learning English speaking skills, grammar and writing in our ESL classes will be better prepared to gain employment and will be able to compete against others who are also seeking employment. These parents will also be more effective in their communication skills when working in the community.

How will the requested funds provide educational opportunities for Maywood residents or students?

The ESL curriculum focuses on building academic and work place English. Many of the students who take this ESL class take it because they want to apply for jobs that offer more pay and being bilingual gives them that opportunity.

Has your organization previously received funding from the City of Maywood?

Yes ☐ No ☐ If yes, identify the use of the funds, total amount and fiscal year in which the funds were received.

Yes, we received funding from the city of Maywood in March/April of 2016 for the purchase of books (500.00).

Is a member of your organization's board or executive leadership a City employee, an elected or appointed City official, or a family member of a City employee or elected or appointed City official? Yes ☐ No ☐ If yes, please explain.

By my signature below, I hereby certify, under penalty of perjury, that I am qualified to sign for and bind the named organization and that the information contained within and submitted with this application is complete, true and accurate. I have received a copy of the Community Benefit Fund Guidelines and Procedures and agree to abide by its provisions. If awarded funding, an agreement will be required to be executed.

Date: 4.25.19	Signature: 			
Print Name and Title: Patricia Ponce, Principal				
Date Received	Eligibility Verified	Date Approved	Date Denied	Amount Awarded \$

Internal Revenue Service

District
Director

LOS ANGELES CITY BOARD OF EDUCATION
ATTN: P. AGUILAR
P.O. BOX 512298
LOS ANGELES, CA 90051-0298

State ID # 800-9074-9
Federal ID #95-6001908

Department of the Treasury

300 N. Los Angeles Street, MS7043
Los Angeles, CA 90012

Person to Contact:

I. BARRAGAN

Telephone Number:

(213) 894-2336

Refer Reply to:

EO (0319) 97

Date:

APRIL 04, 1997

EIN: 95-6001908

Dear Taxpayer:

This letter is in response to your request for a copy of the determination letter for the above named organization.

The Internal Revenue Code (IRC) makes no provision for the issuance of exemption letters to instrumentalities of a state or municipal government since Section 115 of the Code excludes their income from the definition of gross income.

According to IRC Section 170, there shall be allowed as a deduction any charitable (payment of which is made within the taxable year) to a governmental unit.

Section 170(c) defines the term "charitable contribution" as a contribution or gift to or for the use of "A state, possession of the United States, or any political subdivision of any of the foregoing, or the United States, or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes."

If you need further assistance, please contact our office at the above address.

Sincerely,

I. Barragan

Disclosure Assistant

To whom it may concern,

My name is Kate Lulinski and I am an instructor for the Los Angeles Community College District Non-Credit ESL Department. I have been an ESL instructor for 8 years, and also have my MA in TESOL. I began teaching for the district in September 2017, and in that time have taught the community members of Fishburn Elementary School in 3 different semesters. In this time, I have served as an ESL instructor for both long-term students of the program and new students as well. And so, I can truly say that I know this community of learners and what would benefit their English language and career readiness skills.

The students are highly motivated, love to learn and desire a more rigorous curriculum. Most students not only want to improve their English to better communicate with their English speaking family members and surrounding community, but also desire a job or career that would require them to speak English. Currently, the LACCD curriculum is focused on building literacy and life skills in English, however, the resources to provide this to the best of my ability has been limited by the resources available. Specifically, the students have not been supplied textbooks that they can take home to keep and use as their own to study, as well as the use of a classroom with a projector, computers, speakers, and desks reserved for the ESL students.

In my opinion, the students would greatly benefit from an integrated skills curriculum with a textbook and coordinating technology that focus on building their life, career and workplace readiness skills. These skills would also carry over into their ability to navigate family specific situations in English, ultimately not only benefiting themselves, but also their families. And so, after much research, I highly recommend the use of the Project Success Series at Fishburn Elementary. The 6 part series covers: listening and speaking, grammar, practical life skills, pronunciation, reading, writing, vocabulary, job-seeking skills, and career pathways skills in every chapter.

As the students are generally beginner learners, I recommend starting with the Level 1 book, as well as the teacher's guide for their instructor to use. This book is extremely engaging and requires the use of a computer and coordinating technology in

every lesson. The series provides direct integrated skills instruction for navigating necessary tasks for real world and work place success in English, and offers plentiful practice opportunities beyond the text book from an online practice and assessment lab that can be used any time for the length of 21 months with each book's unique student code, and also offers additional teacher reproducibles. Furthermore, because the series offers students online learning opportunities, the course will require students to use a computer and in turn improve their computer literacy skills, which are necessary for life and workplace success.

I sincerely believe the students at Fishburn Elementary are ready for the next step in their learning, and upgrading their curriculum and technology resources is the best way to do so.

Text Book Information:

Title: Project Success 1

Publisher: Pearson

Student book with e-text cost: \$40.00 on amazon (\$35.99-47.99 from publisher)

Project success DVD- Active Teach: \$128.95

Link for more info: <https://pearsonerpi.com/en/elt/integrated-skills/project-success-1-dvd-activeteach-298518>

amazon.com

SIGN IN SHIPPING & PAYMENT GIFT OPTIONS **PLACE ORDER**

Review your order

Save time next time

Use this shipping address and payment method for future purchases.

Signature required at time of delivery.

Please ensure someone will be available to sign for this delivery.

Shipping address Change

Patricia Ponce
15941 Lakefield Dr.
La Mirada, California 90638
United States
Phone: 3236207015
Add delivery instructions
Ship to multiple addresses

Payment method Change

ending in 7897
Earns 3% Back

Billing address Change

Patricia Ponce
15941 Lakefield Dr.
La Mirada, CA 90638
United States

Use Rewards Points

\$2.75 (275 points) available

\$ 2.75

Apply

(275 points)

Gift cards & promotional codes

Enter Code

Apply

Place your order

By placing your order, you agree to Amazon's privacy notice and conditions of use.

Order Summary

Items (33):	\$1,231.56
Shipping & handling:	\$17.63
Free Shipping:	-\$17.63
Total before tax:	\$1,231.56
Estimated tax to be collected:	\$117.15

Order total: \$1,348.71

Pay \$74.93/month for 18 months,
interest-free with your Amazon Rewards
Visa Card.

Qualifying offers:

- Free Shipping

How are shipping costs calculated?

Save

FREE Shipping on Eligible Items

Start your 30-day FREE trial ▶

Have an EBT or Medicaid card? Get 50% off Prime ▶

Estimated delivery: Aug. 13, 2019 - Aug. 16, 2019



Project Success 1 Student Book
with eText
by Susan Gaer
\$37.32

Amazon Prime eligible Join now
In Stock.

Quantity: 33 Change
Sold by: TEXTBookAMAZING

Add a gift receipt
and see other gift options

Choose a delivery option:

- Thursday, Aug. 15 - Tuesday, Aug. 20
FREE Shipping
- Tuesday, Aug. 13 - Wednesday, Aug. 14
\$17.63 - Standard Shipping
- Friday, Aug. 9
\$76.66 - Two-Day Shipping

*Why has sales tax been applied? See tax and seller information

Do you need help? Explore our Help pages or contact us

For an item sold by Amazon.com: When you click the "Place your order" button, we'll send you an email message acknowledging receipt of your order. Your contract to purchase an item will not be complete until we send you an email notifying you that the item has been shipped.

Colorado, Oklahoma, South Dakota and Vermont Purchasers: Important information regarding sales tax you may owe in your State

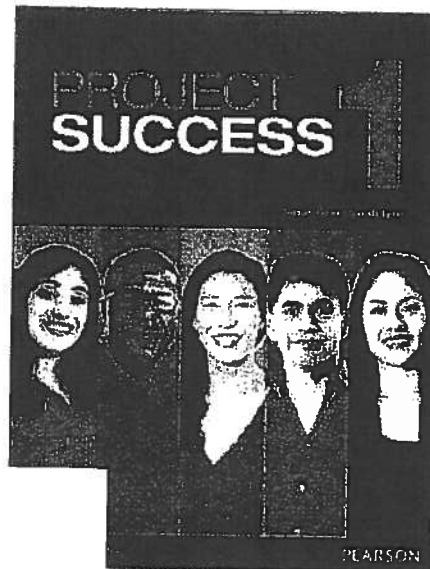
Within 30 days of delivery, you may return new, unopened merchandise in its original condition. Exceptions and restrictions apply. See Amazon.com's Returns Policy

Go to the Amazon.com homepage without completing your order.

Conditions of Use | Privacy Notice © 1996-2019, Amazon.com, Inc.



Project Success 1 | DVD - ActiveTeach



Overview Description Authors

Authors: Susan Gaer, Sarah Lynn

Collection: Project Success

Subject: Integrated Skills

ISBN: 978-0-1329-8518-5

Copyright: 2014

★ Retail price: \$131.95

Format: DVD-ROM

*doesn't include
tax & delivery*



Consent Calendar

AGENDA 6
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 25, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER

BY:  DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

RE: CONSIDER THE ADOPTION OF A RESOLUTION GRANTING A COMMERCIAL CANNABIS VEHICLE DISPENSARY LICENSE FOR KIKI GREENS, LOCATED AT 4006 SLAUSON AVENUE IF A CONDITIONAL USE PERMIT IS GRANTED

RECOMMENDATION

If a conditional use permit is granted to Kiki Greens ("Applicant"), Staff recommends that the City Council consider the adoption of a resolution granting a commercial cannabis vehicle dispensary license for Kiki Greens ("Applicant"), located at 4006 Slauson Avenue; and if granted, authorize staff to issue said license for a period not to exceed one year.

FISCAL IMPACT

There is no fiscal impact associated with the license issuance. However, when operating and based on the local tax measure, the type of cannabis business proposed will generate 10% of their gross receipts for the general fund.

LEGAL REVIEW

The City Attorney has reviewed this staff report.

BACKGROUND

As required by Ordinance 18-12, the Applicant filed an application for a conditional use permit for the proposed commercial cannabis vehicle dispensary facility ("CUP 19-03"). CUP 19-03 was denied by the Planning COmmission and a resolution was adopted on September 9, 2019. The Applicant filed an appeal to be heard on September 25, 2019 by the City Council. Should the City Council grant the appeal and thus approve CUP 19-03, then it would be appropriate to consider this request for a regulatory permit for the commercial cannabis vehicle dispensary operation. If the appeal is denied, then the application for a regulatory license becomes irrelevant.

On February 22, 2017, the Maywood City Council approved a fee schedule and reviewed an evaluation procedure for commercial cannabis license applications. This was accomplished pursuant to Maywood ordinance 16-03 titled "Code Amendment Permitting Marijuana Businesses in Certain Zones of the City." In order to provide a robust framework for the evaluation and licensing of cannabis businesses, fees must be collected to defray the staff and consultant resources expended to support said regulatory framework. Currently, Maywood ordinance 18-12 governs the issuance of commercial cannabis licenses.

To provide expert evaluation, City staff is working with HdL Companies ("HdL"), a consultant who provided a fee study and licensing procedure. HdL has established a specialized division with expert staff that have been working closely with the Department of Consumer Affairs, Department of Food and Agriculture, Department of Public Health and the State Board of Equalization in the implementation of the Adult Use of Marijuana Act (AUMA) and the Medical and Adult Use of Cannabis Regulation and Safety Act (MAUCRSA). In addition, they have partnered with the League of California Cities, CSAC, and the Police Chiefs Association to develop policy and regulatory strategies to manage the Cannabis Industry in California. They also offer the resources and expertise to assist cities and counties with the design and implementation of all aspects of their regulatory and taxation policies and programs.

DISCUSSION

As required by the City's application and evaluation procedures there are four phases to evaluating a license application. Phase 2 requires an "initial rating" of an application based on a point scale that rates the application on the following criteria: location of business, business plan, neighborhood compatibility and safety and security plan. If the applicant receives a minimum score of 80%, the application moves on to Phase 3 for a second rating. Phase 3 requires an evaluation on additional criteria (which is listed below) and a minimum 80% overall score is required.

After the completion of the Phase 3 evaluation and prior to the final review and evaluation, the City reserves the right to request and obtain additional information from any candidate who submitted an application. Upon the completion of the final review process, the final score is tabulated and a minimum 80% overall score is required.

The City Council reserves the right to award any or no licenses. All Applicants which are being recommended by Staff for consideration to the City Council are asked to attend the City Council meeting to provide a public presentation before the Mayor and City Council introducing their team and providing an overview of their proposal.

It should be noted that being awarded a Commercial Cannabis license does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including electrical, plumbing, fire, planning permits or reviews, and any other permits, licenses, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits.

As scored by HdL and evaluated by staff, the Kiki Greens application for a commercial cannabis vehicle dispensary license located at 4006 Slauson Avenue received a composite score as follows in Phase 2 and Phase 3 of the process:

Category (Phase 2)	Points Given	Points Allowed	Percentage
Proposed Location	200	200	100%
Business Plan	340	400	85%
Neighborhood Compatibility	250	300	83%
Safety & Security	240	300	80%
Air Quality Plan	90	100	90%
Labor & Employment Plan	180	200	90%
Total Points & Average%	1,300	1,500	87%

Category (Phase 3)	Points Given	Points Allowed	Percentage
Final Location	160	200	80%
Business Plan	253	300	84%
Community Benefits	222	300	74%
Enhanced Product Safety	157	200	79%
Environmental Benefits	167	200	84%
Labor & Employment	180	200	90%
Local Enterprise	173	200	87%
Neighborhood Compatibility	180	200	90%
Qualifications of Principals	238	300	79%
Safety & Security	183	200	92%
Air Quality Plan	167	200	84%
SUB-TOTAL	2080	2500	84%
TOTAL SCORE	3,380	4,000	83%

It is the assessment of staff that all minimum requirements have been met. Furthermore, no evidence has been found to deny the application, per Maywood Municipal Code section 5-45.04 (Grounds for denial), which states that no license shall be granted under this chapter if the applicant:

- Does not qualify for licensure under this ordinance or state law;
- Has made any false or misleading statements during the application;
- Lacks the adequate right to occupy or use the premises as described in the Application.
- Has failed to demonstrate ability to adequately satisfy requirements of this ordinance, based on evidence submitted during the application process.

Therefore, staff recommends that the City Council consider the approval of the application for a commercial cannabis vehicle dispensary license for Kiki Greens, located at 4006 Slauson Avenue.

ATTACHMENT(S)

Attachment No. 1 – Resolution

ATTACHMENT NO. 1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, GRANTING A COMMERCIAL CANNABIS VEHICLE DISPENSARY LICENSE FOR KIKI GREENS, LOCATED AT 4006 SLAUSON AVENUE

THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

WHEREAS, On February 22, 2017, the Maywood City Council approved a fee schedule and an application and evaluation procedure for commercial cannabis license applications pursuant to Maywood ordinance 16-03 titled "Code Amendment Permitting Marijuana Businesses in Certain Zones of the City;"

WHEREAS, Kiki Greens, has been issued a conditional use permit for a commercial cannabis vehicle dispensary for the property located at 4006 Slauson Avenue and has applied for a commercial cannabis license for vehicle dispensing;

WHEREAS, City staff worked with HdL Companies ("HdL"), a consultant who provided expert evaluation of the Kiki Greens license application;

WHEREAS, Prior to the final review and evaluation, the City reserves the right to request and obtain additional information from any candidate who submitted an application. Upon the completion of the final review process, the final score is tabulated and a minimum 80% overall score is required;

WHEREAS, Staff presented to the City Council the final rating for Kiki Greens along with their recommendation in which the City Council may award a license pursuant to MMC Section 5-45.02;

WHEREAS, Based on the application and evaluation process as scored by HdL and evaluated by staff, the Kiki Greens application for a commercial cannabis vehicle dispensary license at 4006 Slauson Avenue received a composite score as follows:

Category	(Phase 2)	Points Given	Points Allowed	Percentage
Proposed Location		200	200	100%
Business Plan		340	400	85%
Neighborhood Compatibility		250	300	83%
Safety & Security		240	300	80%
Air Quality Plan		90	100	90%
Labor & Employment Plan		180	200	90%
Total Points & Average%		1,300	1,500	87%

Category	(Phase 3)	Points Given	Points Allowed	Percentage
Final Location		160	200	80%
Business Plan		253	300	84%
Community Benefits		222	300	74%

Enhanced Product Safety	157	200	79%
Environmental Benefits	167	200	84%
Labor & Employment	180	200	90%
Local Enterprise	173	200	87%
Neighborhood Compatibility	180	200	90%
Qualifications of Principals	238	300	79%
Safety & Security	183	200	92%
Air Quality Plan	167	200	84%
SUB-TOTAL	2080	2500	84%
TOTAL SCORE	3,380	4,000	83%

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD DOES RESOLVE AS FOLLOWS:

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

Section 2. Based on the entire record before the City Council, including all written and oral evidence including the staff report, and pursuant Section 5-45.04 of the Maywood Municipal Code, the City Council finds as follows: (i) the applicant qualifies for licensure under the provisions of the Maywood Municipal Code; (ii) the applicant has not made any false or misleading statements during the application process; (iii) the applicant has paid the fees associated with its application; (iv) the applicant has the right to occupy or use the premises as described in the application; and (v) the applicant has demonstrated the ability to adequately satisfy the requirements of Ordinance 18-12, based on evidence submitted during the application process.

Section 3. The City Council hereby grants a commercial cannabis vehicle dispensary license to Kiki Greens for a term not to exceed one year from the date this Resolution is adopted.

Section 4. Kiki Greens shall comply with all applicable provisions related to the operation of a commercial cannabis vehicle dispensary facility as set forth in Ordinance No. 18-12.

Section 5. The City Clerk will certify to the passage and adoption of this Resolution and shall enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 25th day of September, 2019.

Eduardo De La Riva, Mayor

ATTEST:

Gerardo Mayagoitia, City Clerk

APPROVED AS TO FORM:

Roxanne Diaz, City Attorney

I, Gerardo Mayagoitia, City Clerk of the City of Maywood, do hereby certify that the foregoing Resolution No. _____ was adopted at a regular meeting of the City Council of the City of Maywood held on the 25th day of September, 2019 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Gerardo Mayagoitia, City Clerk



Consent Calendar

AGENDA 7
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 25, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JV*

BY: *DM* DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

RE: CONSIDER THE ADOPTION OF A RESOLUTION GRANTING A COMMERCIAL CANNABIS CULTIVATION LICENSE FOR MJM HOLDINGS LLC, LOCATED AT 3744 FRUITLAND AVENUE IF A CONDITIONAL USE PERMIT IS GRANTED

RECOMMENDATION

If a conditional use permit is granted to MJM Holdings, LLC ("Applicant"), Staff recommends that the City Council consider the adoption of a resolution granting a commercial cannabis cultivation license to Applicant, located at 3744 Fruitland Avenue; and if granted, authorize staff to issue said license for a period not to exceed one year.

FISCAL IMPACT

There is no fiscal impact associated with the license issuance. However, when operating and based on the local tax measure, the type of cannabis business proposed will provide 6% of their gross receipts into the City's general fund.

LEGAL REVIEW

The City Attorney has reviewed this staff report.

BACKGROUND

As required by Ordinance 18-12, the Applicant filed an application for a conditional use permit for the proposed commercial cannabis cultivation facility ("CUP 19-05"). CUP 19-05 was denied by the Planning Commission and a resolution was adopted on September 9, 2019. The Applicant filed an appeal to be heard on September 25, 2019 by the City Council. Should the City Council grant the appeal and thus approve CUP 19-05, then it would be appropriate to consider this request for a regulatory permit for the commercial cannabis cultivation operation. If the appeal is denied, then the application for a regulatory license becomes irrelevant.

On February 22, 2017, the Maywood City Council approved a fee schedule and reviewed an evaluation procedure for commercial cannabis license applications. This was accomplished pursuant to Maywood ordinance 16-03 titled "Code Amendment Permitting Marijuana Businesses in Certain Zones of the City." In order to provide a robust framework for the evaluation and licensing of cannabis businesses, fees must be collected to defray the staff and consultant resources expended to support said regulatory framework. Currently, Maywood ordinance 18-12 governs the issuance of commercial cannabis licenses.

To provide expert evaluation, City staff is working with HdL Companies ("HdL"), a consultant who provided a fee study and licensing procedure. HdL has established a specialized division with expert staff that have been working closely with the Department of Consumer Affairs, Department of Food and Agriculture, Department of Public Health and the State Board of Equalization in the implementation of the Adult Use of Marijuana Act (AUMA) and the Medical and Adult Use of Cannabis Regulation and Safety Act (MAUCRSA). In addition, they have partnered with the League of California Cities, CSAC, and the Police Chiefs Association to develop policy and regulatory strategies to manage the Cannabis Industry in California. They also offer the resources and expertise to assist cities and counties with the design and implementation of all aspects of their regulatory and taxation policies and programs.

DISCUSSION

As required by the City's application and evaluation procedures there are four phases to evaluating a license application. Phase 2 requires an "initial rating" of an application based on a point scale that rates the application on the following criteria: location of business, business plan, neighborhood compatibility and safety and security plan. If the applicant receives a minimum score of 80%, the application moves on to Phase 3 for a second rating. Phase 3 requires an evaluation on additional criteria (which is listed below) and a minimum 80% overall score is required.

After the completion of the Phase 3 evaluation and prior to the final review and evaluation, the City reserves the right to request and obtain additional information from any candidate who submitted an application. Upon the completion of the final review process, the final score is tabulated and a minimum 80% overall score is required.

The City Council reserves the right to award any or no licenses. All Applicants which are being recommended by Staff for consideration to the City Council are asked to attend the City Council meeting to provide a public presentation before the Mayor and City Council introducing their team and providing an overview of their proposal.

It should be noted that being awarded a Commercial Cannabis license does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including electrical, plumbing, fire, planning permits or reviews, and any other permits, licenses, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits.

As scored by HdL and evaluated by staff, the MJM application for a commercial cannabis cultivation license located at 3744 Fruitland Avenue received a composite score as follows in Phase 2 and Phase 3 of the process:

Category	(Phase 2)	Points Given	Points Allowed	Percentage
Proposed Location		190	200	95%
Business Plan		320	400	80%
Neighborhood Compatibility		300	300	100%
Safety & Security		285	300	95%
Air Quality Plan		100	100	100%
Labor & Employment Plan		180	200	90%
Total Points & Average%		1,375	1,500	92%

Category	(Phase 3)	Points Given	Points Allowed	Percentage
Final Location		160	200	80%
Business Plan		267	300	89%
Community Benefits		240	300	80%
Enhanced Product Safety		190	200	95%
Environmental Benefits		183	200	92%
Labor & Employment		183	200	92%
Local Enterprise		183	200	92%
Neighborhood Compatibility		173	200	87%
Qualifications of Principals		270	300	90%
Safety & Security		193	200	97%
Air Quality Plan		183	200	92%
SUB-TOTAL		2225	2500	89%
TOTAL SCORE		3,600	4,000	90%

It is the assessment of staff that all minimum requirements have been met. Furthermore, no evidence has been found to deny the application, per Maywood Municipal Code section 5-45.04 (Grounds for denial), which states that no license shall be granted under this chapter if the applicant:

- Does not qualify for licensure under this ordinance or state law;
- Has made any false or misleading statements during the application;
- Lacks the adequate right to occupy or use the premises as described in the Application.
- Has failed to demonstrate ability to adequately satisfy requirements of this ordinance, based on evidence submitted during the application process.

Therefore, staff recommends that the City Council consider the approval of the application for a commercial cannabis cultivation license for MJM Holdings LLC, located at 3744 Fruitland Avenue.

ATTACHMENT(S)

Attachment No. 1 – Resolution

ATTACHMENT NO. 1

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, GRANTING A COMMERCIAL CANNABIS CULTIVATION LICENSE FOR MJM HOLDINGS LLC, LOCATED AT 3744 FRUITLAND AVENUE

THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

WHEREAS, On February 22, 2017, the Maywood City Council approved a fee schedule and an application and evaluation procedure for commercial cannabis license applications pursuant to Maywood ordinance 16-03 titled "Code Amendment Permitting Marijuana Businesses in Certain Zones of the City;"

WHEREAS, MJM Holdings, LLC has been issued a conditional use permit for a commercial cannabis cultivation facility for the property located at 3744 Fruitland Avenue and has applied for a commercial cannabis license for cultivation;

WHEREAS, City staff worked with HdL Companies ("HdL"), a consultant who provided expert evaluation of the MJM Holdings LLC license application;

WHEREAS, Prior to the final review and evaluation, the City reserves the right to request and obtain additional information from any candidate who submitted an application. Upon the completion of the final review process, the final score is tabulated and a minimum 80% overall score is required;

WHEREAS, Staff presented to the City Council the final rating for MJM Holdings along with their recommendation in which the City Council may award a license pursuant to MMC Section 5-45.02;

WHEREAS, Based on the application and evaluation process as scored by HdL and evaluated by staff, the MJM Holdings application for a commercial cannabis cultivation license at 3744 Fruitland Avenue received a composite score as follows:

Category	(Phase 2)	Points Given	Points Allowed	Percentage
Proposed Location		190	200	95%
Business Plan		320	400	80%
Neighborhood Compatibility		300	300	100%
Safety & Security		285	300	95%
Air Quality Plan		100	100	100%
Labor & Employment Plan		180	200	90%
Total Points & Average%		1,375	1,500	92%

Category	(Phase 3)	Points Given	Points Allowed	Percentage
Final Location		160	200	80%
Business Plan		267	300	89%
Community Benefits		240	300	80%
Enhanced Product Safety		190	200	95%

Environmental Benefits	183	200	92%
Labor & Employment	183	200	92%
Local Enterprise	183	200	92%
Neighborhood Compatibility	173	200	87%
Qualifications of Principals	270	300	90%
Safety & Security	193	200	97%
Air Quality Plan	183	200	92%
SUB-TOTAL	2225	2500	89%
TOTAL SCORE	3,600	4,000	90%

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD DOES RESOLVE AS FOLLOWS:

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

Section 2. Based on the entire record before the City Council, including all written and oral evidence including the staff report, and pursuant Section 5-45.04 of the Maywood Municipal Code, the City Council finds as follows: (i) the applicant qualifies for licensure under the provisions of the Maywood Municipal Code; (ii) the applicant has not made any false or misleading statements during the application process; (iii) the applicant has paid the fees associated with its application; (iv) the applicant has the right to occupy or use the premises as described in the application; and (v) the applicant has demonstrated the ability to adequately satisfy the requirements of Ordinance 18-12, based on evidence submitted during the application process.

Section 3. The City Council hereby grants a commercial cannabis vehicle dispensary license to MJM Holdings for a term not to exceed one year from the date this Resolution is adopted.

Section 4. MJM Holdings shall comply with all applicable provisions related to the operation of a commercial cannabis cultivation facility as set forth in Ordinance No. 18-12.

Section 5. The City Clerk will certify to the passage and adoption of this Resolution and shall enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 25th day of September, 2019.

Eduardo De La Riva, Mayor

ATTEST:

Gerardo Mayagoitia, City Clerk
APPROVED AS TO FORM:

Roxanne Diaz, City Attorney

I, Gerardo Mayagoitia, City Clerk of the City of Maywood, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Maywood held on the 25th day of September, 2019 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Gerardo Mayagoitia, City Clerk



Consent Calendar

AGENDA 8
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 25, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JV*

BY: *DM* DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

RE: CONSIDER THE ADOPTION OF A RESOLUTION GRANTING A COMMERCIAL CANNABIS TESTING LICENSE FOR LA LABS INC, LOCATED AT 4000 SLAUSON AVENUE IF A CONDITIONAL USE PERMIT IS GRANTED

RECOMMENDATION

If a conditional use permit is granted to L.A. Labs, Inc. ("Applicant"), Staff recommends that the City Council consider the adoption of a resolution granting a commercial cannabis testing license to Applicant, located at 4000 Slauson Avenue; and if granted, authorize staff to issue said license for a period not to exceed one year.

FISCAL IMPACT

There is no fiscal impact associated with the license issuance. However, when operating and based on the local tax measure, the type of cannabis business proposed will provide 6% of their gross receipts into the City's general fund.

LEGAL REVIEW

The City Attorney has reviewed this staff report.

BACKGROUND

As required by Ordinance 18-12, the Applicant filed an application for a conditional use permit for the proposed commercial cannabis vehicle dispensary facility ("CUP 19-04"). CUP 19-04 was denied by the Planning Commission and a resolution was adopted on September 17, 2019. The Applicant filed an appeal to be heard on September 25, 2019 by the City Council. Should the City Council grant the appeal and thus approve CUP 19-04, then it would be appropriate to consider this request for a regulatory permit for the commercial cannabis vehicle dispensary operation. If the appeal is denied, then the application for a regulatory license becomes irrelevant.

On February 22, 2017, the Maywood City Council approved a fee schedule and reviewed an evaluation procedure for commercial cannabis license applications. This was accomplished pursuant to Maywood ordinance 16-03 titled "Code Amendment Permitting Marijuana Businesses in Certain Zones of the City." In order to provide a robust framework for the evaluation and licensing of cannabis businesses, fees must be collected to defray the staff and consultant resources expended to support said regulatory framework. Currently, Maywood ordinance 18-12 governs the issuance of commercial cannabis licenses.

To provide expert evaluation, City staff is working with HdL Companies ("HdL"), a consultant who provided a fee study and licensing procedure. HdL has established a specialized division with expert staff that have been working closely with the Department of Consumer Affairs, Department of Food and Agriculture, Department of Public Health and the State Board of Equalization in the implementation of the Adult Use of Marijuana Act (AUMA) and the Medical and Adult Use of Cannabis Regulation and Safety Act (MAUCRSA). In addition, they have partnered with the League of California Cities, CSAC, and the Police Chiefs Association to develop policy and regulatory strategies to manage the Cannabis Industry in California. They also offer the resources and expertise to assist cities and counties with the design and implementation of all aspects of their regulatory and taxation policies and programs.

DISCUSSION

As required by the City's application and evaluation procedures there are four phases to evaluating a license application. Phase 2 requires an "initial rating" of an application based on a point scale that rates the application on the following criteria: location of business, business plan, neighborhood compatibility and safety and security plan. If the applicant receives a minimum score of 80%, the application moves on to Phase 3 for a second rating. Phase 3 requires an evaluation on additional criteria (which is listed below) and a minimum 80% overall score is required.

After the completion of the Phase 3 evaluation and prior to the final review and evaluation, the City reserves the right to request and obtain additional information from any candidate who submitted an application. Upon the completion of the final review process, the final score is tabulated and a minimum 80% overall score is required.

The City Council reserves the right to award any or no licenses. All Applicants which are being recommended by Staff for consideration to the City Council are asked to attend the City Council meeting to provide a public presentation before the Mayor and City Council introducing their team and providing an overview of their proposal.

It should be noted that being awarded a Commercial Cannabis license does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including electrical, plumbing, fire, planning permits or reviews, and any other permits, licenses, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits.

As scored by HdL and evaluated by staff, the LA Labs application for a commercial cannabis testing license located at 4000 Slauson Avenue received a composite score as follows in Phase 2 and Phase 3 of the process:

Category	(Phase 2)	Points Given	Points Allowed	Percentage
Proposed Location		190	200	95%
Business Plan		340	400	85%
Neighborhood Compatibility		270	300	90%
Safety & Security		250	300	83%
Air Quality Plan		100	100	100%
Labor & Employment Plan		170	200	85%
Total Points & Average%		1,320	1,500	88%

Category	(Phase 3)	Points Given	Points Allowed	Percentage
Final Location		173	200	87%
Business Plan		227	300	76%
Community Benefits		268	300	89%
Enhanced Product Safety		190	200	95%
Environmental Benefits		187	200	93%
Labor & Employment		183	200	92%
Local Enterprise		190	200	95%
Neighborhood Compatibility		170	200	85%
Qualifications of Principals		228	300	76%
Safety & Security		193	200	97%
Air Quality Plan		187	200	93%
SUB-TOTAL		2196	2500	88%
TOTAL SCORE		3,516	4,000	88%

It is the assessment of staff that all minimum requirements have been met. Furthermore, no evidence has been found to deny the application, per Maywood Municipal Code section 5-45.04 (Grounds for denial), which states that no license shall be granted under this chapter if the applicant:

- Does not qualify for licensure under this ordinance or state law;
- Has made any false or misleading statements during the application;
- Lacks the adequate right to occupy or use the premises as described in the Application.
- Has failed to demonstrate ability to adequately satisfy requirements of this ordinance, based on evidence submitted during the application process.

Therefore, staff recommends that the City Council consider the approval of the application for a commercial cannabis testing license for LA Labs, located at 4000 Slauson Avenue.

ATTACHMENT(S)

Attachment No. 1 – Resolution

ATTACHMENT NO. 1

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, GRANTING A COMMERCIAL CANNABIS TESTING LICENSE FOR LA LABS, INC., LOCATED AT 4000 SLAUSON AVENUE

THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

WHEREAS, On February 22, 2017, the Maywood City Council approved a fee schedule and an application and evaluation procedure for commercial cannabis license applications pursuant to Maywood ordinance 16-03 titled "Code Amendment Permitting Marijuana Businesses in Certain Zones of the City;"

WHEREAS, LA Labs Inc., has been issued a conditional use permit for a commercial cannabis vehicle dispensary for the property located at 4000 Slauson Avenue and has applied for a commercial cannabis license for vehicle dispensing;

WHEREAS, City staff worked with HdL Companies ("HdL"), a consultant who provided expert evaluation of the LA Labs license application;

WHEREAS, Prior to the final review and evaluation, the City reserves the right to request and obtain additional information from any candidate who submitted an application. Upon the completion of the final review process, the final score is tabulated and a minimum 80% overall score is required;

WHEREAS, Staff presented to the City Council the final rating for LA Labs Inc. along with their recommendation in which the City Council may award a license pursuant to MMC Section 5-45.02;

WHEREAS, Based on the application and evaluation process as scored by HdL and evaluated by staff, the LA Labs application for a commercial cannabis testing license at 4000 Slauson Avenue received a composite score as follows:

Category (Phase 2)	Points Given	Points Allowed	Percentage
Proposed Location	190	200	95%
Business Plan	340	400	85%
Neighborhood Compatibility	270	300	90%
Safety & Security	250	300	83%
Air Quality Plan	100	100	100%
Labor & Employment Plan	170	200	85%
Total Points & Average%	1,320	1,500	88%

Category (Phase 3)	Points Given	Points Allowed	Percentage
Final Location	173	200	87%
Business Plan	227	300	76%
Community Benefits	268	300	89%
Enhanced Product Safety	190	200	95%

Environmental Benefits	187	200	93%
Labor & Employment	183	200	92%
Local Enterprise	190	200	95%
Neighborhood Compatibility	170	200	85%
Qualifications of Principals	228	300	76%
Safety & Security	193	200	97%
Air Quality Plan	187	200	93%
SUB-TOTAL	2196	2500	88%
TOTAL SCORE	3,516	4,000	88%

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD DOES RESOLVE AS FOLLOWS:

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

Section 2. Based on the entire record before the City Council, including all written and oral evidence including the staff report, and pursuant Section 5-45.04 of the Maywood Municipal Code, the City Council finds as follows: (i) the applicant qualifies for licensure under the provisions of the Maywood Municipal Code; (ii) the applicant has not made any false or misleading statements during the application process; (iii) the applicant has paid the fees associated with its application; (iv) the applicant has the right to occupy or use the premises as described in the application; and (v) the applicant has demonstrated the ability to adequately satisfy the requirements of Ordinance 18-12, based on evidence submitted during the application process.

Section 3. The City Council hereby grants a commercial cannabis testing license to LA Labs for a term not to exceed one year from the date this Resolution is adopted.

Section 4. LA Labs shall comply with all applicable provisions related to the operation of a commercial cannabis vehicle dispensary facility as set forth in Ordinance No. 18-12.

Section 5. The City Clerk will certify to the passage and adoption of this Resolution and shall enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 25th day of September, 2019.

Eduardo De La Riva, Mayor

ATTEST:

Gerardo Mayagoitia, City Clerk
APPROVED AS TO FORM:

Roxanne Diaz, City Attorney

I, Gerardo Mayagoitia, City Clerk of the City of Maywood, do hereby certify that the foregoing Resolution No. _____ was adopted at a regular meeting of the City Council of the City of Maywood held on the 25th day of September, 2019 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Gerardo Mayagoitia, City Clerk

Anatomy of a Contract



Why do we need contracts?

To avoid ambiguity and disagreement:

- Contracts create a clearly defined relationship.
- Specific and exact scope of services, schedule, and payment terms.
- Everyone knows what to expect.
- Reduces the chances of confusion and conflict.

Why do we need contracts?

Contracts are enforceable:

- A contract allows the City to get relief if a contractor, vendor, or consultant doesn't hold up their end of the bargain.
- Written, standard-form contracts are much easier to enforce than informal agreements.
- Even the best business relationships can go sour! Always prepare for the worst case scenario!

Why do we need contracts?

Contracts protect the City and City employees:

- Clear provisions in case someone gets hurt or one party is unable to perform the contract.
- Provisions for resolving disputes between the parties.
- Indemnification clauses protect the City against frivolous lawsuits.
- Contracts save money!



Types of Contracts

Purchase of Goods: Such as office supplies, equipment, furniture.

Professional Services: Attorney services, consulting services, architectural or design services, feasibility studies, capital project management.

Other Services: On-site maintenance, contractors, off-site repair work, catering.

Public Works Projects: Construction, improvement of publicly owned property

Municipal Code Requirements

Purchase or contract for materials, supplies, services (professional, consulting, public works, maintenance and other general services) and equipment

Public works projects- City shall comply with the California Public Contract Code for public works projects

Municipal Code Requirements

Basis of Award: For materials, supplies, services (professional, consulting, maintenance and other general services) and equipment:

- ☐ **lowest total cost commensurate with quality and scope needed subject to state law limits**
- ☐ **Professional services- demonstrated competence, professional qualifications and suitability for project**
- ☐ **Can consider cost of professional services if relevant factor under the circumstances**
- ☐ **Require all applicable laws for bidders security, bonding and prevailing wage**

Municipal Code Requirements Dollar Limits

Professional Service Contracts \$30,000 or Less

- ☐ **Awarded by City Manager**
- ☐ **RFP or Notice Inviting Informal Bids**
- ☐ **Provide to at least 3 vendors**
- ☐ **Endeavor to receive at least 3 proposals**
- ☐ **Alternative procedure-by negotiated contract, purchase order**
- ☐ **Alternative procedure-oral quote from potential contractors and accepts quote determined in best interest of City**

Municipal Code Requirements Dollar Limits

Professional Service Contracts \$30,000 or Less

- ☐ **Best serve interests of City**
- ☐ **Take into account competence, professional qualifications and suitability for project**
- ☐ **Cost can be considered if City determines it is relevant**

Municipal Code Requirements Dollar Limits

Professional Service Contracts \$30,001 or more

- ☐ **Awarded by City Council**
- ☐ **RFP or Notice Inviting Informal Bids**
- ☐ **Provide to at least 3 vendors**
- ☐ **Endeavor to receive at least 3 proposals**
- ☐ **Or Formal Bidding**

Municipal Code Requirements Dollar Limits

Professional Service Contracts \$30,001 or More

- ☐ **Best serve interests of City**
- ☐ **Take into account competence, professional qualifications and suitability for project**
- ☐ **Cost can be considered if City determines it is relevant**

Municipal Code Requirements

Dollar Limits

Materials, Supplies and Equipment \$30,000 or less

- ☐ **Awarded by City Manager**
- ☐ **RFP or Notice Inviting Informal Bids**
- ☐ **Provide to at least 3 vendors**
- ☐ **Endeavor to receive at least 3 proposals**
- ☐ **Alternative procedure-by negotiated contract, purchase order or other procedure in purchasing policy**
- ☐ **Alternative procedure-oral quote from potential contractors and accepts quote determined in best interest of City**
- ☐ **Best Interests of City**

Municipal Code Requirements Dollar Limits

Materials, Supplies and Equipment \$30,001 or more

- ☐ **Awarded by City Council**
- ☐ **RFP or Notice Inviting Informal Bids**
- ☐ **Provide to at least 3 vendors**
- ☐ **Endeavor to receive at least 3 proposals**
- ☐ **Or Formal Bidding**
- ☐ **Lowest and responsible bidder**

Municipal Code Requirements Public Works Project

Public Works Contract

- ☐ Adopted Uniform Public Construction Cost Accounting Act
- ☐ Informal and Formal Bidding with Dollar Limits
- ☐ \$60,000 or less-negotiated contract
- ☐ \$200,000 or less- informal bidding procedures
- ☐ \$200,000 or more-formal bidding procedures

Municipal Code Requirements Public Works Project

Public Project Definition

- ☐ Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.
- ☐ Painting or repainting of any publicly owned, leased, or operated facility.

Municipal Code Requirements Public Works Project

Public Project Definition

☐ Exceptions

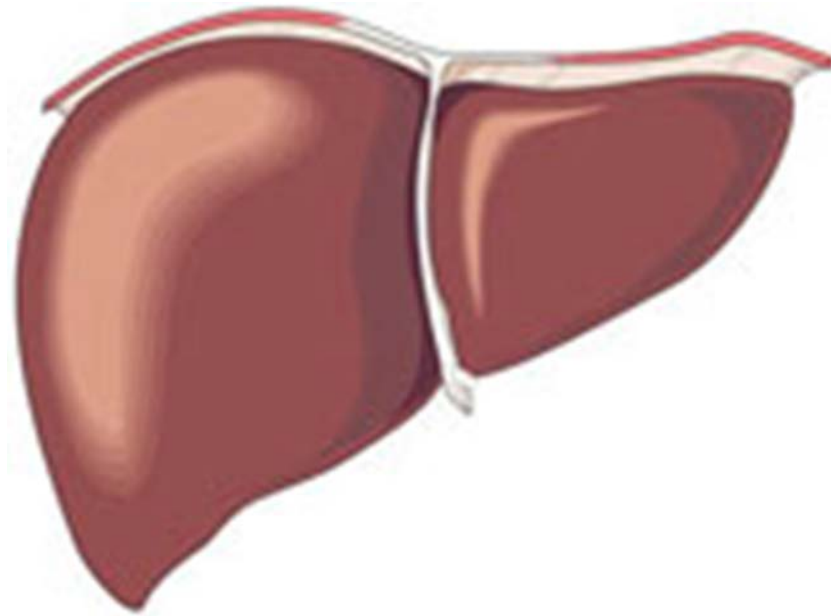
- ☐ Routine, recurring, usual work for preservation or protection of owned or operated facility
- ☐ Maintenance work
- ☐ Minor repainting
- ☐ Resurfacing of streets at less than one inch
- ☐ Landscape maintenance

Anatomy of a Contract

What is the Most Important Organ?

Heart, Brain, Lungs, Kidneys, Skin, Liver,
Gallbladder??

Anatomy of a Contract



Anatomy of a Contract

Dr. Oz Says...

The Liver is the Most Important Organ

Anatomy of a Contract

The SCOPE OF WORK is the Liver

What...am I contracting for

When...will I receive the goods

How...will it be installed

Where...will it be delivered

Anatomy of a Contract

You Gotta Have Heart!



Compensation is the Heart of a Contract

Anatomy of a Contract

What's something that you do all day, every day, no matter where you are or who you're with?

Anatomy of a Contract

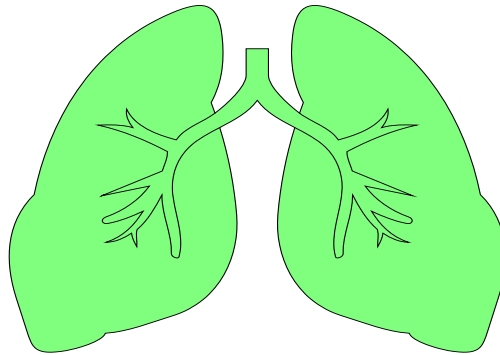
Breathe

**“I do my job like I breathe — so if I can’t breathe
I’m in trouble.”**

— Karl Lagerfeld

Anatomy of a Contract

Our Lungs

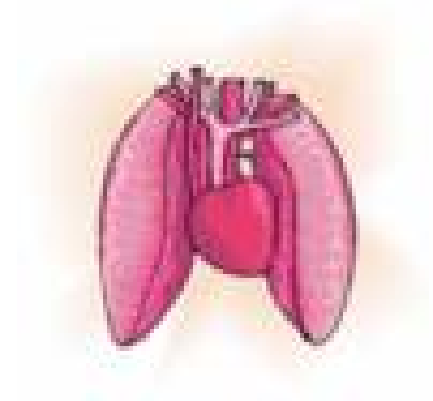


You Can't Let Them Collapse--

Anatomy of a Contract

Or Elapse...

“Insurance and Indemnification”



Anatomy of a Contract

What Holds our Organs in Place?

Anatomy of a Contract

Bones



Every Contract Has Bones

Anatomy of a Contract

Bones

Name of Contracting Party

Date of Agreement

Address of Contracting Party

Warranty/Guarantee

Termination

Provision

Attorneys Fees

Work Product

Legal Minutia

Anatomy of a Contract

If I Only Had a Brain



Anatomy of a Contract

In the Wizard of Oz, the scarecrow received a diploma.

According to Oz, the only thing separating Scarecrow from other great thinkers was this diploma, so he gave him one.

Anatomy of a Contract

Brain-The Art of Negotiation





Discussion/Action Item

AGENDA 9
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 25, 2019
TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL
FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JV*
BY: GUILLERMO PADILLA, BUILDING AND PLANNING SECRETARY
RE: CONSIDERATION OF CITY STREET NAME SIGN DESIGN

RECOMMENDATION

Staff recommends that the City Council choose either Concept A or Concept B, provide staff direction on the preferred color scheme of the signs and direct staff to gather proposals for the manufacturing and installation of signs.

FISCAL IMPACT

The selection of a street name sign design will not impact the City's budget. If a concept and color are selected, staff will gather quotes for manufacturing and installation.

LEGAL REVIEW

This item was not reviewed by the City Attorney's Office

DISCUSSION

At the July 10, 2019 City Council meeting, Vance Pomeroy from Interwest Consulting Group presented to the City Council street sign design concepts for the City of Maywood. At the conclusion of the presentation and discussion, the City Council directed staff to post a survey on the City's website, and Facebook

page to obtain resident input. Staff posted a survey for 2 weeks, 8/05/19-8/19/19, on both the City's website and Facebook page.

The results are as follows:

Concept	Facebook	Website	Total
Concept A	470	73	543
Concept B	90	13	103
Total received	560	86	646

Staff researched color schemes of street signs from nearby cities.

Results are as follows:

City	Background	Lettering
Bell	Green	White
Bell Gardens	Blue	White
Commerce	Green	White
Huntington Park	Blue	White
South Gate	Green	White
Vernon	Blue	White

Throughout the survey, staff received numerous questions and comments regarding the sale of old street signs. As a result, staff will create a procedure to collect and sell the old street signs and present it to City Council on a later date.

ATTACHMENT(S)

Attachment No. 1 – Concept A

Attachment No. 2 – Concept B

Attachment No. 3 – Color Contrast Chart

ATTACHMENT NO. 1



MAYWOOD

MAYFLOWER

AV

5900



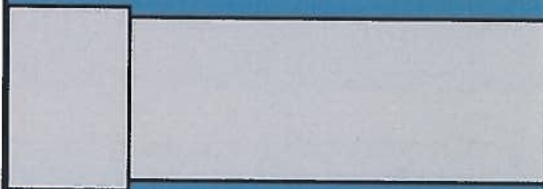
ATTACHMENT NO. 2

MAYFLOWER

5900

AV

MAYWOOD



ATTACHMENT NO. 3

HUE	LR(%)
RED	13
YELLOW	71
BLUE	15
ORANGE	34
GREEN	17
PURPLE	18
PINK	30
BROWN	14
BLACK	8
GREY	19
WHITE	85
BEIGE	61

Designworkplan

CONTRAST VALUE AND RELATIONSHIP

	82	13	62	24	28	56	7	38	32	84	78
82		79	52	76	75		80	89	73	14	14
13	79		56	12	17	50		47	21	82	75
62	52	56				12	59	76		60	44
24	76		50			43	18	53		80	72
28	75	17	47			40	22	56		79	70
56	80						53	73	37	65	51
7	89		76		56	73			58	91	89
32	73	21				37	26	50		78	69
84	14	82	60	80	79	65	84	91	78		
78	14	75	44	72	70	51	77	89	69		

— Arthur&Passini 1992

Below: A formula for working out optimal contrast.

SCIENTIFIC CALCULATION

$$\left\{ \frac{K1 - K2}{K1} \right\} \times 100 = H$$

K1 = Highest color value

K2 = Lowest color value

H = Contrast value

**Optimal contrast value
is at least a hue of 70.**

EXAMPLE

1



TEXT COLOR: BLACK 8

BACKGROUND COLOR: RED 13

$$\left\{ \frac{13 - 8}{13} \right\} \times 100 = 38$$



CONTRAST NOT
SUFFICIENT FOR DISPLAY

2



TEXT COLOR: BLACK 8

BACKGROUND COLOR: WHITE 85

$$\left\{ \frac{85 - 13}{85} \right\} \times 100 = 84$$



SUFFICIENT CONTRAST
FOR DISPLAY

Designworkplan

— Arthur&Passini 1992



Discussion/Action Item

AGENDA 10
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 25, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JV*

BY: PRISCILLA KINNARD, DEPUTY CITY CLERK

RE: CITY POSITION ON RESOLUTIONS BEING CONSIDERED BY
THE LEAGUE OF CALIFORNIA CITIES AT THE 2019 ANNUAL
CONFERENCE

RECOMMENDATION

Staff recommends that the City Council determine whether or not to support the following resolutions that will be considered by the League of California Cities at its General Assembly Meeting on Friday, October 18, 2019:

1. Resolution of the League of California Cities calling on the California Public Utilities Commission to amend Rule 20A to add projects in very high fire hazard severity zones to the list of eligibility criteria and to increase funding allocations for Rule 20A projects.
2. Resolution calling upon the Federal and State Governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean.

FISCAL IMPACT

None.

LEGAL REVIEW

This item was not reviewed by the City Attorney.

BACKGROUND

At its meeting of July 24, 2019 the Maywood City Council appointed Mayor Eddie De La Riva to serve as the City's voting delegate at the 2019 Annual Business Meeting. At that same meeting, Council appointed Mayor Pro Tem Ricardo Lara and Councilmember Heber Marquez to serve as the City's alternate voting delegates. The Annual Business Meeting will take place at the League's General Assembly Meeting on Friday, October 18, 2019 at 12:30 p.m.

A copy of the 2019 Annual Conference Resolutions Packet is attached, which includes background information, support letters from various Cities, and League staff analyses of the subject resolutions.

ATTACHMENT(S)

Attachment No. 1 – 2019 Annual League of California Cities Conference Resolutions packet

ATTACHMENT NO. 1



*Annual Conference
Resolutions Packet*

2019 Annual Conference Resolutions



Long Beach, California

October 16 – 18, 2019

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, two resolutions have been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet at the Annual Conference to consider and take action on the resolutions referred to them. The committees are: Environmental Quality and Transportation, Communication & Public Works. The committees will meet from 9:00 – 11:00 a.m. on Wednesday, October 16, at the Hyatt Regency Long Beach. The sponsors of the resolutions have been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, October 17, at the Hyatt Regency Long Beach, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:30 p.m. on Friday, October 18, at the Long Beach Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 17. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Carly Shelby cshelby@cacities.org 916-658-8279 or Nick Romo nromo@cacities.org 916-658-8232 at the League office.

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principles around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, October 16, 9:00 – 11:00 a.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

The following committees will be meeting:

1. Environmental Quality 10:00 - 11:00 a.m.
2. Transportation, Communication & Public Works 9:00 - 10:00 a.m.

General Resolutions Committee

Thursday, October 17, 1:00 p.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

Annual Business Meeting and General Assembly Luncheon

Friday, October 18, 12:30 p.m.

Long Beach Convention Center

300 East Ocean Boulevard, Long Beach

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee		
		2 – General Resolutions Committee		
		3 - General Assembly		

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A			
2	International Transboundary Pollution Flows			

TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet is posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- | | |
|-----|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |
| a | Amend+ |
| Aa | Approve as amended+ |
| Aaa | Approve with additional amendment(s)+ |
| Ra | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+ |
| Da | Amend (for clarity or brevity) and Disapprove+ |
| Na | Amend (for clarity or brevity) and take No Action+ |
| W | Withdrawn by Sponsor |

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Guidelines for the Annual Conference Resolutions Process.](#)

League of California Cities Resolution Process

REGULAR RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Approve	Approve	Consent Calendar ¹
Approve	Disapprove or Refer	Regular Calendar ²
Disapprove or Refer	Approve	Regular Calendar
Disapprove or Refer	Disapprove or Refer	Does not proceed to General Assembly

PETITION RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Not Heard in Policy Committee	Approve	Consent Calendar
Not Heard in Policy Committee	Disapprove or Refer	Regular Calendar
Not Heard in Policy Committee	Disqualified per Bylaws Art. VI	Does not proceed to General Assembly

Resolutions

- Submitted 60 days prior to conference *Bylaws Article VI, Sec. 4(a)*
- Signatures of at least 5 supporting cities or city officials submitted with the proposed resolution *Bylaws Article VI, Sec. 2*
- Assigned to policy committee(s) by League president *Bylaws Article VI, Sec. 4(b)(i)*
- Heard in policy committee(s) and report recommendation, if any, to GRC *Bylaws Article VI, Sec. 4(b)(ii)*
- Heard in GRC
 - Approved by policy committee(s) and GRC, goes on to General Assembly on consent calendar *2006 General Assembly Resolution Sec. 2(C)*
 - If amended/approved by all policy committee(s) to which it has been referred and disapproved by GRC, then goes on to General Assembly on the regular calendar. If not all policy committees to which it has been referred recommend amendment or approval, and the GRC disapproves or refers the resolution, the resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(A),(C); 1998 General Assembly Resolution, 1st Resolved Clause*
 - If disapproved by all policy committees to which it has been referred and disapproved by the GRC, resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(C)*
- Heard in General Assembly

¹ The consent calendar should only be used for resolutions where there is unanimity between the policy committees and the GRC that a resolution should be approved by the General Assembly, and therefore, it can be concluded that there will be less desire to debate the resolution on the floor.

² The regular calendar is for resolutions for which there is a difference in recommendations between the policy committees and the GRC.

Petitioned Resolutions

- Submitted by voting delegate *Bylaws Article VI, Sec. 5 (a)*
- Must be signed by voting delegates representing 10% of the member cities *Bylaws Article VI, Sec. 5 (c)*
- Signatures confirmed by League staff
- Submitted to the League president for confirmation 24 hours before the beginning of the General Assembly. *Bylaws Article VI, Sec. 5 (d)*
- Petition to be reviewed by Parliamentarian for required signatures of voting delegates and for form and substance *Bylaws Article VI, Sec. 5(e)*
- Parliamentarian's report is presented to chair of GRC
- Will be heard at GRC for action (GRC cannot amend but may recommend by a majority vote to the GA technical or clarifying amendments) *2006 General Assembly Resolution sec. 6(A), (B)*
- GRC may disqualify if:
 - Non-germane to city issues
 - Identical or substantially similar in substance to a resolution already under consideration *Bylaws Article VI, Sec. 5(e), (f)*
- Heard in General Assembly
 - General Assembly will consider the resolution following the other resolutions³ *Bylaws Article VI, Sec. 5(g)*
 - Substantive amendments that change the intent of the petitioned resolution may only be adopted by the GA *2006 General Assembly Resolution sec. 6(C)*

Voting Procedure in the General Assembly

Consent Calendar: Resolution approved by Policy Committee(s) and GRC. Petitioned resolution approved by GRC)

- GRC Chair will be asked to give the report from the GRC and will ask for adoption of the GRC's recommendations
- Ask delegates if there is a desire to call out a resolution for discussion
- A voting delegate may make a motion to remove a resolution from the consent calendar for discussion
- If a motion is made to pull a resolution, the General Assembly votes on whether to pull the resolution from the consent calendar.
- If a majority of the General Assembly votes to pull the resolution, set "called out" reso(s) aside. If the motion fails, the resolution remains on the consent calendar.
- If reso(s) not called out, or after "called out" reso is set aside, then ask for vote on remaining resos left on consent
- Move on to debate on reso(s) called out
- After debate, a vote is taken
- Voting delegates vote on resolutions by raising their voting cards.⁴

³ Petitioned Resolutions on the Consent Calendar will be placed after all General Resolutions on the Consent Calendar. Petitioned Resolutions on the Regular Calendar will be placed after all General Resolutions on the Regular Calendar.

⁴ Amendments to League bylaws require 2/3 vote

Regular Calendar: Regular resolutions approved by Policy Committee(s)⁵, and GRC recommends disapproval or referral; Regular resolutions disapproved or referred by Policy Committee(s)⁶ and GRC approves; Petitioned resolutions disapproved or referred by the GRC.

- Open the floor to determine if a voting delegate wishes to debate a resolution on the regular calendar.
- If no voting delegate requests a debate on the resolution, a vote to ratify the recommendation of the GRC on the resolution is taken.
- Upon a motion by a voting delegate to debate a resolution, a debate shall be held if approved by a majority vote of the General Assembly. If a majority of the General Assembly to debate the resolution is not achieved, then a vote shall be taken on whether to ratify the GRC's recommendation. If a majority of the General Assembly approves of the motion to debate the resolution, debate will occur. After debate on the resolution, a vote is taken based upon the substitute motion that was made, if any, or on the question of ratifying the GRC's recommendation.
- Voting delegates vote by raising their voting cards.

⁵ Applies in the instance where the GRC recommendation of disapproval or refer is counter to the recommendations of the policy committees.

⁶ Applies in the instance where the GRC recommendation to approve is counter to the recommendations of the policy committees.

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials

Cities: City of Hidden Hills, City of La Cañada Flintridge, City of Laguna Beach, City of Lakeport, City of Malibu, City of Moorpark, City of Nevada City, City of Palos Verdes Estates, City of Rolling Hills Estates, City of Rolling Hills, City of Ventura

Referred to: Environmental Quality Policy Committee; Transportation, Communications, and Public Works Policy Committee

WHEREAS, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

WHEREAS, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

WHEREAS, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

WHEREAS, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

WHEREAS, California is experiencing fire seasons of worsening severity; and

WHEREAS, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

WHEREAS, brush fires are not restricted to starting near streets with high volumes of public traffic; and

WHEREAS, expanding Rule 20A criteria to include Very High Fire Hazard Severity Zones would facilitate undergrounding projects that would help prevent fires; and

WHEREAS, expanding Rule 20A criteria as described above and increasing funding allocations for Rule 20A projects would lead to more undergrounding in Very High Fire Hazard Severity Zones; and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility and to increase funding allocations for Rule 20A projects.

Background Information on Resolution No. 1

Source: City of Rancho Palos Verdes

Background:

Rancho Palos Verdes is the most populated California city to have 90 percent or more of residents living in a Cal Fire-designated Very High Fire Hazard Severity Zone. Over the years, the Palos Verdes Peninsula has seen numerous brush fires that were determined to be caused by electrical utility equipment.

Across the state, some of the most destructive and deadly wildfires were sparked by power equipment. But when it comes to undergrounding overhead utilities, fire safety is not taken into account when considering using ratepayer funds to pay for these projects under California's Electric Tariff Rule 20 program. The program was largely intended to address visual blight when it was implemented in 1967. Under Rule 20A, utilities must allocate ratepayer funds to undergrounding conversion projects chosen by local governments that have a public benefit and meet one or more of the following criteria:

- Eliminate an unusually heavy concentration of overhead lines;
- Involve a street or road with a high volume of public traffic;
- Benefit a civic or public recreation area or area of unusual scenic interest; and,
- Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines.

As we know, brush fires are not restricted to erupting in these limited areas. California's fire season has worsened in severity in recent years, claiming dozens of lives and destroying tens of thousands of structures in 2018 alone.

Excluding fire safety from Rule 20A eligibility criteria puts the task of undergrounding power lines in Very High Fire Hazard Severity Zones squarely on property owners who are proactive, willing and able to foot the bill.

The proposed resolution calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the proposed resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

If adopted, utilities will be incentivized to prioritize undergrounding projects that could potentially save millions of dollars and many lives.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Rony Berdugo, Legislative Representative, Derek Dolfie, Legislative Representative, Caroline Cirrincione, Legislative Policy Analyst
Committees: Environmental Quality; Transportation, Communications, and Public Works

Summary:

This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

Background

California Wildfires and Utilities

Over the last several years, the increasing severity and frequency of California's wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to recent catastrophic wildfires, Governor Newsom established a Strike Force tasked with developing a "comprehensive roadmap" to address issues related to wildfires, climate change, and utilities. The Strike Force report acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom's Wildfire Strike Force program report concludes, "It's not a question of "if" wildfire will strike, but "when."

Very High Fire Hazard Severity Zones

This Resolution seeks to expand the undergrounding of overhead utility lines in VHFHSZ. California Government Code Section 51178 requires the Director of the California Department of Forestry and Fire Protection (CalFIRE) to identify areas in the state as VHFHSZ based on the potential fire hazard in those areas. VHFHSZ are determined based on fuel loading, slope, fire weather, and other relevant factors. These zones are in both local responsibility areas and state responsibility areas. Maps of the statewide and county by county VHFHSZ can be found here.¹

¹ <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state's population, 11 million people, live in those high-risk areas. Additionally, over 350,000 Californians live in cities that are nearly encompassed within Cal Fire's maps of VHFHSZ. Similar to the proponents of this Resolution, City of Rancho Palos Verdes, over 75 communities have 90 percent or more of residents living in a VHFHSZ.

CPUC Rule 20 Program

The CPUC's Rule 20 program lays out the guidelines and procedures for converting overhead electric and telecommunication facilities to underground electric facilities. Rule 20 funding and criteria is provided at four levels. Levels A, B, and C, reflect progressively diminishing ratepayer funding for undergrounding projects. Recently added Rule 20D is a relatively new program that is specific to San Diego Gas and Electric (SDG&E), which was created in response to the destructive 2007 wildfires. Each of these levels will be discussed below:

Rule 20A

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around \$95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At the last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government's Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities' service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E's Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E's annual allocations for Rule 20A have been around \$41.3 million annually, which is between two and three percent of their total revenue.

Criteria for Rule 20A Projects

For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines
2. Involve a street or road with a high volume of public traffic
3. Benefit a civic or public recreation area or area of unusual scenic interest,
4. Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

Rule 20A Credit System Imbalance Threatens Program Effectiveness

Allocations are made by utilities each year for Rule 20A credits. These current budget allocations total \$95.7 million a year. Currently, the cumulative balance of credits throughout the state totals over \$1 billion dollars. The Rule 20A cumulative balances aggregated by region can be found [here](#).²

² Program Review, California Overhead Conversion Program, Rule 20A for Years 2011-2015, "The Billion Dollar Risk," California Public Utilities Commission.

[https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_\(2014_forward\)\(1\)/PPD_Rule_20-A.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_(2014_forward)(1)/PPD_Rule_20-A.pdf)

Note: The existing credit allocation formulas do not consider a municipality's need or plans for overhead conversion projects, resulting in large credit balances in some jurisdictions.

Cities and counties are, however, able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency.

Rule 20B

Rule 20B projects are those that do not fit the Rule 20A criteria, but do, however, involve both sides of the street for at least 600 feet. These projects are typically done in conjunction with larger developments and are mostly paid for by the developer or applicant. Additionally, the applicant is responsible for the installation.

Rule 20C

Rule 20C projects are usually small projects that involve property owners. The majority of the cost is usually borne by the applicants. Rule 20C applies when the project does not qualify for either Rule 20A or Rule 20B.

Rule 20D--Wildfire Mitigation Undergrounding Program

Rule 20D was approved by the CPUC in January of 2014 and only applies to SDG&E. The Rule 20D program was established largely in response to the destructive wildfires that occurred in San Diego in 2007 as a wildfire mitigation undergrounding program. According to SDG&E, the objective of the Rule 20D undergrounding is exclusively for fire hardening as opposed to aesthetics. The program is limited in scope and is restricted to communities in SDG&E's Fire Threat Zone (now referred to as the High Fire Threat District or HFTD). As of this time, the program has yet to yield any projects and no projects are currently planned.

For an undergrounding project to qualify for the Rule 20D program, a minimum of three of the following criteria must be met. The project must be near, within, or impactful to:

- Critical electric infrastructure
- Remaining useful life of electric infrastructure
- Exposure to vegetation or tree contact
- Density and proximity of fuel
- Critical surrounding non-electric assets (including structures and sensitive environmental areas)
- Service to public agencies
- Accessibility for firefighters

Similar to Rule 20A, SDG&E must allocate funding each year through their general rate case proceedings to Rule 20D to be approved by the CPUC. This funding is separate from the allocations SDG&E makes for Rule 20A. However, the process of distributing this funding to localities is different. The amount of funding allocated to each city and county for Rule 20D is based on the ratio of the number of miles of overhead lines in SDG&E Fire Threat Zones in a city or county to the total miles of SDG&E overhead lines in the entire SDG&E fire zone. The

Rule 20D program is administered by the utility consistent with the existing reporting, engineering, accounting, and management practices for Rule 20A.

The Committee may want to consider whether Rule 20D should instead be expanded, adapted, or further utilized to support funding for overhead conversions within VHFHSZ throughout the state.

Fiscal Impact:

The costs to the State associated with this Resolution will be related to the staff and programmatic costs to the CPUC to take the necessary measures to consider and adopt changes to Rule 20A to include projects in VHFHSZ to the list of criteria for eligibility.

This Resolution calls for an unspecified increase in funding for Rule 20A projects, inferring that portions of increased funds will go towards newly eligible high fire hazard zones. While the Resolution does not request a specific amount be allocated, it can be assumed that these increased costs will be supported by utility ratepayers. According to the CPUC, the annual allocations towards Rule 20A are \$95.7 million.

The CPUC currently reports a cumulative credit surplus valued at roughly \$1 billion that in various regions, given the approval of expanded eligibility called for by this Resolution, could be used to supplement and reduce the level of new dollars needed to make a significant impact in VHFHSZ. The CPUC follows that overhead conversion projects range from \$93,000 per mile for rural construction to \$5 million per mile for urban construction.

The Resolution states that “California is experiencing fire seasons of worsening severity” which is supported by not only the tremendous loss of property and life from recent wildfires, but also in the rising costs associated with clean up, recovery, and other economic losses with high estimates in the hundreds of billions of dollars.

The Committee may wish to consider the costs associated with undergrounding utility lines in relation to the costs associated with past wildfires and wildfires to come.

Comments:

CPUC Currently Exploring Revisions to Rule 20

In May 2017, the CPUC issued an Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters. The CPUC will primarily focus on revisions to Rule 20A but may make conforming changes to other parts of Rule 20. The League is a party in these proceedings will provide comments.

Beyond Rule 20A: Additional Options for Funding Undergrounding Projects

There are various ways in which cities can generate funding for undergrounding projects that fall outside of the scope of Rule 20A. At the local level, cities can choose to forgo the Rule 20A process and opt to use their own General Fund money for undergrounding. Other options are also discussed below:

Rule 20D Expansion

The City of Berkeley in a 2018 study titled “Conceptual Study for Undergrounding Utility Wires in Berkeley.” found that the city could possibly qualify for Rule 20D funding if they actively pursued this opportunity in partnership with PG&E and the CPUC.

One of the study’s recommendations is to advocate for release of 20D funds (now earmarked exclusively for SDG&E) to be used for more aggressive fire hardening techniques for above-ground utility poles and equipment, for undergrounding power lines, and for more aggressive utility pole and vegetation management practices in the Very High Hazard Fire Zone within Berkeley’s city limits.

As an alternative to changing the criteria for Rule 20A, the Committee may wish to consider whether there is the opportunity to advocate for the expansion of Rule 20D funding more broadly, expanding its reach to all IOU territories.

Franchise Surcharge Fees

Aside from Rule 20 allocations, cities can generate funding for undergrounding through franchise fee surcharges. For example, SDG&E currently operates under a 50-year City franchise that was granted in 1970. Under the franchises approved by the San Diego City Council in December 1970, SDG&E agreed to pay a franchise fee to the City equivalent to 3% of its gross receipts from the sales of both natural gas and electricity for 30 years.

These fees were renegotiated in 2000 and in 2001 an agreement was between the City of San Diego, SDG&E, and the CPUC to extend the existing franchise fee to include revenues collected from surcharges. SDG&E requested an increase of 3.88% to its existing electric franchise fee surcharge. The bulk, 3.53% of this increase is to be used for underground conversion of overhead electric wires.

Based on SDG&E's revenue projections, the increase would result in an additional surcharge revenue amount of approximately \$36.5 million per year. SDG&E estimates that this would create a monthly increase of approximately \$3.00 to a typical residential customer's electric bill. These surcharge revenues would pay for additional undergrounding projects including those that do not meet the Rule 20A criteria. The City of Santa Barbara has also adopted a similar franchise surcharge fee.

Having this funding source allows the City of San Diego to underground significantly more miles of above ground utility lines than other municipalities. However, the surcharge is currently being challenged in court, as it is argued that the City had SDG&E impose a tax without a ballot measure.

Utility Bankruptcy and Undergrounding Funding

In considering this Resolution, it is important to understand that Rule 20A allocations have been more substantial in the past. As mentioned earlier, prior to 2011, PG&E was allocating approximately 5% to 6% of its revenue to the Rule 20A program. Therefore, it is not unreasonable to encourage an increase in Rule 20A allocations as history shows that utilities had the capacity to do so in the past.

However, in a time where IOUs such as PG&E are facing bankruptcy as the result of utility caused wildfires, there is the possibility that expanding rule 20A funding will generate more costs for the ratepayers.

Questions to Consider:

- 1) Is Rule 20A or Rule 20D the more appropriate program to advocate for such an expansion?
- 2) Are there any wildfire risks outside of VHFHSZ that could be mitigated by undergrounding projects?

Existing League Policy:

Public Safety:

The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions. (pg. 43)

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities' authority and discretion to provide all emergency services to their communities. (pg. 43)

Transportation, Communication, and Public Works:

Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding. (pg. 54)

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. (pg. 51)

The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding. (pg. 52)

Environmental Quality

The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund. (pg. 9)

Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises. (pg. 9)

The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community. (pg. 10)

2019 Strategic Goals

Improve Disaster Preparedness, Recovery and Climate Resiliency.

- Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
- Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

Support:

The following letters of concurrence were received:

The City of Hidden Hills

The City of La Cañada Flintridge

The City of Laguna Beach

The City of Lakeport

The City of Malibu

The City of Moorpark

The City of Nevada City

The City of Palos Verdes Estates

The City of Rolling Hills Estates

The City of Rolling Hills

The City of Ventura

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Rule 20A



City of Hidden Hills

6165 Spring Valley Road * Hidden Hills, California 91302
(818) 888-9281 * Fax (818) 719-0083

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

Dear President Arbuckle:

The City of Hidden Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

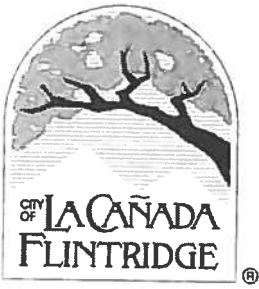
The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Larry G. Weber
Mayor



City Council
Leonard Pieroni, Mayor
Gregory C. Brown, Mayor Pro Tem
Jonathan C. Curtis
Michael T. Davitt
Terry M. Walker

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of La Cañada Flintridge supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of La Cañada Flintridge is one of the few Southern California cities in which 100% of the community within a Very High Fire Hazard Severity Zone. The City, in 1987, committed 100% of its 20A allocation for forty-five years from this year for a major downtown undergrounding project. Therefore, the only way our City can directly benefit from this Resolution is if there is an additional annual increased allocation for this purpose. Due to the extreme threat the City experienced at the time of the Station Fire, the City is keenly aware of the damage a fire may potentially cause, whether from utility issues or from natural causes. The City strongly supports any effort, including this Resolution, to reduce fire danger for the City's residents.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly with the City of La Cañada Flintridge in support.

Sincerely,

Leonard Pieroni
Mayor



July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Laguna Beach supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. Ten to the Top 20 most destructive fires in California were caused by electrical sources. The California's Rule 20A program, which allows local governments to pay for undergrounding of utilities costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it. We also believe that this program should redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. The City of Laguna Beach recommends that the resolution also be amended to call on the CPUC to redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

Nearly 90% of the City of Laguna Beach land area is designated under State Law and local ordinance as Very High Fire Hazard Severity Zone. While the City has used Rule 20A and 20B funding in the past to underground more than half of its overhead utilities, sufficient funding is not available to underground the remaining parts of the City.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Whalen", with a stylized, cursive script.

Bob Whalen
Mayor

CITY OF LAKEPORT

*Over 125 years of community
pride, progress and service*



August 7, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Lakeport supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

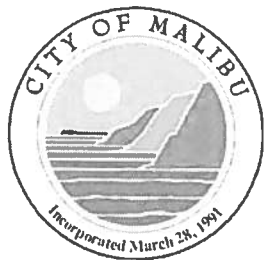
The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Tim Barnes
Mayor
City of Lakeport



City of Malibu

Jefferson Wagner, Mayor

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: City of Rancho Palos Verdes Proposed Resolution to Amend California Public Utilities Commission Rule 20A – SUPPORT

Dear Ms. Arbuckle:

At its Regular meeting on August 12, 2019, the Malibu City Council unanimously voted to support the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state, but California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, as well as willing and able to foot the bill. The City of Malibu agrees with Rancho Palos Verdes that Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. As a recent series of news stories on wildfire preparedness in California pointed out, there are more than 75 communities across the state with populations over 1,000, including Rancho Palos Verdes and Malibu, where at least 90 percent of residents live in a Cal Fire-designated Very High Fire Hazard Severity Zone.

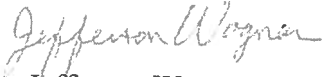
It is well-known that electric utility equipment is a common fire source, and has sparked some of the most destructive blazes in our state's history. Moving power lines underground is, therefore, a critical tool in preventing them. Currently, Rule 20A primarily addresses visual blight, but with fire seasons worsening, it is key that fire safety also be considered when local governments pursue Rule 20A projects, and that annual funding allocations for the program be expanded.

It is worth noting that the State does have a program, Rule 20D, that factors in fire safety for funding undergrounding projects. However, this is limited to San Diego Gas & Electric Company projects in certain areas only. This needs to be expanded to include projects in all projects within designated Very High Fire Hazard Severity Zones.

The proposed resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, the City of Malibu strongly concurs that the resolution should go before the General Assembly.

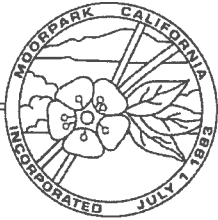
Sincerely,



Jefferson Wagner
Mayor

Cc: Honorable Members of the Malibu City Council
Reva Feldman, City Manager
Megan Barnes, City of Rancho Palos Verdes, mbarnes@rpvca.gov





CITY OF MOORPARK

799 Moorpark Avenue, Moorpark, California 93021
Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

July 24, 2019

SUBMITTED ELECTRONICALLY

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: SUPPORT FOR RANCHO PALOS VERDES RESOLUTION RE: POWER LINE
UNDERGROUNDING

Dear President Arbuckle:

The City of Moorpark supports the City of Rancho Palos Verdes effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

All cities in Ventura County, including Moorpark, have wildfire prevention fresh in our memories following the highly destructive 2017-2018 Thomas Fire, which was caused by above-ground power lines. The 2018 Woolsey Fire similarly affected Ventura County, and lawsuits have been filed alleging it was also caused by above-ground power lines. Each of these fires caused billions of dollars in damages and highlight the importance of undergrounding power lines.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in cursive script, reading "Janice Parvin". The signature is written in dark ink and is positioned above the printed name and title.

Janice Parvin
Mayor

cc: City Council
City Manager



Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Nevada City supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of Nevada City would also like to add that the local agency be given the power to use private firms to do design, inspect and construct Rule 20A projects in local jurisdiction rather than be required to use the designated local utility. In addition, the City of Nevada City wants the CPUC to allow local jurisdictions to transfer excess funds between agencies to better serve projects in high fire hazard severity zones.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Reinette Senum
Mayor
City of Nevada City



CITY OF
Palos Verdes Estates

July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's current Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Mayor Kenneth J. Kao
City of Palos Verdes Estates

cc: PVE City Council
PVE Interim City Manager Petru
RPV City Manager Willmore



City of
Rolling Hills Estates

Judith Mitchell
Mayor

Velveth Schmitz
Mayor Pro Tem

Britt Huff
Council Member

Frank V. Zerunyan
Council Member

Steven Zuckerman
Council Member

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Rolling Hills Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,


Judith Mitchell
Mayor



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear Board of Directors:

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Leah Mirsch
Mayor

July 29, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Ventura supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,



Alex D. McIntyre
City Manager

2. A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Source: San Diego County Division

Concurrence of five or more cities/city officials

Cities: Calexico; Coronado; Imperial Beach; San Diego

Individual City Officials: City of Brawley: Mayor Pro Tem Norma Kastner-Jauregui; Council Members Sam Couchman, Luke Hamby, and George Nava. City of Escondido: Deputy Mayor Consuelo Martinez. City of La Mesa: Council Member Bill Baber. City of Santee: Mayor John Minto, City of Vista: Mayor Judy Ritter and Council Member Amanda Young Rigby

Referred to: Environmental Quality Policy Committee

WHEREAS, international transboundary rivers that carry water across the border from Mexico into Southern California are a major source of sewage, trash, chemicals, heavy metals and toxins; and

WHEREAS, transboundary flows threaten the health of residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, adversely impact the South San Diego County and Imperial County economy; compromise border security, and directly affect U.S. military readiness; and

WHEREAS, a significant amount of untreated sewage, sediment, hazardous chemicals and trash have been entering southern California through both the Tijuana River Watershed (75 percent of which is within Mexico) and New River flowing into southern California's coastal waterways and residential and agricultural communities in Imperial County eventually draining into the Salton Sea since the 1930s; and

WHEREAS, in February 2017, an estimated 143 million gallons of raw sewage flowed into the Tijuana River and ran downstream into the Pacific Ocean and similar cross border flows have caused beach closures at Border Field State Park that include 211 days in 2015; 162 days in 2016; 168 days in 2017; 101 days in 2018; and 187 days to date for 2019 as well as closure of a number of other beaches along the Pacific coastline each of those years; and

WHEREAS, approximately 132 million gallons of raw sewage has discharged into the New River flowing into California through communities in Imperial County, with 122 million gallons of it discharged in a 6-day period in early 2017; and

WHEREAS, the presence of pollution on state and federal public lands is creating unsafe conditions for visitors; these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

WHEREAS, the current insufficient and degrading infrastructure in the border zone poses a significant risk to the public health and safety of residents and the environment on both

sides of the border, and places the economic stress on cities that are struggling to mitigate the negative impacts of pollution; and

WHEREAS, the 1944 treaty between the United States and Mexico regarding *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on trans-border rivers between Mexico and the United States, and provides that the nations, through their respective sections of the International Boundary Water Commission shall give control of sanitation in cross border flows the highest priority; and

WHEREAS, in 1993, the United States and Mexico entered into the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a North American Development Bank* which created the North American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

WHEREAS, public concerns in response to widespread threats to public health and safety, damage to fish and wildlife resources and degradation to California's environment resulting from transboundary river flow pollution in the southernmost regions of the state requires urgent action by the Federal and State governments, and

WHEREAS, Congress authorized funding under the U.S. Environmental Protection Agency's (EPA) Safe Drinking Water Act and established the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water Infrastructure Program (BWIP) in 1996 to provide grants for high-priority water, wastewater, and storm-water infrastructure projects within 100 kilometers of the southern border; and

WHEREAS, the EPA administers the STAG and BWIP programs, and coordinates with the North American Development Bank (NADB) to allocate BWIP grant funds to projects in the border zone; and

WHEREAS, since its inception, the BWIP program has provided funding for projects in California, Arizona, New Mexico and Texas that would not have been constructed without the grant program; and

WHEREAS, the BWIP program was initially funded at \$100 million per year, but, over the last 20 years, has been continuously reduced to its current level of \$10 million; and

WHEREAS, in its FY 2020 Budget Request, the Administration proposed to eliminate the BWIP program; and

WHEREAS, officials from EPA Region 9, covering California, have identified a multitude of BWIP-eligible projects along the southern border totaling over \$300 million; and

WHEREAS, without federal partnership through the BWIP program and state support to address pollution, cities that are impacted by transboundary sewage and toxic waste flows are

left with limited resources to address a critical pollution and public health issue and limited legal remedies to address the problem; and

WHEREAS, the National Association of Counties, (NACo) at their Annual Conference on July 15, 2019 and the U.S. Conference of Mayors at their Annual Conference on in July 1, 2019 both enacted resolutions calling on the federal and state governments to work together to fund and address this environmental crisis; and

WHEREAS, local governments and the public support the State's primary objectives in complying with environmental laws including the Clean Water Act, Porter-Cologne Water Quality Control Act, and Endangered Species Act and are supported by substantial public investments at all levels of government to maintain a healthy and sustainable environment for future residents of California, and

WHEREAS, League of California Cities policy has long supported efforts to ensure water quality and oppose contamination of water resources; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding to the U.S- Mexico Border Water Infrastructure Program (BWIP) and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

Background Information on Resolution No. 2

Source: San Diego County Division

Background:

Along California's southern border with Mexico, the New River in Imperial County and the Tijuana River in San Diego County are a major sources of raw sewage, trash, chemicals, heavy metals, and toxins that pollute local communities. Sewage contaminated flows in the Tijuana River have resulted in significant impacts to beach recreation that includes the closure of Border Field State Beach for more than 800 days over the last 5-years. Similarly, contaminated flows in the New River presents comparable hazards, impacts farm land, and contributes to the ongoing crisis in the Salton Sea. These transboundary flows threaten the health of residents in California and Mexico, harms the ecosystem, force closures at beaches, damage farm land, makes people sick, and adversely affects the economy of border communities. The root cause of this cross border pollution is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs.

The severity of cross border pollution has continued to increase, due in part to the rapid growth of urban centers since the passage of the North American Free Trade Agreement (NAFTA). While economic growth has contributed to greater employment, the environmental infrastructure of the region has not kept pace, which is why Congress authorized the Border Water Infrastructure Program (BWIP) in 1996. The U.S. Environmental Protection Agency (EPA) administers the BWIP and coordinates with the North American Development Bank (NADB) to provide financing and technical support for projects on both sides of the U.S./Mexico border. Unfortunately, the current BWIP funding at \$10 million per year is only a fraction of the initial program budget that shares funding with the entire 2,000 mile Mexican border with California, Arizona, New Mexico and Texas. EPA officials from Region 9 have identified an immediate need for BWIP projects totaling over \$300 million just for California. Without federal partnerships through the BWIP and state support to address cross border pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with limited resources to address a critical pollution and public health issue.

The International Boundary and Water Commission (IBWC) is another important federal stakeholder that, under the Treaty of 1944 with Mexico, must address border sanitation problems. While IBWC currently captures and treats some of the pollution generated in Mexico, it also redirects cross border flows without treatment directly into California.

Improving environmental and public health conditions for communities along the border is essential for maintaining strong border economy with Mexico. The IBWC, EPA, and NADB are the important federal partners with existing bi-national programs that are able to immediately implement solutions on cross border pollution. California is in a unique position to take the lead and work with local and federal partners to implement real solutions that will addresses the long standing and escalating water quality crisis along the border.

For those reasons, the cities of Imperial Beach and Coronado requested the San Diego County Division to propose a resolution at the 2019 League Annual Conference calling upon the federal

and state governments to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California, San Diego and Imperial Counties and the Pacific Ocean.

On August 12, 2019 at the regularly scheduled meeting of the San Diego County Division, the membership unanimously endorsed submittal of the resolution, with close to 75% membership present and voting.

The Imperial County Division does not have a scheduled meeting until after the deadline to submit proposed resolutions. However, the City of Calexico, which is most directly impacted by initial pollution flow of the New River from Mexicali, sent a letter in concurrence of this resolution as well as numerous city officials from cities within Imperial County and the Imperial County Board of Supervisors. The League Imperial County Division will place a vote to support this resolution on the agenda of their September 26, 2019 meeting.

League of California Cities Staff Analysis on Resolution No. 2

Staff: Derek Dolfie, Legislative Representative
Carly Shelby, Legislative and Policy Development Assistant
Committees: Environmental Quality

Summary:

This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico’s Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

Background:

The League of California Cities’ San Diego County Division is sponsoring this resolution to address their concerns over the contaminated flows from the Tijuana River into California that have resulted in the degradation of water quality and water recreational areas in Southern California.

The Tijuana River flows north through highly urbanized areas in Mexico before it enters the Tijuana River Estuary and eventually the Pacific Ocean via waterways in San Diego County in California. Urban growth in Tijuana has contributed to a rise in rates of upstream flows from water treatment facilities in Mexico. These treatment facilities have raised the amount of untreated sewage and waste in the Tijuana River due to faulty infrastructure and improper maintenance. The federal government refers to the river as an “impaired water body” because of the presence of pollutants in excess, which pose significant health risks to residents and visitors in communities on both sides of the border.

Federal Efforts to Address Pollution Crisis

To remedy the Tijuana River’s low water quality, the United States and Mexico entered into a Treaty in 1944 entitled: *Utilization of Waters of the Colorado River and Tijuana Rivers and of the Rio Grande – the International Boundary and Water Commission (IBWC)*. The IBWC was designed to consist of a United States section and a Mexico section. Both sections were tasked with negotiating and implementing resolutions to address water pollution in the area, which includes overseeing the development of water treatment and diversion infrastructure.

After the formation of the IBWC, the U.S. and Mexico entered into a treaty in 1993 entitled: *Agreement Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank*. This agreement established the North American Development Bank (NADB), which certifies and funds infrastructure projects located within 100 kilometers (62 miles) of the border line. The NADB supports federal programs like the Border Water Infrastructure Program (BWIP), which was initially funded at \$100 million, annually.

The degradation of existing water treatment infrastructure along the border coincides with the federal government’s defunding of the BWIP, which has steadily decreased from \$100 million in 1996 to \$10 million today. The Federal FY 2020 Budget proposes eliminating BWIP funding

altogether. EPA's regions 6 and 9 (includes U.S. states that border Mexico) have identified a number of eligible projects that address public health and environmental conditions along the border totaling \$340 million.

The NADB has funded the development of water infrastructure in both the U.S. and Mexico. Water diversion and treatment infrastructure along the U.S – Mexico border includes, but is not limited to, the following facilities:

- *The South Bay International Wastewater Treatment Plant (SBIWTP)*. This facility was constructed by the U.S. in 1990 and is located on the California side of the border and is operated under the jurisdiction of the IBWC. The SBIWTP serves as a diversion and treatment sewage plant to address the flow of untreated sewage from Mexico into the United States.
- *Pump Station CILA*. CILA was constructed by Mexico in 1991 and is located along the border in Mexico. This facility serves as the SBIWTP's Mexican counterpart.

Both the SBIWTP and CILA facilities have had a multitude of overflows containing untreated sewage and toxic waste that spills into the Tijuana River. The cause of overflows can be attributed to flows exceeding the maximum capacity that the infrastructure can accommodate (this is exacerbated during wet and rainy seasons) and failure to properly operate and maintain the facilities. Much of the existing infrastructure has not had updates or repairs for decades, causing overflows to become more frequent and severe. The most notable overflow occurred in February 2017, wherein 143 million gallons of polluting waste discharged into the Tijuana River; affecting the Tijuana Estuary, the Pacific Ocean, and Southern California's waterways.

State Actions

In response to the February 2017 overflow, the San Diego Water Board's Executive Officer sent a letter to the U.S. and Mexican IBWC Commissioners which included recommendations on how to improve existing infrastructure and communications methods between both nations.

In September of 2018, California Attorney General Xavier Becerra submitted a lawsuit against IBWC for Violating the Clean Water Act by allowing flows containing sewage and toxic waste to flow into California's waterways, posing a public health and ecological crisis. The cities of Imperial Beach, San Diego, Chula Vista, the Port of San Diego, and the San Diego Regional Water Quality Board have also filed suit against the IBWC. The suit is awaiting its first settlement conference on October 19, 2019. If parties are unable to reach a settlement, the case will go to trial.

Fiscal Impact:

California's economy is currently the sixth largest in the world, with tourism spending topping \$140.6 billion in 2018. In the past five years, San Diego's Border Field State Park has been closed for over 800 days because of pollution from the Tijuana River. A decline in the State's beach quality and reputation could carry macroeconomic effects that could ripple outside of the San Diego County region and affect coastal communities throughout California.

Existing League Policy

The League of California Cities has extensive language on water in its Summary of Existing Policy and Guiding Principles. Fundamentally, the League recognizes that beneficial water quality is essential to the health and welfare of California and all of its citizens. Additionally, the League advocates for local, state and federal governments to work cooperatively to ensure that water quality is maintained.

The following policy relates to the issue of water quality:

- Surface and groundwater should be protected from contamination.
- Requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported.
- When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in stream or end-of-pipe treatment.
- Water development projects must be economically, environmentally and scientifically sound.
- The viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
- Protection, maintenance, and restoration of fish and wildlife habitat and resources.

Click here to view the **Summary of Existing Policy and Guiding Principles 2018**.

Comments:

1. Water quality issues are prevalent across California and have been a constant priority of the State's legislature and residents. In 2014, California's voters approved Proposition 1, which authorized \$7.5 billion in general obligation bonds to fund water quality improvement projects. In 2019, the Legislature reached an agreement to allocate \$130 million from the State's Greenhouse Gas Reduction Fund (GGRF) to address failing water infrastructure and bad water qualities for over one million of California's residents in rural communities. Water quality is not an issue unique to the County of San Diego and communities along the border.
2. Tijuana River cross-border pollution has caught national attention. Members of Congress have proposed recent funding solutions to address the pollution crisis, including:
 - In February of 2019, California Congressional Representatives Vargas, Peters, and Davis helped secure \$15 million for the EPA to use as part of its BWIP.
 - *H.R. 3895 (Vargas, Peters, 2019), The North American Development Bank Pollution Solution Act*. This bill seeks to support pollution mitigation efforts along the border by increasing the NADB's capital by \$1.5 billion.
 - *H.R. 4039 (Levin, 2019), The Border Water Infrastructure Improvement Act*. This bill proposes increasing funding to the BWIP from the existing \$10 million to \$150 million as a continuous appropriation until 2025.Additionally, the National Association of Counties (NACo) and the U.S. Conference of Mayors enacted resolutions in support of increased funding for U.S. – Mexico border water infrastructure to address the environmental crisis in 2019.

3. The border pollution problem has sparked action from local, state, and federal actors. Should this resolution be adopted, League membership should be aware that future action will be adapted by what is explicitly stated in the resolution's language. In current form, the resolution's resolve clause cites the BWIP as the only program that should receive reinstated and proper funding. League staff recommends the language be modified to state:

“NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding for environmental infrastructure on the U.S. – Mexico Border, including ~~to the U.S. – Mexico~~ Border Water Infrastructure Program (BWIP), and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.”

Modifying the language would ensure enough flexibility for the League to support funding mechanisms outside of the prescribed federally-operated BWIP.

4. It remains unclear if there is an appetite in Washington to fund border-related infrastructure projects that address environmental quality. Given the high probability of another overflow containing waste and sewage from the existing infrastructure operated by the IBWC, League membership should consider the outcome if no resolution is reached to address the issue.

Support:

The following letters of concurrence were received:

Cities:

The City of Calexico

The City of Coronado

The City of Imperial Beach

The City of San Diego

In their individual capacity:

Amanda Young Rigby, City of Vista Council Member

Bill Baber, City of La Mesa Council Member

Consuelo Martinez, City of Escondido Deputy Mayor

George A. Nava, City of Brawley Council Member

John Minto, City of Santee Mayor

Judy Ritter, City of Vista Mayor

Luke Hamby, City of Brawley Council Member

Norma Kastner-Jauregui, City of Brawley Mayor Pro-Tempore

Sam Couchman, City of Brawley Council Member

LETTERS OF CONCURRENCE

Resolution No. 2

International Transboundary
Pollution Flows



CITY OF CALEXICO

608 Heber Ave.
Calexico, CA 92231-2840
Tel: 760.768.2110
Fax: 760.768.2103
www.calexico.ca.gov

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The city of Calexico strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

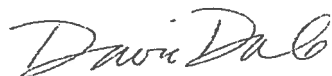
As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Viva Calexico!

If you have any questions or require additional information, please do not hesitate to contact me at 760/768-2110.

Sincerely,

CITY OF CALEXICO

A handwritten signature in cursive script that reads "David Dale".

David Dale
City Manager

Cc: Honorable Mayor Bill Hodge

Viva Calexico!



CITY OF CORONADO

1525 STRAND WAY
CORONADO, CA 92118

OFFICE OF THE CITY MANAGER
(619) 522-7335
FAX (619) 522-7846

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts of International Transboundary River Pollution Flows Resolution

This letter is written on behalf of and with the support of the Coronado City Council. The City of Coronado wholeheartedly supports the resolution adopted by the San Diego County and Imperial County Division of the California League of Cities.

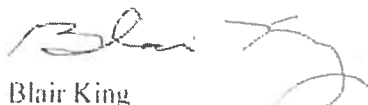
The San Diego County Division's resolution calls upon the federal and state governments to restore and ensure proper funding of the U.S.-Mexico Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

The City has been working closely with the Environmental Protection Agency and other federal partners on the matter since early 2018. City leaders are committed to finding long-term, sustainable solutions to this problem. Through its advocacy and education efforts, the City of Coronado has raised national awareness of the problem among legislators, political appointees and career staff at federal agencies. These efforts have been successful. However, the City along with our coalition partners, look forward to more action to swiftly resolve this issue.

Local government and the public support the state's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, Coronado values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me if you have any questions.

Sincerely,



Blair King
Coronado City Manager

cc: Coronado Mayor and City Council
Bill Baber, President, San Diego County Division
c/o Catherine Hill, Regional Public Affairs Manager, San Diego County Division chill@cacities.org



City of Imperial Beach, California

OFFICE OF THE CITY MANAGER

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St. Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach appreciates and supports the San Diego County Division's effort to submit a resolution for consideration by the full membership of the League of California Cities.

The Division's resolution calls on Federal and State government to address the impacts of transboundary pollution flows into the Southwestern regions of California. The pollution in these areas is an environmental disaster that threatens the health and general welfare of residents near the Mexican border in Imperial and San Diego Counties.

I encourage all voting delegates and elected officials in attendance at the 2019 Annual League of California Cities Conference in Long Beach to support this important resolution as it addresses the critical need for the federal and state government to recommit to work bi-nationally to address the serious contamination issues and to develop and implement long-term solutions.

I am available for any questions or additional information related to this letter of support.

Sincerely,

Andy Hall
City Manger

Cc: Honorable Mayor Serge Dedina
Honorable Mayor Pro Tem Robert Patton
Honorable Councilmember Paloma Aguirre
Honorable Councilmember Ed Spriggs
Honorable Councilmember Mark West



City of Imperial Beach, California

OFFICE OF THE MAYOR

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. If you have any questions or require additional information, please do not hesitate to contact me at 619-423-8303.

Sincerely,

Serge Dedina
Mayor



THE CITY OF SAN DIEGO

KEVIN L. FAULCONER

Mayor

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The City of San Diego supports the San Diego County Division in their effort to submit a resolution to the General Assembly at the League of California Cities' 2019 Annual Conference in Long Beach.

To suppress the flow of pollution between the Mexico and Southern California's water channels, the Division requests for the Federal and State governments to give proper funding to the Border Water Infrastructure Program (BWIP).

The City of San Diego and its citizens have expressed their concerns about untreated sewage, polluted sediment and trash flowing from Mexico, into California, causing health, environmental and safety concerns. The State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. With the Division's resolution, the great need for federal and state governments to reconsider working together, will help in developing a long-term solution to address serious water quality and contamination issues.

As members of the League, our City values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Please contact me at (619)453-9946 if you have any questions.

Sincerely,

Denise Garcia
Director of International Affairs

Cc: Honorable Mayor Kevin L. Faulconer



AMANDA YOUNG RIGBY

CITY COUNCILWOMAN

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Re: Border Sewage Issues

Dear President Arbuckle;

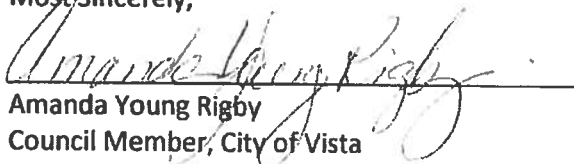
As a Council Member in the City of Vista, and solely in my individual capacity as such, I write in *support* of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the constant sewage pollution issues at the international border with Mexico.

This Resolution requests that the federal and state governments recognize the paramount importance of this issue and address the devastating impacts that this constant contamination has on the southernmost regions of California and the Pacific coastline by requesting the necessary funding to develop and implement effective and long term solutions to the raw sewage contamination coming into San Diego and Imperial Counties from Mexico.

Although I have lived in Vista for 27 years now, I grew up in Imperial Beach and know well the severe health and environmental impact that this situation has had on our border communities for the *decades*.

As a member of the League, I value the League's ability to effectively advocate on behalf of not only our cities but in effect, our citizens, and this is an important issue for our entire state. Should you have any questions or comments, please contact me at the number below. Thank you for your consideration.

Most Sincerely,


Amanda Young Rigby
Council Member, City of Vista

cc: Vista City Council
Vista City Manager
Vista City Attorney
City of Imperial Beach
City of Coronado
City of Calexico
City of San Diego



**CITY OF
LA MESA**
JEWEL of the HILLS

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flows Resolution

President Arbuckle:

As a Council Member for the City of La Mesa and in my individual capacity, not on behalf of the full La Mesa City Council as a body or the City, I am writing you in support of the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

As San Diego County Division President and a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at 619-667-1106, should you have any questions.

Sincerely,

BILL BABER
COUNCIL MEMBER CITY OF LA MESA
PRESIDENT, LEAGUE SAN DIEGO COUNTY DIVISION



Consuelo Martinez, Deputy Mayor
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4638

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the city of Escondido, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at cmartinez@escondido.org if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "C. Martinez", written over a light blue horizontal line.

Consuelo Martinez
Deputy Mayor

cc: Honorable Mayor and City Council Members
Jeffrey R. Epp, City Manager



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

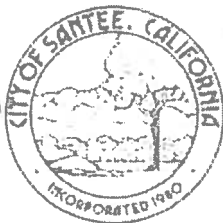
As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

George A. Nava
City Council Member
City of Brawley

MAYOR
John W. Minto

CITY COUNCIL
Ronn Hall
Stephen Houlahan
Laura Koval
Rob McNeis



CITY OF SANTEE

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Santee, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (JMinto@cityofsanteeca.gov) if you have any questions.

Sincerely,

JOHN W. MINTO
Mayor
City of Santee



JUDY RITTER

MAYOR

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Vista, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at jritter@cityofvista.com if you have any questions.

Sincerely,

Judy Ritter
Mayor
City of Vista



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Luke Hamby
City Council Member
City of Brawley



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Norma Kastner-Jauregui
Mayor Pro-Tempore
City of Brawley



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Sam Couchman
City Council Member
City of Brawley



Public Hearing

AGENDA 1
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 25, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JV*

BY:  DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

RE: CONSIDER A RESOLUTION ESTABLISHING RECURRING AND NON-RECURRING ADMINISTRATIVE FEES APPLICABLE TO SMALL WIRELESS FACILITIES

RECOMMENDATION

Staff recommends that the City Council Adopt the Resolution establishing recurring and non-recurring administrative fees applicable to small wireless facilities ("SWF").

FISCAL IMPACT

Adoption of this Resolution provides for the recovery of the City's administrative costs in processing applications for SWF.

LEGAL REVIEW

The City Attorney has reviewed this report.

BACKGROUND

On September 27, 2018, the Federal Communications Commission released its Declaratory Ruling and Third report and Order related to small wireless facilities

proposed to be installed in the public rights-of-way ("FCC Order"). The FCC Order establishing a new test to determine whether local agency fees prohibit or have the effect of prohibiting small wireless facilities in violation of the Communications Act of 1934. The FCC Order also established a "safe harbor" provision finding certain fees presumptively reasonable under the Communications Act. The proposed Resolution adopts those safe harbor fees.

DISCUSSION

The FCC Order significantly limits cities' ability to manage small wireless facilities proposed to be installed in the public rights-of-way (each, a "SWF") including fees charged by state and local governments. The FCC Order, however, specifies the maximum amount of recurring and non-recurring fees that are presumed to be "reasonable" with respect to regulation of small wireless facilities ("SWF")

As set forth in the Resolution, the Resolution would establish SWF administrative fees in the following amounts per site/application:

Review Wireless Application	\$300
Plan Check Improvement Plans	\$600
Traffic Control Plan Review	\$300
Permit Processing	\$300
Pre-Construction Meeting	\$125
Daily Inspection	\$500
Permit Close-out	\$250
Total	\$2,375

The Resolution does not preclude from revisiting these fees to ensure the fee is sufficient to compensate the City for its reasonable costs related to the permitting and administration of SWF in limited circumstances. A notice of a public hearing to consider adoption of this resolution and establishment of fees, was published as required by law. Staff recommends adoption of the Resolution.

ATTACHMENT(S)

Attachment No. 1 - Proposed Resolution

ATTACHMENT NO. 1

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD
ESTABLISHING RECURRING AND NON-RECURRING
ADMINISTRATIVE FEES APPLICABLE TO SMALL WIRELESS
FACILITY PERMITS**

WHEREAS, the City Council adopted an Ordinance on September 11, 2019 related to small wireless facilities in the City rights of way;

WHEREAS, the City Council adopted a Resolution Adopting Policies, Procedures, Standards and Limitations for Submittal and Review of Small Wireless Facilities on September 11, 2019, which provides that the City Council shall establish fees for the processing of small cell permit applications;

WHEREAS, The Declaratory Ruling and Third Report and Order adopted by the Federal Communications Commission on September 27, 2018, effective January 14, 2019 ("FCC Order"), establishes fee amounts that are deemed to be presumptively fair and reasonable recurring and non-recurring compensation to be paid by small wireless facility applicants and permittees with respect to small wireless facilities, including those attached to City infrastructure, located in the City rights-of-way;

WHEREAS, the City Council desires to adopt the presumptive fees set forth in the FCC Order;

WHEREAS, a properly noticed public hearing concerning the adoption of this Resolution and the fees herein was conducted on September 25, 2019

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

Section 1. The recitals set forth above are true and correct and incorporated as if set forth in full.

Section 2. The City Council hereby establishes small wireless facility ("SWF") administrative fees in the following amounts per site/application:

Review Wireless Application	\$300
Plan Check Improvement Plans	\$600
Traffic Control Plan Review	\$300
Permit Processing	\$300
Pre-Construction Meeting	\$125
Daily Inspection	\$500
Permit Close-out	\$250
Total	\$2,375

Section 3. Nothing in this Resolution shall be deemed to limit the amount of recurring and/or non-recurring fees that the City and any wireless provider may agree shall be paid to the City in the event the City agrees to the wireless provider's replacement of a City pole or other City-owned infrastructure with a pole or other infrastructure designed to accommodate one or more SWFs.

Section 4. Nothing in this Resolution shall affect fees paid to the City for use of its rights-of-way by providers of other kinds of electronic based services not subject to the FCC Order.

Section 5. The establishment of the foregoing SWF fees does not in any way affect the right of the City to (a) conduct a further fee study and determine that any of the fees adopted in Section 2 above, are insufficient to compensate the City for its reasonable costs related to the permitting and administration of SWFs in limited circumstances; or (b) enter into an agreement with any wireless provider with respect to the deployment of SWFs, which provides for the payment of fees that exceed the amounts established in Section 2, above; (c) or adopt an entirely different fee structure, including a market-based fee structure, in the event the FCC Order referenced in the Recitals is invalidated or modified in any way with respect to fees related to SWFs.

Section 6. Nothing in this Resolution shall affect or limit fees charged by the City of Maywood to process and administer encroachment permit applications and permits, for other types of encroachments into the City rights-of-way, not otherwise addressed herein.

Section 7. The City Council hereby finds that the fees established in Section 2 above, do not exceed the reasonably estimated costs to the City in providing the services to which the fees apply.

Section 8. The City Clerk shall certify to the adoption of this Resolution.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

EDUARDO DE LA RIVA, MAYOR

ATTEST:

GERARDO MAYAGOITIA, CITY CLERK

APPROVED AS TO FORM:

ROXANNE DIAZ, CITY ATTORNEY



Public Hearing

AGENDA 2
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 25, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JV*

BY: *DM* DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

RE: PUBLIC HEARING FOR AN APPEAL OF A PLANNING COMMISSION DECISION DENYING A CONDITIONAL USE PERMIT TO ALLOW A NON-STOREFRONT VEHICLE DISPENSARY IN AN EXISTING BUILDING LOCATED AT 4006 SLAUSON AVENUE IN THE CM (COMMERCIAL MANUFACTURING) ZONE FOR KIKI GREENS

RECOMMENDATION

Staff recommends that the City Council conducts the public hearing and upon completion of deliberations ADOPT either the resolution approving or denying conditional use permit application PC19-03 prepared by staff and making the findings contained therein.

FISCAL IMPACT

There is no fiscal impact associated with this action.

LEGAL REVIEW

This report was reviewed by the City Attorney.

BACKGROUND

The application for Conditional Use Permit No. PC19-03 to establish a non-storefront cannabis vehicle dispensing facility on an improved lot at the southeast corner of Slauson Avenue and Corona Avenue at 4006 Slauson Avenue ("Project Site") was filed with the City of Maywood, Building and Planning Department by Nadiya Aziz of Kiki Greens on July 15, 2019. The 0.23-acre Project Site is flat and is currently developed with a 7,030 square-foot commercial building. The vehicle dispensing facility will occupy 1,995 square feet of the building. Two other tenant spaces comprise the rest of the building and include a party supply store and an empty space. An application for a conditional use permit for a cannabis testing facility was filed for the empty tenant space and is also the subject of an appeal on the City Council's agenda this evening. The Project Site is zoned CM (Commercial/Manufacturing) with a General Plan designation of Mixed Use. Surrounding land uses include residential uses to the south, and commercial uses to the north, east and west.

Seven (7) on-site parking spaces are located on the site for use by all three tenants, including one handicapped parking space. Per the Maywood Municipal Code (Section 4100.60), however, total of eight (8) parking spaces are required. Therefore the number of parking spaces is considered legal nonconforming. However, Applicant states that up to twelve (12) employees may work at the facility and there a condition is included to require n requiring that all employees park off-site (see condition #13). Vehicular access to the site includes a two-way driveway along Corona Avenue.

The Applicant's proposed hours of operation are from 9 AM to 9 PM, Monday through Saturday, and from 10 AM to 8 PM on Sundays. Although the office may open at the hours stated in the application, no vehicle dispensing transactions shall occur in the City between the hours of 8:00 p.m. and 10:00 a.m. Monday through Saturday and between the hours of 7:00 p.m. and 11:00 a.m. on Sunday. Initially, there will be four employees: two in the office and two making deliveries. The Applicant anticipates that up to twelve employees will work at the facility in the future.

Ordinance No. 18-12 provides that "Cannabis vehicle dispensing" means commercial cannabis activity involving the retail sale of cannabis or marijuana to qualified patients, primary caregivers, or customers where a vehicle is used to convey the cannabis or marijuana from a licensed premises to the qualified patient, primary caregiver, or customer. The licensed facility shall not be open to the public.

On September 3, 2019, the Maywood Planning Commission held a public hearing to consider CUP PC19-03. After receiving a report from staff and the taking of testimony from the applicant and the public, the Planning Commission voted 5-0 to deny the CUP and directed staff to bring back a resolution of denial.

On September 9, 2019, a resolution to deny CUP PC19-03 was approved at a special meeting of the Planning Commission by a 5-0 vote.

On September 10, 2019, a letter from Nadiya Aziz of Kiki Greens, requesting an appeal of the Commission denial was received by the City via email.

On September 14, 2019 notice of this public hearing was published in La Opinion newspaper.

DISCUSSION

The applicant is requesting Conditional Use Permit approval to allow the establishment of a cannabis testing facility. Per Section 5100.40 of the Maywood Zoning Ordinance, the following criteria must be met in order to approve the Conditional Use Permit:

1. The proposed conditional use is consistent with the General Plan.

The Project Site is located along the commercial corridor of Slauson Avenue. The cannabis vehicle dispensing facility will be consistent with other commercial uses in the vicinity and will be for vehicle dispensing only, with no members of the public accessing the facility.

The approval of the Conditional Use Permit is subject to the conditions of approval contained herein and is compatible with surrounding uses (see Table 1 below), and thus will not adversely affect or be materially detrimental to adjacent uses, buildings or structures.

The proposed use is consistent with the City's General Plan designation of Mixed Use. Uses in this land use designation are characterized by a mix of retail, residential, office and dining establishments. Located along Slauson Avenue, this commercial corridor provides a mix of commercial services that accommodates both higher intensity levels of development as well as more neighborhood serving commercial uses. As such, the City's General Plan Land Use Element has established the following Goals and Policies:

Goal 2.0: 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

Policy 2.13: Require high-quality commercial development that contributes to the identity of the community.

The proposed use will not alter the existing site and conforms or is legal non-conforming to all zoning development standards of the CM zone.

2. The nature, condition and development of adjacent uses, buildings and structures have been considered, and the proposed conditional

use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

The table below presents the surrounding existing uses, general plan land uses and zoning. The surrounding uses to the north, east, and west of the Project Site are compatible to the use proposed on the Project Site. The existing residential uses to the south of the Project Site are separated by the solid wall of the building located on the property line with no openings (MZO Section 4040.150).

Table 1 - Existing General Plan and Zoning

	Existing Use	General Plan LU	Zoning
North	Commercial	Mixed Use	Commercial Manufacturing (CM)
South	Residential	Huntington Park – High Density Residential	Huntington Park - High Density Residential
East	Commercial	Mixed Use	Commercial Manufacturing (CM)
West	Commercial	Mixed Use	Commercial Manufacturing (CM)

Furthermore, Appendix C of the MZO, as amended by Ordinance 18-12, includes requirements to ensure that commercial cannabis activity does not adversely affect adjacent uses, especially residential uses. These include requiring security and safety measures, such as alarms and close circuit televisions, security windows and roofs, lighting, fire suppression systems, and security personnel to reduce potential crime and fire hazards. Also, the Ordinance states that commercial cannabis activity shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes. In addition, specifically for cannabis manufacturing activity, no toxic chemicals or volatile liquids or material may be used in the manufacturing process, and storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems must comply with the Chapter 53 of the California Fire Code. Members of the public will not have access to the facility.

Finally, Ordinance 18-12 restricts the location of commercial cannabis activity within 600 feet of a public or private State-accredited K-12 school. This proposed Project Site is not located within 600 feet of a State-accredited school. The nearest school to the project site is Fishburn Avenue Elementary School located approximately 671 feet to the northeast on Fishburn Avenue.

3. The site for a proposed conditional use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Ordinance and required by the Commission or Council in order to integrate the use with uses in the neighborhood.

This commercial development was built in 1946 and as such, certain features are legal non-conforming. However, the proposed use as conditioned, will not impact the neighborhood more significantly than by-right uses that are typically located in the CM zone.

If the City Council desires to approval the Conditional Use Permit, conditions are included in the Resolution. Alternatively, the City Council can uphold the decision of the Planning Commission and deny the Conditional Use Permit.

Section 5100.40(C) of the Maywood Zoning Ordinance provides that the requested conditional use permit 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.

As set forth in the proposed Resolution of Denial, it can be found that the proposed cannabis use will be materially detrimental to the adjacent residential properties and is a menace to the public health, safety and general welfare of persons located in the vicinity of the Project Site.

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. 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.

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. There is also a concern about safety from the use for both residents and those that work at the facility.

As for parking, the parking is inadequate at the site for both parking of employees as well as for the activities related to the delivery of cannabis. The Applicant proposes up to twelve employees for the Proposed Use. While they have agreed 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.

Last, the Proposed Use can be found to be inconsistent with the General Plan as described in the Resolution.

ENVIRONMENTAL ASSESSMENT

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1: Existing Facilities) because the project would make interior improvements to an existing building.

ATTACHMENT(S)

Attachment No. 1 - Resolution to approve Conditional Use Permit PC19-03

Attachment No. 2 - Resolution to deny Conditional Use Permit PC19-03

Attachment No. 3 - Appeal Request Letter

Attachment No. 4 – Proof of Publishing

Attachment No. 5 – Planning Commission Minutes

Attachment No. 6 – Planning Commission Agenda Reports

Attachment No. 7 – Planning Commission Resolution of Denial

ATTACHMENT NO. 1

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, GRANTING THE APPEAL AND APPROVING 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, Nadiya Aziz (Kiki Greens) filed Application No. PC19-03 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, to allow for the establishment of a non-storefront vehicle dispensing facility ("Application") for property located at 4006 Slauson Avenue (APN 6312-028-005), Maywood CA 90270, ("Project Site"); and

WHEREAS, the Project Site consists of a 10,165 square-foot (0.23 acres) lot developed with a 7,030 square-foot commercial building in the Commercial Manufacturing (CM) zoning district; and

WHEREAS, The Applicant requests approval of CUP No. 19-03 to allow the establishment of a non-storefront vehicle dispensary; 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 PC19-0449 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.

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

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

SECTION 1. Based on the entire record before the City Council and all written and oral evidence presented to the Council, including the staff report, and pursuant to the provisions of Section 5100.40 of the Maywood Zoning Ordinance, the Council finds as follows:

1. The proposed conditional use is consistent with the General Plan.

The Project Site is located along the commercial corridor of Slauson Avenue. The cannabis vehicle dispensing facility will be consistent with other commercial uses in the vicinity and will be for vehicle dispensing only with no members of the public accessing the facility.

The approval of the Conditional Use Permit is subject to the conditions of approval contained herein and is compatible with surrounding uses (see Table 1 below), and thus will not adversely affect or be materially detrimental to adjacent uses, buildings or structures.

The proposed use is consistent with the City's General Plan designation of Mixed Use. Uses in this land use designation are characterized by a mix of retail, residential, office and dining establishments. Located along Slauson Avenue, this commercial corridor provides a mix of commercial services that accommodates both higher intensity levels of development as well as more neighborhood serving commercial uses. As such, the City's General Plan Land Use Element has established the following Goals and Policies:

Goal 2.0: 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 and within the citywide Redevelopment Project Area

Policy 2.13: Require high-quality commercial development that contributes to the identity of the community.

The proposed use will not alter the existing site and conforms to all zoning development standards of the CM zone

2. The nature, condition and development of adjacent uses, buildings and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

The table below presents the surrounding existing uses, general plan land uses and zoning. The surrounding uses to the north, east, and west of the Project Site are compatible to the use proposed on the Project Site. The existing residential uses to the south of the Project Site are separated by the solid wall of the building located on the property line with no openings (MZO Section 4040.150).

Table 1 - Existing General Plan and Zoning

	Existing Use	General Plan LU	Zoning
North	Commercial	Mixed Use	Commercial Manufacturing (CM)
South	Residential	Huntington Park – High Density Residential	Huntington Park - High Density Residential
East	Commercial	Mixed Use	Commercial Manufacturing (CM)
West	Commercial	Mixed Use	Commercial Manufacturing (CM)

Furthermore, Appendix C of the MZO, as amended by Ordinance 18-12, includes requirements to ensure that commercial cannabis activity does not adversely affect adjacent uses, especially residential uses. These include requiring security and safety measures, such as alarms and close circuit televisions, security windows and roofs, lighting, fire suppression systems, and security personnel to reduce potential crime and fire hazards. Also, the Ordinance states that commercial cannabis activity shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes. In addition, specifically for cannabis manufacturing activity, no toxic chemicals or volatile liquids or material may be used in the manufacturing process, and storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems must comply with the Chapter 53 of the California Fire Code. Members of the public will not have access to the facility.

Finally, the Ordinance 18-12 restricts the location of commercial cannabis activity within 600 feet of a public or private State-accredited K-12 school. This proposed Project Site is not located within 600 feet of a State-accredited school. The nearest school to the project site is Fishburn Avenue Elementary School located approximately 671 feet to the northeast on Fishburn Avenue.

3. The site for a proposed conditional use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Ordinance and required by the Council in order to integrate the use with uses in the neighborhood.

The Project Site is of adequate size to accommodate the commercial cannabis non-storefront vehicle dispensing activity. The proposed use and new building will conform to all zoning development standards of the CM zone.

SECTION 2. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds that the Application complies with CEQA for the following reasons:

Pursuant to the provisions of the California Environmental Quality Act (CEQA), as amended, the City, as the Lead Agency, has analyzed the proposal and has concluded that it is appropriate in this case to grant a Class 1 Categorical Exemption under CEQA Guidelines Section 15301(a) because the project would involve only interior improvements to an existing building.

Staff has prepared the required Notice of Exemption, which is available for public review in the Building and Planning Department.

SECTION 3. Based on the entire record before the Council, all written and oral evidence presented to the Council, and the findings set forth in this Resolution, the Council grants the appeal and overturns the decision of the Planning Commission and approves Conditional Use Permit No. PC 19-03 to allow the establishment of a non-storefront vehicle dispensing facility on the Subject Site, subject to the conditions of approval in Exhibit 1.

SECTION 4. The location and custodian of the documents and any other material which constitute the record of proceedings upon which the City Council based its decision is as follows: David Mango, City of Maywood Building and Planning Department, 4319 E. Slauson Avenue, Maywood, CA 90270 (323) 562-5721.

SECTION 5 Effective Date. This Resolution shall become effective upon its adoption.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

EDUARDO DE LA RIVA, MAYOR

ATTEST:

GERARDO MAYAGOITIA, CITY CLERK

APPROVED AS TO FORM:

ROXANNE DIAZ, CITY ATTORNEY

ATTACHMENT NO. 2

RESOLUTION NO. ____

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:
NOES:
ABSENT:
ABSTAIN:

EDUARDO DE LA RIVA, MAYOR

ATTEST:

GERARDO MAYAGOITIA, CITY CLERK

APPROVED AS TO FORM:

ROXANNE DIAZ, CITY ATTORNEY

ATTACHMENT NO. 3

September 10, 2019

Kiki Greens
4006 Slauson Avenue
Maywood, CA

Dear David Mango,

I have received the resolution denying conditional use permit NO. PC 19-03. I would like to appeal the decision of the planning commission pertaining to the September 3 meeting and September 9 official decision.

Thank you,

A handwritten signature in black ink, appearing to be 'Nadiya', with a stylized flourish extending from the end.

Nadiya Aziz
President, Kiki Greens
nadiya@protect.us
714-721-8127

ATTACHMENT NO. 4

CALIFORNIA NEWSPAPER SERVICE BUREAU

DAILY JOURNAL CORPORATION

Mailing Address : 915 E FIRST ST, LOS ANGELES, CA 90012
Telephone (213) 229-5300 / Fax (213) 229-5481
Visit us @ WWW.LEGALADSTORE.COM

GUILLERMO PADILLA
MAYWOOD CITY CLERK
4319 E SLAUSON AVE
MAYWOOD, CA 90270

CNS 3293939

COPY OF NOTICE

Notice Type: HRG NOTICE OF HEARING
Ad Description CITY OF MAYWOOD NOTICE OF PUBLIC HEARING
PC19-03

To the right is a copy of the notice you sent to us for publication in the LA OPINION. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

09/14/2019

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Daily Journal Corporation

Serving your legal advertising needs throughout California. Call your local

BUSINESS JOURNAL, RIVERSIDE	(951) 784-0111
DAILY COMMERCE, LOS ANGELES	(213) 229-5300
LOS ANGELES DAILY JOURNAL, LOS ANGELES	(213) 229-5300
ORANGE COUNTY REPORTER, SANTA ANA	(714) 543-2027
SAN FRANCISCO DAILY JOURNAL, SAN FRANCISCO	(800) 640-4829
SAN JOSE POST-RECORD, SAN JOSE	(408) 287-4866
THE DAILY RECORDER, SACRAMENTO	(916) 444-2355
THE DAILY TRANSCRIPT, SAN DIEGO	(619) 232-3486
THE INTER-CITY EXPRESS, OAKLAND	(510) 272-4747

CITY OF MAYWOOD NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Maywood, California, will conduct a public hearing at the City Council Chambers, 4319 Slauson Avenue in said City of Maywood on Wednesday, September 25, 2019 at 7:00 p.m., or as soon thereafter as practical, to consider the following:

AN APPEAL OF A MAYWOOD PLANNING COMMISSION DECISION DENYING CONDITIONAL USE PERMIT APPLICATION PC19-03 WHICH SOUGHT TO ESTABLISH A NON-STOREFRONT CANNABIS DISPENSARY IN A 1,995 SQUARE FOOT TENANT SPACE IN AN EXISTING 7,030 SQUARE FOOT BUILDING LOCATED AT 4006 SLAUSON AVENUE IN THE CM (COMMERCIAL MANUFACTURING) ZONE

On September 3, 2019, the Maywood Planning Commission held a duly noticed public hearing regarding the above referenced conditional use permit application. On September 9, 2019, the Maywood Planning Commission voted unanimously to approve resolution PC19-0456 denying CUP application PC19-03. Questions regarding the appeal hearing may be directed to City Hall at the following address:

City of Maywood Office
of the City Clerk
Attn: Guillermo Padilla
4319 Slauson Avenue,
Maywood, CA 90270
guillermo.padilla@cityofmaywood.org

If you challenge any portion of this matter in court, you may be limited to raising only those issues you or someone else raised at the public

hearing described in this notice, or in written correspondence delivered at, or prior to, the public hearing.

Any person unable to attend the public hearing may submit written comments to the City Clerk, 4319 Slauson Avenue, Maywood, California 90270.

Guillermo Padilla
Deputy City Clerk
9/14/19
CNS-3293939#
LA OPINION



* A 0 0 0 0 5 2 1 5 0 2 3 *

ATTACHMENT NO. 5



AGENDA 4.A
ITEM NO. _____

September 3, 2019

**MINUTES OF THE SPECIAL MEETING
OF THE MAYWOOD PLANNING COMMISSION AND BUILDING BOARD OF
APPEALS HELD IN THE COUNCIL CHAMBERS, 4319 EAST SLAUSON AVENUE,
MAYWOOD, CALIFORNIA**

1. CALL TO ORDER

Chair Perez opened the meeting at approx. 7:00 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Carmen Perez, Chairperson
Reyna Mendez, Vice Chairperson
Paloma Hernandez, Commissioner
Alondra Olmos, Commissioner
Raul Rodriguez, Commissioner

3. PUBLIC PARTICIPATION (Non-Agenda Items Only)

Members of the audience may speak on an item NOT otherwise listed on the agenda and within the subject matter jurisdiction of the Planning Commission. Each speaker is limited to three (3) minutes and is required to fill out a comment card with the Planning Commission Secretary. Public comments on agenda items will be discussed when that agenda items is raised.

There were no speakers for Non-Agenda Items

4. APPROVAL OF MINUTES

- a. Approval of minutes for July 16, 2019 Motion to approve by Rodriquez. Second by Perez. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES
- b. Approval of minutes for July 30, 2019. Motion to approve by Rodriquez. Second by Perez. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES
- c. Approval of minutes for August 12, 2019. Motion to approve with correction to the minutes by Rodriquez. Second by Perez. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES

The typographical error to be corrected is on page #2 the signature line for the Chair should read "Planning Commission Chair, Carmen Perez."

5. PUBLIC HEARING

- a. Public Hearing to consider Conditional Use Permit PC19-03 to allow a non-storefront retail vehicle dispensary on a parcel within the CM (Commercial/Manufacturing) zone with a General Plan land use designation of Mixed-use. The property address is 4006 Slauson Avenue (APN 6312-028-005).

The following individuals spoke on the Public Hearing.

1. Steve Norman (Applicant);
2. Nadia Aziz (Applicant);
3. Evette Driden;
4. Mary Mariscal.

Motion to Deny the Conditional Use Permit Application and direct staff to return with a Resolution of denial based on safety, parking, and traffic concerns and the impacts to the surrounding residences and businesses raised at the hearing by Olmos. Second by Mendez. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES.

- b. Public Hearing to consider Conditional Use Permit PC19-04 to allow a cannabis testing facility on a parcel within the CM (Commercial/Manufacturing) zone with a General Plan land use designation of Mixed-use. The property address is 4000 Slauson Avenue (APN 6312-028-005).

The following individuals spoke on the Public Hearing.

1. Jose Mendoza (Applicant);
2. Myra Mendoza (Applicant);
3. Juan Datzen (Applicant);
4. Claudia Osuna (Applicant);
5. Evette Driden;
6. Sherina Holmes;
7. Alma Jimenez;
8. Heather Wilson;
9. Maria Iniguez;
10. Mary Mariscal;
11. Patricia Florez;
12. Maria Walta;
13. Edwin Garcia.

Motion to continue to next meeting with educational components, including: 1) LA Labs business plan; 2) explanation of chemicals used in the testing laboratory and filtration of water; 3) photos of the equipment and of similar laboratories and provide documentation; and 4) mock-ups of the sample sizes received for testing. provided by the applicant by Perez. Second by Hernandez. AYES: Rodriquez, Hernandez, Olmos, and Perez. NOES: Mendez. PASSES

- c. Public Hearing to consider Conditional Use Permit PC19-05 to allow a cannabis cultivation facility on a parcel within the M (Manufacturing) zone with a General Plan land use designation of Industrial. The property address is 3744 Fruitland Avenue (APN 6311-001-004).

The following individuals spoke on the Public Hearing.

1. Jennifer Michael
2. Mike Morola
3. Mary Mariscal
4. Margerito Garcia
5. Edwin Garcia

Motion to Deny the Conditional Use Permit Application and direct staff to return with a Resolution of denial due to adverse impacts on adjacent residential uses along southern portion of Project site, including the high concentration of commercial cannabis facilities adjacent to sensitive residential uses, and concerns about odor and crime raised during the hearing by Olmos. Second by Perez. AYES: Rodriquez, Olmos, Mendez, and Perez. ABSTAIN: Hernandez. PASSES.

6. ADJOURNMENT

To the next regular Planning Commission meeting of Tuesday, September 17, 2019, at 7:00 P.M.


Planning Commission Chair
Carmen Perez

ATTEST:


Planning Secretary, Guillermo Padilla



AGENDA 4.B
ITEM NO. _____

September 9, 2019

**MINUTES OF THE SPECIAL MEETING
OF THE MAYWOOD PLANNING COMMISSION AND BUILDING BOARD OF
APPEALS HELD IN THE COUNCIL CHAMBERS, 4319 EAST SLAUSON AVENUE,
MAYWOOD, CALIFORNIA**

1. CALL TO ORDER

Chair Perez opened the meeting at approx. 7:00 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Carmen Perez, Chairperson
Reyna Mendez, Vice Chairperson
Paloma Hernandez, Commissioner
Alondra Olmos, Commissioner
Raul Rodriguez, Commissioner

3. PUBLIC PARTICIPATION (Non-Agenda Items Only)

Members of the audience may speak on an item NOT otherwise listed on the agenda and within the subject matter jurisdiction of the Planning Commission. Each speaker is limited to three (3) minutes and is required to fill out a comment card with the Planning Commission Secretary. Public comments on agenda items will be discussed when that agenda items is raised.

There were no speakers for Non-Agenda Items

4. CONSENT ITEMS

- a. Resolution of Denial for Conditional Use Permit PC19-03 to allow a non-storefront retail vehicle dispensary on a parcel within the CM (Commercial/Manufacturing) zone with a General Plan land use designation of Mixed-use. The property address is 4006 Slauson Avenue (APN 6312-028-005). **Motion to approve by Perez. Second by Olmos. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES.**

- b. Resolution of Denial for Conditional Use Permit PC19-05 to allow a cannabis cultivation facility on a parcel within the M (Manufacturing) zone with a General Plan land use designation of Industrial. The property address is 3744 Fruitland Avenue (APN 6311-001-004). **Motion to approve by Perez. Second by Olmos. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES.**

5. ADJOURNMENT

To the next regular Planning Commission meeting of Tuesday, September 17, 2019, at 7:00 P.M.



**Planning Commission Chair
Carmen Perez**

ATTEST:



Planning Secretary, Guillermo Padilla

ATTACHMENT NO. 6



AGENDA 5.a
ITEM NO. _____

Agenda Report
CITY OF MAYWOOD
PLANNING COMMISSION

DATE: SEPTEMBER 3, 2019

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM:  DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

SUBJECT: CONDITIONAL USE PERMIT NO. PC19-03

APPLICANT: NADIYA AZIZ (KIKI GREENS)

REQUEST: CONDITIONAL USE PERMIT TO ALLOW A NON-STOREFRONT VEHICLE DISPENSARY IN AN EXISTING BUILDING LOCATED AT 4006 SLAUSON AVENUE IN THE CM (COMMERCIAL MANUFACTURING) ZONE

PROPERTY: 4006 SLAUSON AVENUE (APN 6312-028-005)

PROPOSAL

Kiki Greens ("Applicant") proposes the establishment of a non-storefront cannabis vehicle dispensing facility in a 1,995 square foot tenant space within an existing 7,030 square foot building. The approximately 10,165 square foot (0.23-acre) project site is located at 4006 Slauson Avenue, on a corner lot at the southeast corner of Slauson Avenue and Corona Avenue ("Project Site"). The proposed facility will consist of a small office and product storage areas.

Seven (7) on-site parking spaces are proposed including one handicapped parking space. Per the Maywood Municipal Code (Section 4100.60), a total of eight (8) parking spaces are required (1/250 square feet of gross floor area for an office use). This is an office use replacing a former retail use, therefore the number of parking spaces is considered legal nonconforming. However, Applicant states that up to twelve (12) employees may work at the facility and staff has thus provided a condition requiring that all employees park off-site (see condition #13). Vehicular access to the site includes a two-way driveway along Corona Avenue.

The Applicant's proposed hours of operation are from 9 AM to 9 PM, Monday through Saturday, and from 10 AM to 8 PM on Sundays. Although the office may open at the hours stated in the application, no vehicle dispensing transactions shall occur in the City between the hours of 8:00 p.m. and 10:00 a.m. Monday through Saturday and between the hours of 7:00 p.m. and 11:00 a.m. on Sunday. Initially, there will be four employees: two in the office and two making deliveries. The Applicant anticipates that up to twelve employees will work at the facility in the future.

The Project Site is zoned CM (Commercial/Manufacturing) with a General Plan designation of Mixed Use. Surrounding land uses include residential uses to the south, and commercial uses to the north, east and west.

BACKGROUND

The application for Conditional Use Permit No. PC19-03 to establish a cannabis testing facility was filed with the City of Maywood, Building and Planning Department by Nadiya Aziz of Kiki Greens on July 15, 2019. The 0.23-acre Project Site is flat and is currently developed with a 7,030 square-foot commercial building. The vehicle dispensing facility will occupy 1,995 square feet of the building. Retail and office uses occupy the rest of the building.

Ordinance No. 18-12 provides that "Cannabis vehicle dispensing" means commercial cannabis activity involving the retail sale of cannabis or marijuana to qualified patients, primary caregivers, or customers where a vehicle is used to convey the cannabis or marijuana from a licensed premises to the qualified patient, primary caregiver, or customer. The licensed facility shall not be open to the public.

ANALYSIS

Conditional Use Permit

The applicant is requesting Conditional Use Permit approval to allow the establishment of a cannabis testing facility. Per Section 5100.40 of the Maywood Zoning Ordinance, the following criteria must be met in order to approve the Conditional Use Permit:

1. The proposed conditional use is consistent with the General Plan.

The Project Site is located along the commercial corridor of Slauson Avenue. The cannabis vehicle dispensing facility will be consistent with other commercial uses in the vicinity and will be for vehicle dispensing only, with no members of the public accessing the facility.

The approval of the Conditional Use Permit is subject to the conditions of approval contained herein and is compatible with surrounding uses (see Table 1 below), and thus will not adversely affect or be materially detrimental to adjacent uses, buildings or structures.

The proposed use is consistent with the City's General Plan designation of Mixed Use. Uses in this land use designation are characterized by a mix of retail, residential, office and dining establishments. Located along Slauson Avenue, this commercial corridor provides a mix of commercial services that accommodates both higher intensity levels of development as well as more neighborhood serving commercial uses. As such, the City's General Plan Land Use Element has established the following Goals and Policies:

Goal 2.0: 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

Policy 2.13: Require high-quality commercial development that contributes to the identity of the community.

The proposed use will not alter the existing site and conforms or is legal non-conforming to all zoning development standards of the CM zone.

2. The nature, condition and development of adjacent uses, buildings and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

The table below presents the surrounding existing uses, general plan land uses and zoning. The surrounding uses to the north, east, and west of the Project Site are compatible to the use proposed on the Project Site. The existing residential uses to the south of the Project Site are separated by the solid wall of the building located on the property line with no openings (MZO Section 4040.150).

Table 1 - Existing General Plan and Zoning

	Existing Use	General Plan LU	Zoning
North	Commercial	Mixed Use	Commercial Manufacturing (CM)
South	Residential	Huntington Park – High Density Residential	Huntington Park - High Density Residential
East	Commercial	Mixed Use	Commercial Manufacturing (CM)
West	Commercial	Mixed Use	Commercial Manufacturing (CM)

Furthermore, Appendix C of the MZO, as amended by Ordinance 18-12, includes requirements to ensure that commercial cannabis activity does not adversely affect adjacent uses, especially residential uses. These include requiring security and safety measures, such as alarms and close circuit televisions, security windows and roofs, lighting, fire suppression systems, and security personnel to reduce potential crime and fire hazards. Also, the Ordinance states that commercial cannabis activity shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes. In addition, specifically for cannabis manufacturing activity, no toxic chemicals or volatile liquids or material may be used in the manufacturing process, and storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems must comply with the Chapter 53 of the California Fire Code. Members of the public will not have access to the facility.

Finally, Ordinance 18-12 restricts the location of commercial cannabis activity within 600 feet of a public or private State-accredited K-12 school. This proposed Project Site is not located within 600 feet of a State-accredited school. The nearest school to the project site is Fishburn Avenue Elementary School located approximately 671 feet to the northeast on Fishburn Avenue.

3. The site for a proposed conditional use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Ordinance and required by the Commission or Council in order to integrate the use with uses in the neighborhood.

This commercial development was built in 1946 and as such, certain features are legal non-conforming. However, the proposed use as conditioned, will not impact the neighborhood more significantly than by-right uses that are typically located in the CM zone.

CONDITIONS OF APPROVAL

Staff recommends conditions of approval for this project as follows:

1. The use and improvements authorized by this CUP shall conform to the Conditions of Approval contained herein and to the improvement plans and specifications approved by the City. Any appreciable modification of the authorized use and/or approved plans and specifications as well of the existing use as described above, as determined by the Director of Building and Planning, shall require prior approval of the Planning Commission pursuant to an amendment of this Application.

2. This Conditional Use Permit which, if not used within one year, will expire and become null and void and of no effect, except if an extension is applied for prior to the expiration date and an extension is granted by the Planning Commission.
3. The Applicant agrees to allow the City inspector access to the subject premises to reasonably inspect the same at all times to assure compliance with these Conditions of Approval. Failure to provide reasonable access will constitute cause for a Revocation of the CUP.
4. The Applicant shall operate the proposed use and maintain the Project Site in full compliance with Maywood Ordinance No. 18-12 and any superseding ordinance and all other City, County, State and Federal regulations applicable to this project.
5. Any and all equipment used to conduct business will comply with Chapter 23 of the Maywood Municipal Code (Noise Control). Failure to comply with noise regulations may result in revocation of the CUP.
6. Information shall be posted near the front entrance of the facility to provide the contact information for the facility's Manager.
7. The cannabis vehicle dispensing facility shall maintain a list of the individuals and vehicles authorized to conduct vehicle dispensing on behalf of the cannabis vehicle dispensing licensee to the City. Applicant shall inform the City of any changes to the list of authorized individuals within 5 days.
8. Prior to the issuance of an occupancy permit for the authorized use, all applicable Conditions of Approval shall be completed to the reasonable satisfaction of the City.
9. All owners, principals, managers, employees, contractors or volunteers of the vehicle dispensary shall complete a criminal background check and shall not have been convicted of or plead guilty or no-contest to a felony or misdemeanor involving the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance within the past four (4) years.
10. No vehicle dispensing transactions shall occur in the City between the hours of 8:00 p.m. and 10:00 a.m. Monday through Saturday and between the hours of 7:00 p.m. and 11:00 a.m. Sunday.
11. The Applicant shall defend, indemnify and hold harmless the City of Maywood (City) and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any approval or condition of approval of

the City concerning this project, including but not limited to any approval or mitigation measure imposed by the City Council, Planning Commission, or Director of Building and Planning. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter.

12. All proposed signage, permanent and temporary, must be approved by the Director of Building and Planning and shall conform to Section 4110 of the Maywood Zoning Ordinance and Maywood Ordinance 18-12.
13. No employees of the dispensary shall park vehicles on-site. The Applicant shall provide parking offsite, shuttle-in, or employ a similar strategy for all employees. Applicant agrees to provide a written employee parking proposal to be approved and accepted by the Building and Planning Department and the City Attorney prior to occupancy.
14. The Building and Planning Department shall approve all site and construction plans and appropriate permits, including sign permits, shall be secured by the Applicant before any work is to begin.
15. Applicant agrees to reimburse the City for all consultant costs incurred for third-party facility inspections, financial audits, or any other activity required to verify compliance with these conditions and all other City, County, State and Federal regulations applicable to this project.
16. The parking area shall be repaved, parking stalls restriped, concrete wheel stops and all required signage installed to the satisfaction of the City.
17. The property shall remain at all times free of litter and all graffiti shall be removed within 24 hours.
18. This CUP and shall be subject to revocation for any violation of or noncompliance with any of these Conditions of Approval and/or other codes, regulations, or standards enforced by or beneficial to the City of Maywood. The Applicant acknowledges that failure to meet any of the Conditions of Approval contained herein will be cause for a revocation of the CUP.
19. This conditional use permit will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission. Also, within ten (10) days from the adoption of the Resolution approving this Application, the Applicant and/or Owner of the subject property shall execute, notarize and record with the

Los Angeles County Clerk an affidavit agreeing to comply with the aforementioned conditions.

ENVIRONMENTAL ASSESSMENT

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1: Existing Facilities) because the project would make interior improvements to an existing building.

POSSIBLE COMMISSION ACTIONS

1. Approve the request for a Conditional Use Permit Application and make the required positive findings; or
2. Deny the Conditional Use Permit Application and direct staff to return with a Resolution of denial; or
3. Continue the Case to a future Planning Commission meeting (date to be specified in Commission motion); or
4. Refer to Planning staff for reconsideration of specific details (details to be specific in Commission motion)

RECOMMENDATION

Staff respectfully recommends that the Planning Commission **ADOPT** attached Resolution No. PC19-0449 making the findings contained therein and **APPROVE** Conditional Use Permit No. PC19-03 subject to the conditions listed in Exhibit "A" of the attached Planning Commission Resolution.

Attachments:

- Exhibit A: Draft Resolution No. PC19-0449 and Conditions of Approval
- Exhibit B: Photos
- Exhibit C: Aerial Site Photo
- Exhibit D: Site Plan, Floor Plan and Elevations
- Exhibit E: Proof of Publication



AGENDA 4.a
ITEM NO. _____

Agenda Report
CITY OF MAYWOOD
PLANNING COMMISSION

DATE: SEPTEMBER 9, 2019

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

SUBJECT: RESOLUTION DENYING CONDITIONAL USE PERMIT NO. PC19-03

APPLICANT: NADIYA AZIZ (KIKI GREENS)

REQUEST: CONDITIONAL USE PERMIT TO ALLOW A NON-STOREFRONT VEHICLE DISPENSARY IN AN EXISTING BUILDING LOCATED AT 4006 SLAUSON AVENUE IN THE CM (COMMERCIAL MANUFACTURING) ZONE

PROPERTY: 4006 SLAUSON AVENUE (APN 6312-028-005)

BACKGROUND

On September 3, 2019, the Planning Commission held a duly noticed public hearing on the proposed application from Kiki Greens ("Applicant"). The Applicant proposes the establishment of a non-storefront cannabis vehicle dispensing facility in a 1,995 square foot tenant space within an existing 7,030 square foot building. The approximately 10,165 square foot (0.23-acre) project site is located at 4006 Slauson Avenue, on a corner lot at the southeast corner of Slauson Avenue and Corona Avenue ("Project Site"). The proposed facility will consist of a small office and product storage areas. Seven (7) on-site parking spaces are proposed including one handicapped parking space are provided. The Project Site is zoned CM (Commercial/Manufacturing) with a General Plan designation of Mixed Use. Surrounding land uses include residential uses to the south, and commercial uses to the north, east and west.

At the conclusion of the public hearing, the Planning Commission voted 5-0 to direct staff to bring back a Resolution to deny the Application. Attached is the proposed Resolution of Denial for the Planning Commission's consideration.

RECOMMENDATION

Staff respectfully recommends that the Planning Commission **ADOPT** attached Resolution No. PC19-0466 making the findings contained therein and **DENY** Conditional Use Permit No. PC19-03.

Attachments:

Exhibit A: Draft Resolution No. PC19-0466

ATTACHMENT NO. 7

**CITY OF MAYWOOD
PLANNING COMMISSION**

RESOLUTION NO. PC 19-0456

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MAYWOOD, CALIFORNIA, DENYING CONDITIONAL USE PERMIT
NO. 19-03 FOR A NON-STOREFRONT CANNABIS VEHICLE
DISPENSING FACILITY AT 4006 SLAUSON AVENUE IN THE 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 ("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 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.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF
MAYWOOD HEREBY FINDS, DETERMINES 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 Maywood Zoning Ordinance provides that the Planning Commission shall deny a requested conditional use permit 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 Planning Commission, all written and oral evidence presented to the Commission, and pursuant Section 5100.40(C) of the Maywood Zoning Ordinance, the Planning Commission 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.

Information provided at the hearing disclosed that several of these businesses cater to or are frequented by families with children including the speech and language therapy center that assists children as young as 18 months of age. As such, the nature of the Proposed Use will be detrimental to these sensitive uses. In addition, as relayed to the Planning Commission, several of these 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 but yet another cannabis establishment is being proposed. 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 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.

Other concerns were raised regarding the safety of the community and those residents adjacent to the Subject Site as 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, concerns were raised 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 Maywood Zoning Code, 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.

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 Planning Commission of the City of Maywood hereby denies the Application for a CUP 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 Planning Commission has reviewed Staff's determination of exemption, and based on its own independent judgment, concurs in staff's determination.

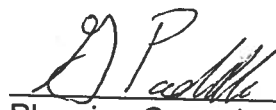
Section 7. Appeal of Decision. This decision may be appealed to the City Council if the appeal is made within 10 days of the date of the decision (the date of adoption of this Resolution) by filing a written appeal with the City Clerk as set forth in the Maywood Zoning Ordinance.

Section 8. This Resolution shall be effective immediately upon its passage and approval.

Passed, approved and adopted this 9th day of September, 2019.


Chair of the Planning Commission
Carmen Perez

ATTEST:


Planning Commission Secretary
Guillermo Padilla



Public Hearing

AGENDA 3
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 25, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JV*

BY: *DM* DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

RE: PUBLIC HEARING FOR AN APPEAL OF A PLANNING COMMISSION DECISION DENYING A CONDITIONAL USE PERMIT TO ALLOW A CANNABIS CULTIVATION FACILITY IN AN EXISTING BUILDING LOCATED AT 3744 FRUITLAND AVENUE IN THE MANUFACTURING (M) ZONE FOR MJM HOLDINGS

RECOMMENDATION

Staff recommends that the City Council conducts the public hearing and upon completion of deliberations ADOPT either the resolution approving or denying conditional use permit application PC19-05 prepared by staff and making the findings contained therein.

FISCAL IMPACT

There is no fiscal impact associated with this action.

LEGAL REVIEW

This report was reviewed by the City Attorney.

BACKGROUND

The application for Conditional Use Permit No. PC19-05 to establish a cannabis cultivation facility was filed with the City of Maywood, Building and Planning Department by Jennifer Michael of MJM Holdings LLC ("Applicant") on July 22, 2019. The Applicant proposes the establishment of a cannabis cultivation facility in an existing 7,390 square foot building. The approximately 8,845 square foot (0.20-acre) project site is located at 3744 Fruitland Avenue, on the southern side of Fruitland Avenue between Loma Vista and Carmelita Avenue ("Project Site"). The proposed cultivation facility will consist of a small reception area, a number of individual rooms for the various cultivation activities, a product storage vault and storage rooms.

Four (4) on-site parking spaces (including one (1) handicapped space) are located at the front of the building. Per Maywood Municipal Code, Ordinance 18-12, a total of nine (9) standard parking spaces plus one disabled access parking space are required. This is an industrial cultivation use replacing a former industrial manufacturing use which creates a reduction in the parking requirement. Therefore, the number of parking spaces provided would be considered legal nonconforming. However, Applicant states that up to ten (10) employees may work at the facility and staff has provided a condition requiring that all employees park off-site (see condition #13). Vehicular access is directly from Fruitland Avenue. Hours of operation will be seven days per week from 7:00 am to 8:00 pm.

The subject property is zoned M (Manufacturing) with a General Plan designation of Industrial. Surrounding land uses include residential uses to the south and industrial uses to the north, east and west.

Per Ordinance No. 18-12, "Cannabis Cultivation" means commercial cannabis activity involving the propagation, cutting, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis or marijuana.

On September 3, 2019, the Maywood Planning Commission held a public hearing to consider CUP PC19-05. After receiving a report from staff and the taking of testimony from the applicant and the public, the Planning Commission voted 5-0 to deny the CUP.

On September 9, a resolution to deny CUP PC19-05 was approved at a special meeting of the Planning Commission by a 5-0 vote.

On September 10, a letter from Jennifer Michael of MJM Holdings LLC, requesting an appeal of the Commission denial was received by the City via email.

On September 14, notice of this public hearing was published in La Opinion newspaper.

On September 18, an email was received from the Applicant requesting that the CUP should reflect that they are seeking a license to cultivate medical cannabis only, and that they have no interest in cultivating for the adult recreational market. Staff has thus added a condition to that effect (see condition #17).

DISCUSSION

The Applicant is requesting Conditional Use Permit approval to allow the establishment of a cannabis cultivation facility. Per Section 5100.40 of the Maywood Zoning Ordinance, the following criteria must be met in order to approve the Conditional Use Permit:

1. The proposed conditional use is consistent with the General Plan.

The Project Site is located along the industrial corridor of Fruitland Avenue. The cannabis cultivation facility will be consistent with other industrial uses in the vicinity and will be for cultivation only with no members of the public accessing the facility.

The approval of the Conditional Use Permit is subject to the conditions of approval contained herein and is compatible with surrounding uses (see Table 1 below), and thus will not adversely affect or be materially detrimental to adjacent uses, buildings or structures.

The Project Site is designated Industrial in the General Plan Map with a corresponding zoning of Manufacturing (M). The proposed commercial cannabis cultivation facility is in conformance with the General Plan land use designation of Industrial: "This designation maintains the City's industrial base while ensuring compatibility with adjacent uses. Industrial uses that do not create conditions hazardous or otherwise detrimental to surrounding development are the only uses permitted."

It is also consistent with the following General Plan goal and policy:

Land Use Element Goal 3.0: Maintain the City's existing industrial base while ensuring compatibility with adjacent uses.

Policy 3.2: Establish and maintain regulations for the establishment and operation of industrial uses that address parking, landscaping, screening of storage areas, and minimize nuisances such as smoke, noise, odors, and vibrations.

2. The nature, condition and development of adjacent uses, buildings and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

The table below presents the surrounding existing uses, general plan land uses and zoning. The surrounding uses to the north, east, and west of the Project Site are compatible to the use proposed on the Project Site. The existing residential uses to the south of the Project Site are separated by the solid wall of the building located on the property line with no openings (MZO Section 4040.150).

Table 1 - Existing Use, General Plan and Zoning

	Existing Use	General Plan LU	Zoning
North	Manufacturing	City of Vernon Industrial	City of Vernon Industrial
East	Manufacturing	Industrial	M
South	Residential	Residential	R-3
West	Manufacturing	Industrial	M

Furthermore, Appendix C of the MZO, as amended by Ordinance 18-12, includes requirements to ensure that commercial cannabis activity does not adversely affect adjacent uses, especially residential uses. These include requiring security and safety measures, such as alarms and close circuit televisions, security windows and roofs, lighting, fire suppression systems, and security personnel to reduce potential crime and fire hazards. Also, the Ordinance states that commercial cannabis activity shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes. In addition, specifically for cannabis manufacturing activity, no toxic chemicals or volatile liquids or material may be used in the manufacturing process, and storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems must comply with the Chapter 53 of the California Fire Code. Members of the public will not have access to the facility.

Finally, Ordinance 18-12 restricts the location of commercial cannabis activity within 600 feet of a public or private State-accredited K-12 school. This proposed Project Site is not located within 600 feet of a State-accredited school. The nearest school to the project site is Pilgrim Christian School located approximately 1,550 feet to the south on 57th Street.

3. The site for a proposed conditional use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Ordinance and required by the Commission or Council in order to integrate the use with uses in the neighborhood.

The Project Site is of adequate size to accommodate the commercial cannabis cultivation activity. The building was constructed in 1948 and conforms or is considered legal non-conforming to all zoning development standards of the M zone.

If the City Council desires to approve the conditional use permit, conditions are included in the Resolution. Alternatively, the City Council can uphold the decision of the Planning Commission and deny the Conditional Use Permit.

Section 5100.40(C) of the Maywood Zoning Ordinance provides that the requested conditional use permit 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.

As set forth in the proposed Resolution of Denial, it can be found that the proposed cannabis use will be materially detrimental to the adjacent residential properties and is a menace to the public health, safety and general welfare of persons located in the vicinity of the Project Site.

The Proposed Use is for the cultivation of cannabis which is defined as planting, growing, harvesting, drying, curing, grading and trimming of cannabis plants. The Applicant intends to utilize the entire building (7,930 square-feet) for this use. The building, however, is adjacent to sensitive residential uses located on the southern portion of the Subject Site. While there is a block wall that separates the building from the residential uses, testimony from residents revealed concerns with odors emanating from other cultivation and cannabis facilities in the City as well as additional crime in the evening hours because of the existence of cannabis facilities in the City. Coupled with the fact that there are existing multiple commercial cannabis facilities within the immediate vicinity of the Subject Site (along the Fruitland Avenue corridor), the addition of the Applicant's facilities will adversely impact and be materially detrimental to the residential

uses to the South as well as be a menace to the public health, safety and general welfare of those residents and the area at large.

ENVIRONMENTAL ASSESSMENT

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1: Existing Facilities) because the project would make interior improvements to an existing building.

ATTACHMENT(S)

Attachment No. 1 - Resolution to approve Conditional Use Permit PC19-05

Attachment No. 2 - Resolution to deny Conditional Use Permit PC19-05

Attachment No. 3 - Appeal Request Letter

Attachment No. 4 – Proof of Publishing

Attachment No. 5 – Planning Commission Minutes

Attachment No. 6 – Planning Commission Agenda Report

Attachment No. 7 – Planning Commission Resolution of Denial



Public Hearing

AGENDA 3
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 25, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER

BY: DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

RE: PUBLIC HEARING FOR AN APPEAL OF A PLANNING COMMISSION DECISION DENYING A CONDITIONAL USE PERMIT TO ALLOW A CANNABIS CULTIVATION FACILITY IN AN EXISTING BUILDING LOCATED AT 3744 FRUITLAND AVENUE IN THE MANUFACTURING (M) ZONE FOR MJM HOLDINGS

RECOMMENDATION

Staff recommends that the City Council conducts the public hearing and upon completion of deliberations ADOPT either the resolution approving or denying conditional use permit application PC19-05 prepared by staff and making the findings contained therein.

FISCAL IMPACT

There is no fiscal impact associated with this action.

LEGAL REVIEW

This report was reviewed by the City Attorney.

BACKGROUND

The application for Conditional Use Permit No. PC19-05 to establish a cannabis cultivation facility was filed with the City of Maywood, Building and Planning Department by Jennifer Michael of MJM Holdings LLC ("Applicant") on July 22, 2019. The Applicant proposes the establishment of a cannabis cultivation facility in an existing 7,390 square foot building. The approximately 8,845 square foot (0.20-acre) project site is located at 3744 Fruitland Avenue, on the southern side of Fruitland Avenue between Loma Vista and Carmelita Avenue ("Project Site"). The proposed cultivation facility will consist of a small reception area, a number of individual rooms for the various cultivation activities, a product storage vault and storage rooms.

Four (4) on-site parking spaces (including one (1) handicapped space) are located at the front of the building. Per Maywood Municipal Code, Ordinance 18-12, a total of nine (9) standard parking spaces plus one disabled access parking space are required. This is an industrial cultivation use replacing a former industrial manufacturing use which creates a reduction in the parking requirement. Therefore, the number of parking spaces provided would be considered legal nonconforming. However, Applicant states that up to ten (10) employees may work at the facility and staff has provided a condition requiring that all employees park off-site (see condition #13). Vehicular access is directly from Fruitland Avenue. Hours of operation will be seven days per week from 7:00 am to 8:00 pm.

The subject property is zoned M (Manufacturing) with a General Plan designation of Industrial. Surrounding land uses include residential uses to the south and industrial uses to the north, east and west.

Per Ordinance No. 18-12, "Cannabis Cultivation" means commercial cannabis activity involving the propagation, cutting, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis or marijuana.

On September 3, 2019, the Maywood Planning Commission held a public hearing to consider CUP PC19-05. After receiving a report from staff and the taking of testimony from the applicant and the public, the Planning Commission voted 5-0 to deny the CUP.

On September 9, a resolution to deny CUP PC19-05 was approved at a special meeting of the Planning Commission by a 5-0 vote.

On September 10, a letter from Jennifer Michael of MJM Holdings LLC, requesting an appeal of the Commission denial was received by the City via email.

On September 14, notice of this public hearing was published in La Opinion newspaper.

On September 18, an email was received from the Applicant requesting that the CUP should reflect that they are seeking a license to cultivate medical cannabis only, and that they have no interest in cultivating for the adult recreational market. Staff has thus added a condition to that effect (see condition #17).

DISCUSSION

The Applicant is requesting Conditional Use Permit approval to allow the establishment of a cannabis cultivation facility. Per Section 5100.40 of the Maywood Zoning Ordinance, the following criteria must be met in order to approve the Conditional Use Permit:

1. The proposed conditional use is consistent with the General Plan.

The Project Site is located along the industrial corridor of Fruitland Avenue. The cannabis cultivation facility will be consistent with other industrial uses in the vicinity and will be for cultivation only with no members of the public accessing the facility.

The approval of the Conditional Use Permit is subject to the conditions of approval contained herein and is compatible with surrounding uses (see Table 1 below), and thus will not adversely affect or be materially detrimental to adjacent uses, buildings or structures.

The Project Site is designated Industrial in the General Plan Map with a corresponding zoning of Manufacturing (M). The proposed commercial cannabis cultivation facility is in conformance with the General Plan land use designation of Industrial: "This designation maintains the City's industrial base while ensuring compatibility with adjacent uses. Industrial uses that do not create conditions hazardous or otherwise detrimental to surrounding development are the only uses permitted."

It is also consistent with the following General Plan goal and policy:

Land Use Element Goal 3.0: Maintain the City's existing industrial base while ensuring compatibility with adjacent uses.

Policy 3.2: Establish and maintain regulations for the establishment and operation of industrial uses that address parking, landscaping, screening of storage areas, and minimize nuisances such as smoke, noise, odors, and vibrations.

2. The nature, condition and development of adjacent uses, buildings and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

The table below presents the surrounding existing uses, general plan land uses and zoning. The surrounding uses to the north, east, and west of the Project Site are compatible to the use proposed on the Project Site. The existing residential uses to the south of the Project Site are separated by the solid wall of the building located on the property line with no openings (MZO Section 4040.150).

Table 1 - Existing Use, General Plan and Zoning

	Existing Use	General Plan LU	Zoning
North	Manufacturing	City of Vernon Industrial	City of Vernon Industrial
East	Manufacturing	Industrial	M
South	Residential	Residential	R-3
West	Manufacturing	Industrial	M

Furthermore, Appendix C of the MZO, as amended by Ordinance 18-12, includes requirements to ensure that commercial cannabis activity does not adversely affect adjacent uses, especially residential uses. These include requiring security and safety measures, such as alarms and close circuit televisions, security windows and roofs, lighting, fire suppression systems, and security personnel to reduce potential crime and fire hazards. Also, the Ordinance states that commercial cannabis activity shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes. In addition, specifically for cannabis manufacturing activity, no toxic chemicals or volatile liquids or material may be used in the manufacturing process, and storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems must comply with the Chapter 53 of the California Fire Code. Members of the public will not have access to the facility.

Finally, Ordinance 18-12 restricts the location of commercial cannabis activity within 600 feet of a public or private State-accredited K-12 school. This proposed Project Site is not located within 600 feet of a State-accredited school. The nearest school to the project site is Pilgrim Christian School located approximately 1,550 feet to the south on 57th Street.

3. The site for a proposed conditional use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Ordinance and required by the Commission or Council in order to integrate the use with uses in the neighborhood.

The Project Site is of adequate size to accommodate the commercial cannabis cultivation activity. The building was constructed in 1948 and conforms or is considered legal non-conforming to all zoning development standards of the M zone.

If the City Council desires to approve the conditional use permit, conditions are included in the Resolution. Alternatively, the City Council can uphold the decision of the Planning Commission and deny the Conditional Use Permit.

Section 5100.40(C) of the Maywood Zoning Ordinance provides that the requested conditional use permit 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.

As set forth in the proposed Resolution of Denial, it can be found that the proposed cannabis use will be materially detrimental to the adjacent residential properties and is a menace to the public health, safety and general welfare of persons located in the vicinity of the Project Site.

The Proposed Use is for the cultivation of cannabis which is defined as planting, growing, harvesting, drying, curing, grading and trimming of cannabis plants. The Applicant intends to utilize the entire building (7,930 square-feet) for this use. The building, however, is adjacent to sensitive residential uses located on the southern portion of the Subject Site. While there is a block wall that separates the building from the residential uses, testimony from residents revealed concerns with odors emanating from other cultivation and cannabis facilities in the City as well as additional crime in the evening hours because of the existence of cannabis facilities in the City. Coupled with the fact that there are existing multiple commercial cannabis facilities within the immediate vicinity of the Subject Site (along the Fruitland Avenue corridor), the addition of the Applicant's facilities will adversely impact and be materially detrimental to the residential

uses to the South as well as be a menace to the public health, safety and general welfare of those residents and the area at large.

ENVIRONMENTAL ASSESSMENT

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1: Existing Facilities) because the project would make interior improvements to an existing building.

ATTACHMENT(S)

Attachment No. 1 - Resolution to approve Conditional Use Permit PC19-05

Attachment No. 2 - Resolution to deny Conditional Use Permit PC19-05

Attachment No. 3 - Appeal Request Letter

Attachment No. 4 – Proof of Publishing

Attachment No. 5 – Planning Commission Minutes

Attachment No. 6 – Planning Commission Agenda Report

Attachment No. 7 – Planning Commission Resolution of Denial

ATTACHMENT NO. 1

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, GRANTING THE APPEAL AND APPROVING CONDITIONAL USE PERMIT NO. 19-05 TO ALLOW ESTABLISHMENT OF A CANNABIS CULTIVATION FACILITY AT 3744 FRUITLAND AVENUE IN THE MANUFACTURING (M) ZONE

WHEREAS, Ms. Jennifer Michael (MJM Holdings LLC) filed Application No. PC 19-05 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, to allow for the establishment of a commercial cannabis cultivation facility ("Application") for property located at 3744 FRUITLAND Avenue (APN 6311-001-004), Maywood CA 90270, ("Project Site"); and

WHEREAS, the Project Site consists of a 8,845 square-foot (0.20- acre) lot developed with a 7,930 square-foot production/warehouse in the Manufacturing (M) zoning district; and

WHEREAS, The Applicant requests approval of CUP No. 19-05 to allow the establishment of a cannabis cultivation facility; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the Application on September 3, 2019 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;

WHEREAS, on September 9, 2019, the Planning Commission adopted Resolution PC19-0457 denying Conditional Use Permit No. 19-05;

WHEREAS, the Applicant filed a timely appeal to the City Council of the Planning Commission's decision to deny Conditional Use Permit No. 19-05;

WHEREAS, on September 25, 2019, the City Council held a duly noticed public hearing on the appeal where evidence, both written and oral, was presented at said hearing.

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

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

SECTION 1 Based on the entire record before the City Council and all written and oral evidence presented to the Council, including the staff report, and pursuant to the provisions of Section 5100.40 of the Maywood Zoning Ordinance, the Commission finds as follows:

- A. The site is located along the industrial corridor of Fruitland Avenue. The cannabis cultivation facility will be consistent with other industrial uses in the vicinity and will be for cultivation only with no members of the public accessing the facility.

The approval of the Conditional Use Permit is subject to the conditions of approval contained herein and is compatible with surrounding uses (see Table 1 below), and thus will not adversely affect or be materially detrimental to adjacent uses, buildings or structures.

The Project Site is designated Industrial in the General Plan Map with a corresponding zoning of Manufacturing (M). The proposed commercial cannabis cultivation facility is in conformance with the General Plan land use designation of Industrial: "This designation maintains the City's industrial base while ensuring compatibility with adjacent uses. Industrial uses that do not create conditions hazardous or otherwise detrimental to surrounding development are the only uses permitted." It is also consistent with the following General Plan goal and policy:

Land Use Element Goal 3.0: Maintain the City's existing industrial base while ensuring compatibility with adjacent uses.

Policy 3.2. Establish and maintain regulations for the establishment and operation of industrial uses that address parking, landscaping, screening of storage areas, and minimize nuisances such as smoke, noise, odors, and vibrations.

- B. The table below presents the surrounding existing uses, general plan land uses and zoning. The surrounding uses to the north, east, and west of the Project Site are compatible to the use proposed on the Project Site. The existing residential uses to the south of the Project Site are separated by the solid wall of the building located on the property line with no openings (MZO Section 4040.150).

Table 1 - Existing Use, General Plan and Zoning

	Existing Use	General Plan LU	Zoning
North	Manufacturing	City of Vernon Industrial	City of Vernon Industrial
East	Manufacturing	Industrial	M
South	Residential	Residential	R-3
West	Manufacturing	Industrial	M

Furthermore, Appendix C of the MZO, as amended by Ordinance 18-12, includes requirements to ensure that commercial cannabis activity does not adversely affect adjacent uses, especially residential uses. These include requiring security and safety measures, such as alarms and close circuit televisions, security windows and roofs, lighting, fire suppression systems, and security personnel to reduce potential crime and fire hazards. Also, the Ordinance states that commercial cannabis activity shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes. In addition, specifically for cannabis manufacturing activity, no toxic chemicals or volatile liquids or material may be used in the manufacturing process, and storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems must comply with the Chapter 53 of the California Fire Code.

Finally, the Ordinance 18-12 restricts the location of commercial cannabis activity within 600 feet of a public or private State-accredited K-12 school. This proposed Project Site is not located within 600 feet of a State-accredited school. The nearest school to the project site is Pilgrim Christian School located approximately 1,700 feet to the southeast on 57th Street.

The table below presents the surrounding existing uses, general plan land uses and zoning. The surrounding uses to the north, east, and west of the Project Site are compatible to the use proposed on the Project Site. The existing residential uses to the south of the Project Site are separated by the solid wall of the building located on the property line with no openings (MZO Section 4040.150).

- c. The Project Site is of adequate size to accommodate the commercial cannabis cultivation activity. The proposed use and new building will conform to all zoning development standards of the M zone.

SECTION 2 Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds that the Application complies with CEQA for the following reasons:

Pursuant to the provisions of the California Environmental Quality Act (CEQA), as amended, the City, as the Lead Agency, has analyzed the proposal and has concluded that it is appropriate in this case to grant a Class 1 Categorical Exemption under CEQA Guidelines Section 15301(a) because the project would involve only interior improvements to an existing building.

Staff has prepared the required Notice of Exemption, which is available for public review in the Building and Planning Department.

SECTION 3 Based on the entire record before the Council, all written and oral evidence presented to the Council, and the findings set forth in this Resolution, the

Council grants the appeal and overturns the decision of the Planning Commission and approves the Conditional Use Permit Application No. PC19-05 to allow the establishment of a commercial cannabis manufacturing facility on the Subject Site, subject to the conditions of approval in Exhibit 1.

SECTION 4 The location and custodian of the documents and any other material which constitute the record of proceedings upon which the City Council based its decision is as follows: David Mango, City of Maywood Building and Planning Department, 4319 E. Slauson Avenue, Maywood, CA 90270 (323) 562-5721.

SECTION 5 Effective Date. This Resolution shall become effective upon its adoption.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

EDUARDO DE LA RIVA, MAYOR

ATTEST:

GERARDO MAYAGOITIA, CITY CLERK

APPROVED AS TO FORM:

ROXANNE DIAZ, CITY ATTORNEY

Exhibit 1

Conditions of Approval

1. The use and improvements authorized by this CUP shall conform to the Conditions of Approval contained herein and to the improvement plans and specifications approved by the City. Any appreciable modification of the authorized use and/or approved plans and specifications as well of the existing use as described above, as determined by the Director of Building and Planning, shall require prior approval of the Planning Commission pursuant to an amendment of this Application.
2. This Conditional Use Permit which, if not used within one year, will expire and become null and void and of no effect, except if an extension is applied for prior to the expiration date and an extension is granted by the Planning Commission.
3. The Applicant agrees to allow the City inspector access to the subject premises to reasonably inspect the same at all times to assure compliance with these Conditions of Approval. Failure to provide reasonable access will constitute cause for a Revocation of the CUP.
4. The Applicant shall operate the proposed use and maintain the Project Site in full compliance with Maywood Ordinance No. 18-12 and any ordinance which supersedes, and all other City, County, State and Federal regulations applicable to this project.
5. Prior to the issuance of an occupancy permit for the authorized use, all applicable Conditions of Approval shall be completed to the reasonable satisfaction of the City.
6. From a public right-of-way, there shall be no exterior evidence of cannabis cultivation except for any signage authorized by this CUP.
7. Odor control devices and techniques shall be incorporated in all licensed premises to ensure that odors from cannabis or marijuana are not detectable offsite. Licensees shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the licensed premises that is distinctive to its operation is not detected outside of the premises, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the licensed premises.
8. If notified by the City that a nuisance odor complaint has been received which was subsequently verified by the City, Applicant agrees to obtain the services of an odor control engineer or similar certified professional who must provide an investigation protocol or odor mitigation plan within ten (10) working days. Applicant further acknowledges that ineffective odor control systems or operating practices constitutes grounds for CUP revocation.

9. The Applicant shall defend, indemnify and hold harmless the City of Maywood (City) and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or mitigation measure imposed by the City Council, Planning Commission, or Director of Building and Planning. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter.
10. Any and all equipment used to conduct business will comply with Chapter 23 of the Maywood Municipal Code (Noise Control). Failure to comply with noise regulations may result in revocation of the CUP.
11. All proposed signage, permanent and temporary, must be approved by the Director of Building and Planning and shall conform to Section 4110 of the Maywood Zoning Ordinance and Maywood Ordinance 18-12.
12. Applicant agrees to reimburse the City all consultant costs incurred for third-party facility inspections, financial audits, or any other activity required to verify compliance with these conditions and all other City, County, State and Federal regulations applicable to this project.
13. No employees of the cultivation facility shall park vehicles on-site. The Applicant shall provide parking offsite, shuttle-in or employ a similar strategy for all employees. Applicant agrees to submit a written employee parking proposal to be approved and accepted by the Building and Planning Department and the City Attorney prior to occupancy.
14. The Building and Planning Department shall approve all site and construction plans and appropriate permits, including sign permits, shall be secured by the Applicant before any work is to begin.
15. The property shall remain at all times free of litter and all graffiti shall be removed within 24 hours.
16. All owners, principals, managers, employees, contractors or volunteers of the testing facility shall complete a criminal background check and shall not have been convicted of or plead guilty or no-contest to a felony or misdemeanor involving the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance within the past four (4) years.
17. This CUP and shall be subject to revocation for any violation of or noncompliance with any of these Conditions of Approval and/or other codes, regulations, or standards

enforced by or beneficial to the City of Maywood. The Applicant acknowledges that failure to meet any of the Conditions of Approval contained herein will be cause for a Revocation of the CUP.

18. This conditional use permit will not be effective until ten (10) days after the date upon which it is granted by the City Council and within ten (10) days from the adoption of the Resolution approving this Application, the Applicant and/or Owner of the subject property shall execute a notarized affidavit agreeing to comply with the aforementioned conditions.

ATTACHMENT NO. 2

RESOLUTION NO. ____

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. 19-05 FOR A COMMERCIAL CANNABIS CULTIVATION FACILITY AT 3744 FRUITLAND AVENUE IN THE IN THE MANUFACTURING (M) ZONE

WHEREAS, Ms. Jennifer Michael for MJM Holdings, LLC ("Applicant") filed Application No. PC 19-05 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 commercial cannabis cultivation facility ("Application" or "Proposed Use") on property located at 3744 Fruitland Avenue (APN 6311-001-004), Maywood CA 90270, ("Subject Site"); and

WHEREAS, the Planning Commission held a duly noticed public hearing on the Application on September 3, 2019 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;

WHEREAS, on September 9, 2019, the Planning Commission adopted Resolution PC19-0457 denying Conditional Use Permit No. 19-05;

WHEREAS, the Applicant filed a timely appeal to the City Council of the Planning Commission's decision to deny Conditional Use Permit No. 19-05;

WHEREAS, the City Council held a duly noticed public hearing on the Application 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 Maywood Zoning Ordinance provides that the City Council shall deny a requested conditional use permit 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 commercial cannabis cultivation 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 is for the cultivation of cannabis which is defined as planting, growing, harvesting, drying, curing, grading and trimming of cannabis plants. The Applicant intends to utilize the entire building (7,930 square-feet) for this use. The building, however, is adjacent to sensitive residential uses located on the southern portion of the Subject Site. While there is a block wall that separates the building from the residential uses, testimony from residents revealed concerns with odors emanating from other cultivation and cannabis facilities in the City as well as additional crime in the evening hours because of the existence of cannabis facilities in the City. Coupled with the fact that there are existing multiple commercial cannabis facilities within the immediate vicinity of the Subject Site (along the Fruitland Avenue corridor), the addition of the Applicant's facilities will adversely impact and be materially detrimental to the residential uses to the South as well as be a menace to the public health, safety and general welfare of those residents and the area at large.

B. The Applicant has failed to show that reasonable restrictions or conditions to permit the proposed commercial cannabis cultivation facility would prevent the detriment and menace as described in paragraph A above. The City is approximately 1.5 square miles but yet there are 10.9 licensed facilities per square mile, including 4 existing cultivation facilities with the possibility of an additional cultivation facility. Accordingly, the City has a high concentration of commercial cannabis facilities in the City. The addition of another commercial cannabis facility adjacent to sensitive residential uses would exacerbate the issues of odor and crime being experienced by residents in the community that are near or adjacent to such uses. Accordingly, there are no reasonable conditions that can be placed on the Proposed Use to prevent the detriment and menace described in this Resolution.

Section 4. Based on the findings set forth above in Section 3 and on all other evidence in the record, both oral and written, the City Council of the City of Maywood hereby denies the Application for a CUP to allow establishment of a commercial cannabis cultivation facility at 3744 Fruitland 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:

NOES:

ABSENT:

ABSTAIN:

EDUARDO DE LA RIVA, MAYOR

ATTEST:

GERARDO MAYAGOITIA, CITY CLERK

APPROVED AS TO FORM:

ROXANNE DIAZ, CITY ATTORNEY

ATTACHMENT NO. 3

MJM Holdings LLC

MJM Holdings LLC
3744 Fruitland Ave.
Maywood, CA 90270
818-235-7237
Jbelle.michael@gmail.com

September 10, 2019

**City of Maywood
Attention: David Mango
Planning Director
4319 E. Slauson Ave.
Maywood, CA 90270**

Dear David Mango,

This letter is to inform you that MJM Holding's would like to appeal the Resolution of Denial by the City of Maywood's Planning Commission on 9/3/2019 for a Commercial Cannabis Cultivation Facility CUP 19-05 at 3744 Fruitland Ave, Maywood, CA 90270

Regards,



**Jennifer Michael
Chief Financial Officer
MJM Holdings LLC
3744 Fruitland Ave.
Maywood, CA 90270
818-235-7237
Jbelle.michael@gmail.com**

ATTACHMENT NO. 4

CALIFORNIA NEWSPAPER SERVICE BUREAU

DAILY JOURNAL CORPORATION

Mailing Address : 915 E FIRST ST, LOS ANGELES, CA 90012
Telephone (213) 229-5300 / Fax (213) 229-5481
Visit us @ WWW.LEGALADSTORE.COM

GUILLERMO PADILLA
MAYWOOD CITY CLERK
4319 E SLAUSON AVE
MAYWOOD, CA 90270

CNS 3293946

COPY OF NOTICE

Notice Type: HRG NOTICE OF HEARING
Ad Description: CITY OF MAYWOOD NOTICE OF PUBLIC HEARING
PC19-05

To the right is a copy of the notice you sent to us for publication in the LA OPINION. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

09/14/2019

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Daily Journal Corporation

Serving your legal advertising needs throughout California. Call your local

BUSINESS JOURNAL, RIVERSIDE	(951) 784-0111
DAILY COMMERCE, LOS ANGELES	(213) 229-5300
LOS ANGELES DAILY JOURNAL, LOS ANGELES	(213) 229-5300
ORANGE COUNTY REPORTER, SANTA ANA	(714) 543-2027
SAN FRANCISCO DAILY JOURNAL, SAN FRANCISCO	(800) 640-4829
SAN JOSE POST-RECORD, SAN JOSE	(408) 287-4866
THE DAILY RECORDER, SACRAMENTO	(916) 444-2355
THE DAILY TRANSCRIPT, SAN DIEGO	(619) 232-3486
THE INTER-CITY EXPRESS, OAKLAND	(510) 272-4747

CITY OF MAYWOOD NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Maywood, California, will conduct a public hearing at the City Council Chambers, 4319 Slauson Avenue in said City of Maywood on Wednesday, September 25, 2019 at 7:00 p.m., or as soon thereafter as practical, to consider the following:

AN APPEAL OF A MAYWOOD PLANNING COMMISSION DECISION DENYING CONDITIONAL USE PERMIT APPLICATION PC19-05 WHICH SOUGHT TO ESTABLISH A CANNABIS CULTIVATION FACILITY IN AN EXISTING BUILDING LOCATED AT 3744 FRUITLAND AVENUE IN THE M (MANUFACTURING) ZONE

On September 3, 2019, the Maywood Planning Commission held a duly noticed public hearing regarding the above referenced conditional use permit application. On September 9, 2019, the Maywood Planning Commission voted unanimously to approve resolution PC19-0457 denying CUP application PC19-05. Questions regarding the appeal hearing may be directed to City Hall at the following address:

City of Maywood Office
of the City Clerk
Attn: Guillermo Padilla
4319 Slauson Avenue,
Maywood, CA 90270
guillermo.padilla@cityofmaywood.org

If you challenge any portion of this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence

delivered at, or prior to, the public hearing.

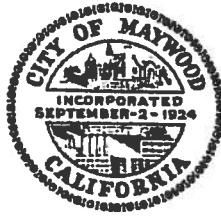
Any person unable to attend the public hearing may submit written comments to the City Clerk, 4319 Slauson Avenue, Maywood, California 90270.

Guillermo Padilla
Deputy City Clerk
9/14/19
CNS-3293946#
LA OPINION



* A 0 0 0 0 0 5 2 1 5 0 2 7 *

ATTACHMENT NO. 5



AGENDA 4.A
ITEM NO. _____

September 3, 2019

**MINUTES OF THE SPECIAL MEETING
OF THE MAYWOOD PLANNING COMMISSION AND BUILDING BOARD OF
APPEALS HELD IN THE COUNCIL CHAMBERS, 4319 EAST SLAUSON AVENUE,
MAYWOOD, CALIFORNIA**

1. CALL TO ORDER

Chair Perez opened the meeting at approx. 7:00 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Carmen Perez, Chairperson
Reyna Mendez, Vice Chairperson
Paloma Hernandez, Commissioner
Alondra Olmos, Commissioner
Raul Rodriguez, Commissioner

3. PUBLIC PARTICIPATION (Non-Agenda Items Only)

Members of the audience may speak on an item NOT otherwise listed on the agenda and within the subject matter jurisdiction of the Planning Commission. Each speaker is limited to three (3) minutes and is required to fill out a comment card with the Planning Commission Secretary. Public comments on agenda items will be discussed when that agenda items is raised.

There were no speakers for Non-Agenda Items

4. APPROVAL OF MINUTES

- a. Approval of minutes for July 16, 2019 Motion to approve by Rodriquez. Second by Perez. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES
- b. Approval of minutes for July 30, 2019. Motion to approve by Rodriquez. Second by Perez. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES
- c. Approval of minutes for August 12, 2019. Motion to approve with correction to the minutes by Rodriquez. Second by Perez. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES

The typographical error to be corrected is on page #2 the signature line for the Chair should read "Planning Commission Chair, Carmen Perez."

5. PUBLIC HEARING

- a. Public Hearing to consider Conditional Use Permit PC19-03 to allow a non-storefront retail vehicle dispensary on a parcel within the CM (Commercial/Manufacturing) zone with a General Plan land use designation of Mixed-use. The property address is 4006 Slauson Avenue (APN 6312-028-005).

The following individuals spoke on the Public Hearing.

1. Steve Norman (Applicant);
2. Nadia Aziz (Applicant);
3. Evette Driden;
4. Mary Mariscal.

Motion to Deny the Conditional Use Permit Application and direct staff to return with a Resolution of denial based on safety, parking, and traffic concerns and the impacts to the surrounding residences and businesses raised at the hearing by Olmos. Second by Mendez. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES.

- b. Public Hearing to consider Conditional Use Permit PC19-04 to allow a cannabis testing facility on a parcel within the CM (Commercial/Manufacturing) zone with a General Plan land use designation of Mixed-use. The property address is 4000 Slauson Avenue (APN 6312-028-005).

The following individuals spoke on the Public Hearing.

1. Jose Mendoza (Applicant);
2. Myra Mendoza (Applicant);
3. Juan Datzen (Applicant);
4. Claudia Osuna (Applicant);
5. Evette Driden;
6. Sherina Holmes;
7. Alma Jimenez;
8. Heather Wilson;
9. Maria Iniguez;
10. Mary Mariscal;
11. Patricia Florez;
12. Maria Walta;
13. Edwin Garcia.

Motion to continue to next meeting with educational components, including: 1) LA Labs business plan; 2) explanation of chemicals used in the testing laboratory and filtration of water; 3) photos of the equipment and of similar laboratories and provide documentation; and 4) mock-ups of the sample sizes received for testing. provided by the applicant by Perez. Second by Hernandez. AYES: Rodriquez, Hernandez, Olmos, and Perez. NOES: Mendez. PASSES

- c. Public Hearing to consider Conditional Use Permit PC19-05 to allow a cannabis cultivation facility on a parcel within the M (Manufacturing) zone with a General Plan land use designation of Industrial. The property address is 3744 Fruitland Avenue (APN 6311-001-004).

The following individuals spoke on the Public Hearing.

1. Jennifer Michael
2. Mike Morola
3. Mary Mariscal
4. Margerito Garcia
5. Edwin Garcia

Motion to Deny the Conditional Use Permit Application and direct staff to return with a Resolution of denial due to adverse impacts on adjacent residential uses along southern portion of Project site, including the high concentration of commercial cannabis facilities adjacent to sensitive residential uses, and concerns about odor and crime raised during the hearing by Olmos. Second by Perez. AYES: Rodriquez, Olmos, Mendez, and Perez. ABSTAIN: Hernandez. PASSES.

6. ADJOURNMENT

To the next regular Planning Commission meeting of Tuesday, September 17, 2019, at 7:00 P.M.



Planning Commission Chair
Carmen Perez

ATTEST:



Planning Secretary, Guillermo Padilla



AGENDA 4.B
ITEM NO. _____

September 9, 2019

**MINUTES OF THE SPECIAL MEETING
OF THE MAYWOOD PLANNING COMMISSION AND BUILDING BOARD OF
APPEALS HELD IN THE COUNCIL CHAMBERS, 4319 EAST SLAUSON AVENUE,
MAYWOOD, CALIFORNIA**

1. CALL TO ORDER

Chair Perez opened the meeting at approx. 7:00 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Carmen Perez, Chairperson
Reyna Mendez, Vice Chairperson
Paloma Hernandez, Commissioner
Alondra Olmos, Commissioner
Raul Rodriguez, Commissioner

3. PUBLIC PARTICIPATION (Non-Agenda Items Only)

Members of the audience may speak on an item NOT otherwise listed on the agenda and within the subject matter jurisdiction of the Planning Commission. Each speaker is limited to three (3) minutes and is required to fill out a comment card with the Planning Commission Secretary. Public comments on agenda items will be discussed when that agenda items is raised.

There were no speakers for Non-Agenda Items

4. CONSENT ITEMS

- a. Resolution of Denial for Conditional Use Permit PC19-03 to allow a non-storefront retail vehicle dispensary on a parcel within the CM (Commercial/Manufacturing) zone with a General Plan land use designation of Mixed-use. The property address is 4006 Slauson Avenue (APN 6312-028-005). **Motion to approve by Perez. Second by Olmos. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES.**

- b. Resolution of Denial for Conditional Use Permit PC19-05 to allow a cannabis cultivation facility on a parcel within the M (Manufacturing) zone with a General Plan land use designation of Industrial. The property address is 3744 Fruitland Avenue (APN 6311-001-004). **Motion to approve by Perez. Second by Olmos. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES.**

5. ADJOURNMENT

To the next regular Planning Commission meeting of Tuesday, September 17, 2019, at 7:00 P.M.



**Planning Commission Chair
Carmen Perez**

ATTEST:



Planning Secretary, Guillermo Padilla

ATTACHMENT NO. 6



AGENDA 5.c
ITEM NO. _____

Agenda Report
CITY OF MAYWOOD
PLANNING COMMISSION

DATE: SEPTEMBER 3, 2019

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM:  DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

SUBJECT: CONDITIONAL USE PERMIT NO. PC19-05

APPLICANT: MS. JENNIFER MICHAEL (MJM HOLDINGS, LLC)

REQUEST: A CONDITIONAL USE PERMIT TO ALLOW CANNABIS CULTIVATION IN AN EXISTING BUILDING LOCATED AT 3744 FRUITLAND AVENUE IN THE M (MANUFACTURING) ZONE

PROPERTY: 3744 FRUITLAND AVENUE (APN 6311-001-004)

PROPOSAL

MJM Holdings, LLC ("Applicant") proposes the establishment of a cannabis cultivation facility in an existing 7,390 square foot building. The approximately 8,845 square foot (0.20-acre) project site is located at 3744 Fruitland Avenue, on the southern side of Fruitland Avenue between Loma Vista and Carmelita Avenue ("Project Site"). The proposed cultivation facility will consist of a small reception area, a number of individual rooms for the various cultivation activities, a product storage vault and storage rooms.

Four (4) on-site parking spaces (including one (1) handicapped space) are located at the front of the building. Per Maywood Municipal Code, Ordinance 18-12, a total of nine (9) standard parking spaces plus one disabled access parking space are required. This is an industrial cultivation use replacing a former industrial manufacturing use which creates a reduction in the parking requirement. Therefore, the number of parking spaces provided would be considered legal nonconforming. However, Applicant states that up to ten (10) employees may work at the facility and staff has provided a condition requiring that all employees park off-site (see condition #13). Vehicular access is directly from Fruitland Avenue.

Hours of operation will be seven days per week from 7:00 am to 8:00 pm.

The subject property is zoned M (Manufacturing) with a General Plan designation of Industrial. Surrounding land uses include residential uses to the south and industrial uses to the north, east and west.

BACKGROUND

The application for a Conditional Use Permit to establish a cannabis cultivation facility was filed with the City of Maywood, Building and Planning Department by Ms. Jennifer Michael of MJM Holdings, LLC on July 20, 2019. The 0.20-acre Project Site is flat and is currently developed with a 7,930 square-foot industrial building. The cannabis cultivation facility will occupy the entire building.

Per Ordinance No. 18-12, "Cannabis Cultivation" means commercial cannabis activity involving the propagation, cutting, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis or marijuana.

ANALYSIS

The Applicant is requesting Conditional Use Permit approval to allow the establishment of a cannabis cultivation facility. Per Section 5100.40 of the Maywood Zoning Ordinance, the following criteria must be met in order to approve the Conditional Use Permit:

1. The proposed conditional use is consistent with the General Plan.

The Project Site is located along the industrial corridor of Fruitland Avenue. The cannabis cultivation facility will be consistent with other industrial uses in the vicinity and will be for cultivation only with no members of the public accessing the facility.

The approval of the Conditional Use Permit is subject to the conditions of approval contained herein and is compatible with surrounding uses (see Table 1 below), and thus will not adversely affect or be materially detrimental to adjacent uses, buildings or structures.

The Project Site is designated Industrial in the General Plan Map with a corresponding zoning of Manufacturing (M). The proposed commercial cannabis cultivation facility is in conformance with the General Plan land use designation of Industrial: "This designation maintains the City's industrial base while ensuring

compatibility with adjacent uses. Industrial uses that do not create conditions hazardous or otherwise detrimental to surrounding development are the only uses permitted."

It is also consistent with the following General Plan goal and policy:

Land Use Element Goal 3.0: Maintain the City's existing industrial base while ensuring compatibility with adjacent uses.

Policy 3.2: Establish and maintain regulations for the establishment and operation of industrial uses that address parking, landscaping, screening of storage areas, and minimize nuisances such as smoke, noise, odors, and vibrations.

2. The nature, condition and development of adjacent uses, buildings and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

The table below presents the surrounding existing uses, general plan land uses and zoning. The surrounding uses to the north, east, and west of the Project Site are compatible to the use proposed on the Project Site. The existing residential uses to the south of the Project Site are separated by the solid wall of the building located on the property line with no openings (MZO Section 4040.150).

Table 1 - Existing Use, General Plan and Zoning

	Existing Use	General Plan LU	Zoning
North	Manufacturing	City of Vernon Industrial	City of Vernon Industrial
East	Manufacturing	Industrial	M
South	Residential	Residential	R-3
West	Manufacturing	Industrial	M

Furthermore, Appendix C of the MZO, as amended by Ordinance 18-12, includes requirements to ensure that commercial cannabis activity does not adversely affect adjacent uses, especially residential uses. These include requiring security

and safety measures, such as alarms and close circuit televisions, security windows and roofs, lighting, fire suppression systems, and security personnel to reduce potential crime and fire hazards. Also, the Ordinance states that commercial cannabis activity shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes. In addition, specifically for cannabis manufacturing activity, no toxic chemicals or volatile liquids or material may be used in the manufacturing process, and storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems must comply with the Chapter 53 of the California Fire Code. Members of the public will not have access to the facility.

Finally, Ordinance 18-12 restricts the location of commercial cannabis activity within 600 feet of a public or private State-accredited K-12 school. This proposed Project Site is not located within 600 feet of a State-accredited school. The nearest school to the project site is Pilgrim Christian School located approximately 1,550 feet to the south on 57th Street.

3. The site for a proposed conditional use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Ordinance and required by the Commission or Council in order to integrate the use with uses in the neighborhood.

The Project Site is of adequate size to accommodate the commercial cannabis cultivation activity. The building was constructed in 1948 and conforms or is considered legal non-conforming to all zoning development standards of the M zone.

CONDITIONS OF APPROVAL

Staff recommends conditions of approval for this project as follows:

1. The use and improvements authorized by this CUP shall conform to the Conditions of Approval contained herein and to the improvement plans and specifications approved by the City. Any appreciable modification of the authorized use and/or approved plans and specifications as well of the existing use as described above, as determined by the Director of Building and Planning, shall require prior approval of the Planning Commission pursuant to an amendment of this Application.

2. This Conditional Use Permit which, if not used within one year, will expire and become null and void and of no effect, except if an extension is applied for prior to the expiration date and an extension is granted by the Planning Commission.
3. The Applicant agrees to allow the City inspector access to the subject premises to reasonably inspect the same at all times to assure compliance with these Conditions of Approval. Failure to provide reasonable access will constitute cause for a Revocation of the CUP.
4. The Applicant shall operate the proposed use and maintain the Project Site in full compliance with Maywood Ordinance No. 18-12 and any superseding ordinance and all other City, County, State and Federal regulations applicable to this project.
5. Prior to the issuance of an occupancy permit for the authorized use, all applicable Conditions of Approval shall be completed to the reasonable satisfaction of the City.
6. From a public right-of-way, there shall be no exterior evidence of cannabis cultivation except for any signage authorized by this CUP.
7. Odor control devices and techniques shall be incorporated in all licensed premises to ensure that odors from cannabis or marijuana are not detectable offsite. Licensees shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the licensed premises that is distinctive to its operation is not detected outside of the premises, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the licensed premises.
8. If notified by the City that a nuisance odor complaint has been received which was subsequently verified by the City, Applicant agrees to obtain the services of an odor control engineer or similar certified professional who shall provide a written investigation protocol or odor mitigation plan within ten (10) working days. Applicant further acknowledges that failure to employ effective odor control systems or standard operating procedures constitutes grounds for CUP revocation.
9. The Applicant shall defend, indemnify and hold harmless the City of Maywood and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or mitigation measure imposed by the City Council, Planning Commission, or Director of Building and Planning. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and City shall cooperate fully in the defense of the matter. The City reserves the right, at

its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter.

10. Any and all equipment used to conduct business will comply with Chapter 23 of the Maywood Municipal Code (Noise Control). Failure to comply with noise regulations may result in revocation of the CUP.

11. All proposed signage, permanent and temporary, must be approved by the Director of Building and Planning and shall conform to Section 4110 of the Maywood Zoning Ordinance and Maywood Ordinance 18-12.

12. Applicant agrees to reimburse the City all consultant costs incurred for third-party facility inspections, financial audits, or any other activity required to verify compliance with these conditions and all other City, County, State and Federal regulations applicable to this project.

13. No employees of the cultivation facility shall park vehicles on-site. The Applicant shall provide parking offsite, shuttle-in or employ a similar strategy for all employees. Applicant agrees to submit a written employee parking proposal to be approved and accepted by the Building and Planning Department and the City Attorney prior to occupancy.

14. The Building and Planning Department shall approve all site and construction plans and appropriate permits, including sign permits, shall be secured by the Applicant before any work is to begin.

15. The property shall remain at all times free of litter and all graffiti shall be removed within 24 hours.

16. All owners, principals, managers, employees, contractors or volunteers of the testing facility shall complete a criminal background check and shall not have been convicted of or plead guilty or no-contest to a felony or misdemeanor involving the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance within the past four (4) years.

17. This CUP shall be subject to revocation for any violation of or noncompliance with any of the aforementioned Conditions of Approval and/or other codes, regulations, or standards enforced by or beneficial to the City of Maywood. The Applicant acknowledges that failure to meet any of the Conditions of Approval contained herein will be cause for a Revocation of the CUP.

18. This conditional use permit will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission. Also, within ten (10) days from the adoption of the Resolution approving this Application, the Applicant and/or Owner of

the subject property shall execute a notarized affidavit agreeing to comply with the aforementioned conditions.

ENVIRONMENTAL ASSESSMENT

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1: Existing Facilities) because the project would make interior improvements to an existing building.

POSSIBLE COMMISSION ACTIONS

1. Approve the request for a Conditional Use Permit and make the required positive findings; or
2. Deny the Conditional Use Permit and direct staff to return with a Resolution of denial; or
3. Continue the Case to a future Planning Commission meeting (date to be specified in Commission motion); or
4. Refer to Planning staff for reconsideration of specific details (details to be specific in Commission motion)

RECOMMENDATION

Staff respectfully recommends that the Planning Commission **ADOPT** attached Resolution No. PC19-0451 making the findings contained therein and **APPROVE** Conditional Use Permit No. PC19-05 subject to the conditions listed in Exhibit "A" of the attached Planning Commission Resolution.

Attachments:

- Exhibit A: Draft Resolution No. PC19-0451 and Conditions of Approval
- Exhibit B: Photos
- Exhibit C: Aerial Site Photo
- Exhibit D: Site Plan, Floor Plan and Elevations
- Exhibit E: Proof of Publication



AGENDA 4.b
ITEM NO. _____

Agenda Report
CITY OF MAYWOOD
PLANNING COMMISSION

DATE: SEPTEMBER 9, 2019

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM:  DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

SUBJECT: RESOLUTION DENYING CONDITIONAL USE PERMIT NO. PC19-05

APPLICANT: MS. JENNIFER MICHAEL (MJM HOLDINGS, LLC)

REQUEST: A CONDITIONAL USE PERMIT TO ALLOW CANNABIS CULTIVATION IN AN EXISTING BUILDING LOCATED AT 3744 FRUITLAND AVENUE IN THE M (MANUFACTURING) ZONE

PROPERTY: 3744 FRUITLAND AVENUE (APN 6311-001-004)

BACKGROUND

On September 3, 2019, the Planning Commission held a duly noticed public hearing on the proposed application from MJM Holdings, LLC ("Applicant"). The Applicant proposes the establishment of a cannabis cultivation facility in an existing 7,390 square foot building. The approximately 8,845 square foot (0.20-acre) project site is located at 3744 Fruitland Avenue, on the southern side of Fruitland Avenue between Loma Vista and Carmelita Avenue ("Project Site"). The proposed cultivation facility will consist of a small reception area, a number of individual rooms for the various cultivation activities, a product storage vault and storage rooms. Four (4) on-site parking spaces (including one (1) handicapped space) are located at the front of the building. Hours of operation will be seven days per week from 7:00 am to 8:00 pm. The subject property is zoned M (Manufacturing) with a General Plan designation of Industrial. Surrounding land uses include residential uses to the south and industrial uses to the north, east and west.

At the conclusion of the public hearing, the Planning Commission voted 4-0-1 (abstention) to direct staff to bring back a Resolution to deny the Application. Attached is the proposed Resolution of Denial for the Planning Commission's consideration.

RECOMMENDATION

Staff respectfully recommends that the Planning Commission **ADOPT** attached Resolution No. PC19-0467 making the findings contained therein and **DENY** Conditional Use Permit No. PC19-05.

Attachments:

Exhibit A: Draft Resolution No. PC19-0467

ATTACHMENT NO. 7

**CITY OF MAYWOOD
PLANNING COMMISSION**

RESOLUTION NO. PC 19-0457

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MAYWOOD, CALIFORNIA, DENYING CONDITIONAL USE PERMIT NO.
19-05 FOR A COMMERCIAL CANNABIS CULTIVATION FACILITY AT
3744 FRUITLAND AVENUE IN THE IN THE MANUFACTURING (M) ZONE**

WHEREAS, Ms. Jennifer Michael for MJM Holdings, LLC ("Applicant") filed Application No. PC 19-05 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 commercial cannabis cultivation facility ("Application" or "Proposed Use") on property located at 3744 Fruitland Avenue (APN 6311-001-004), 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.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF
MAYWOOD HEREBY FINDS, DETERMINES 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 Maywood Zoning Ordinance provides that the Planning Commission shall deny a requested conditional use permit 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 Planning Commission, all written and oral evidence presented to the Commission, and pursuant Section 5100.40(C) of the Maywood Zoning Ordinance, the Planning Commission finds as follows:

A. The Applicant has failed to show that the proposed commercial cannabis cultivation 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 is for the cultivation of cannabis which is defined as planting, growing, harvesting, drying, curing, grading and trimming of cannabis plants. The Applicant intends to utilize the entire building (7,930 square-feet) for this use. The building, however, is adjacent to sensitive residential uses located on the southern portion of the Subject Site. While there is a block wall that separates the building from the residential uses, testimony from residents revealed concerns with odors emanating from other cultivation and cannabis facilities in the City as well as additional crime in the evening hours because of the existence of cannabis facilities in the City. Coupled with the fact that there are existing multiple commercial cannabis facilities within the immediate vicinity of the Subject Site (along the Fruitland Avenue corridor), the addition of the Applicant's facilities will adversely impact and be materially detrimental to the residential uses to the South as well as be a menace to the public health, safety and general welfare of those residents and the area at large.

B. The Applicant has failed to show that reasonable restrictions or conditions to permit the proposed commercial cannabis cultivation facility would prevent the detriment and menace as described in paragraph A above. The City is approximately 1.5 square miles but yet there are 10.9 licensed facilities per square mile, including 4 existing cultivation facilities with the possibility of an additional cultivation facility. Accordingly, the City has a high concentration of commercial cannabis facilities in the City. The addition of another commercial cannabis facility adjacent to sensitive residential uses would exacerbate the issues of odor and crime being experienced by residents in the community that are near or adjacent to such uses. Accordingly, there are no reasonable conditions that can be placed on the Proposed Use to prevent the detriment and menace described in this Resolution.

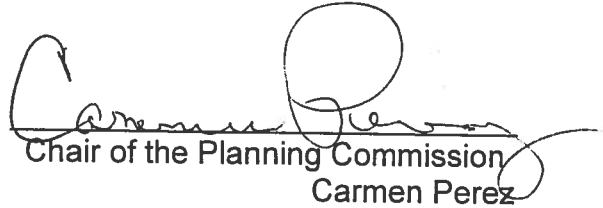
Section 4. Based on the findings set forth above in Section 3 and on all other evidence in the record, both oral and written, the Planning Commission of the City of Maywood hereby denies the Application for a CUP to allow establishment of a commercial cannabis cultivation facility at 3744 Fruitland Avenue.

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 Planning Commission has reviewed Staff's determination of exemption, and based on its own independent judgment, concurs in staff's determination.

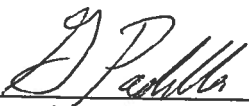
Section 6. Appeal of Decision. This decision may be appealed to the City Council if the appeal is made within 10 days of the date of the decision (the date of adoption of this Resolution) by filing a written appeal with the City Clerk.

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

Passed, approved and adopted this 9th day of September, 2019.


Chair of the Planning Commission
Carmen Perez

ATTEST:



Planning Commission Secretary
Guillermo Padilla



Public Hearing

AGENDA 4
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 25, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JV*

BY: *DM* DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

RE: PUBLIC HEARING FOR AN APPEAL OF A PLANNING COMMISSION DECISION DENYING A CONDITIONAL USE PERMIT TO ESTABLISH A CANNABIS TESTING LABORATORY IN AN EXISTING BUILDING LOCATED AT 4000 SLAUSON AVENUE IN THE CM (COMMERCIAL MANUFACTURING) ZONE FOR LA LABS

RECOMMENDATION

Staff recommends that the City Council conducts the public hearing and upon completion of deliberations ADOPT either the resolution approving or denying conditional use permit application PC19-04 prepared by staff and making the findings contained therein.

FISCAL IMPACT

There is no fiscal impact associated with this action.

LEGAL REVIEW

This report was reviewed by the City Attorney.

BACKGROUND

The application for Conditional Use Permit No. PC19-04 to establish a cannabis testing facility was filed with the City of Maywood, Building and Planning Department by Jose Mendoza of LA Labs Inc. July 22, 2019. The 0.23-acre

Project Site is flat and is currently developed with a 7,030 square-foot commercial building located at 4000 Slauson Avenue, at the southeast corner of Slauson Avenue and Corona Avenue ("Project Site"). The vehicle dispensing facility will occupy 3,560 square feet of the building. The proposed facility will consist of a reception area and various testing stations and storage areas. There are two other retail spaces including one space for which an application for a cannabis vehicle dispensary use has been requested. Seven (7) on-site parking spaces are on the site including one handicapped parking space, however, these parking spaces are for all three tenant spaces. Per the Maywood Municipal Code (Section 4100.60), a total of 14 parking spaces are required. However, the number of parking spaces is considered legal nonconforming. The Applicant states that up to eleven (11) employees may work at the facility and staff has provided a condition requiring that all employees will be required to park their vehicles off-site (see condition #13). Vehicular access to the Project Site includes a two-way driveway along Corona Avenue.

Hours of operation will be in two shifts, from 6:30 am to 3:00 pm and 3:30 pm to midnight. The business will operate Monday through Friday. Up to eleven employees will work at the facility. The first shift will have five employees, and the second shift will have six employees.

The Project Site is zoned CM (Commercial/Manufacturing) with a General Plan designation of Mixed Use. Surrounding land uses include residential uses to the south and commercial uses to the north, east and west.

Ordinance No. 18-12 provides that "Cannabis Testing" means commercial cannabis activity involving the performance of tests on cannabis or marijuana pursuant to a valid certificate of accreditation. Cannabis Testing facilities are not open to members of the general public, customers must pre-arrange sample drop-offs.

On September 3, 2019, a duly noticed public hearing was held to consider this CUP. After receiving a report from staff and testimony from the Applicant and his associates, and from the public; additional information was requested from the Applicant by the Commission. The Applicant was directed to provide:

1. LA Labs business plan.
2. Explanation of chemicals used in the testing laboratory.

3. Photos of the equipment and of similar laboratories and provide documentation.
4. Mock-ups of the sample sizes received for testing.

The Planning Commission then voted to continue the public hearing to September 17, 2019 and request the Applicant provide the information listed above. The motion was approved on a 4-1 vote.

On September 17, 2019, the Applicant provided the requested information and the continued public hearing was conducted. After deliberations, the Planning Commission voted to deny the CUP by a 5-0 vote.

The Applicant requested that the City notice the public hearing for an appeal prior to the Planning Commission's decision on the matter. After discussion with the City Attorney, the City accommodate applicant's request and the parameters of that accommodation is reflected in a letter signed by the Applicant provided by the City Attorney. Therefore, on September 15, 2019 notice of this public hearing was published in La Opinion newspaper with the consent of the Applicant.

DISCUSSION

The Applicant is requesting Conditional Use Permit approval to allow the establishment of a cannabis testing facility. Per Section 5100.40 of the Maywood Zoning Ordinance, the following criteria must be met in order to approve the Conditional Use Permit:

1. The proposed conditional use is consistent with the General Plan.

The Project Site is located along the commercial corridor of Slauson Avenue. The cannabis testing facility will be consistent with other commercial uses in the vicinity and will be for testing only with no members of the public accessing the facility. Only known clients with an appointment will be permitted access.

The approval of the Conditional Use Permit, subject to the conditions of approval contained herein, will not adversely affect or be materially detrimental to adjacent uses, buildings or structures.

The proposed use is consistent with the City's General Plan designation of Mixed Use. Uses in this land use designation are characterized by a mix of retail, residential, office and dining establishments. Located along Slauson Avenue, this Commercial corridor provides a mix of commercial services that accommodates both higher intensity levels of development as well as more neighborhood serving commercial uses. As such, the

City's General Plan Land Use Element has established the following Goals and Policies:

Goal 2.0: *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.*

Policy 2.13: *Require high-quality commercial development that contributes to the identity of the community.*

The proposed use will not alter the existing site and conforms or is legal non-conforming to all zoning development standards of the CM zone

2. The nature, condition and development of adjacent uses, buildings and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

The table below presents the surrounding existing uses, general plan land uses and zoning. The surrounding uses to the north, east, and west of the Project Site are compatible to the use proposed on the Project Site. The existing residential uses to the south of the Project Site are separated by the solid wall of the building located on the property line with no openings (MZO Section 4040.150).

Existing General Plan and Zoning

	Existing Use	General Plan LU	Zoning
North	Commercial	Mixed Use	Commercial Manufacturing
South	Residential	Huntington Park – High Density Residential	Huntington Park - High Density Residential
East	Commercial	Mixed Use	Commercial Manufacturing
West	Commercial	Mixed Use	Commercial Manufacturing

Furthermore, Appendix C of the MZO, as amended by Ordinance 18-12, includes requirements to ensure that commercial cannabis activity does not adversely affect adjacent uses, especially residential uses. These

include requiring security and safety measures, such as alarms and close circuit televisions, security windows and roofs, lighting, fire suppression systems, and security personnel to reduce potential crime and fire hazards. Also, the Ordinance states that commercial cannabis activity shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes. Storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems must comply with the Chapter 53 of the California Fire Code. Members of the public will not have access to the facility.

Finally, Ordinance 18-12 restricts the location of commercial cannabis activity within 600 feet of a public or private State-accredited K-12 school. This proposed Project Site is not located within 600 feet of a State-accredited school. The nearest school to the project site is Fishburn Avenue Elementary School located approximately 700 feet to the northeast on Fishburn Avenue.

3. The site for a proposed conditional use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Ordinance and required by the Commission or Council in order to integrate the use with uses in the neighborhood.

This commercial development was built in 1946 and as such, certain features are legal non-conforming. However, the proposed use as conditioned, will not impact the neighborhood more significantly than by-right uses that are typically located in the CM zone.

If the City Council desires to approve the conditional use permit, conditions are included in the Resolution. Alternatively, the City Council can uphold the decision of the Planning Commission and deny the Conditional Use Permit.

Section 5100.40(C) of the Maywood Zoning Ordinance provides that the requested conditional use permit 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.

As set forth in the proposed Resolution of Denial, it can be found that the proposed cannabis use will be materially detrimental to the adjacent residential properties and is a menace to the public health, safety and general welfare of persons located in the vicinity of the Project Site.

The Applicant has stated that for the testing of cannabis samples, persons will take the cannabis samples to the facility by vehicle by appointment. The facility will be open from 6:30 a.m. to midnight, Monday through Fridays. 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. As such, 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.

Further, 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.

ENVIRONMENTAL ASSESSMENT

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1: Existing Facilities) because the project would make interior improvements to an existing building.

ATTACHMENT(S)

Attachment No. 1 - Resolution to approve Conditional Use Permit PC19-04

Attachment No. 2 - Resolution to deny Conditional Use Permit PC19-04

Attachment No. 3 - Appeal Request Letter

Attachment No. 4 – Proof of Publishing

Attachment No. 5 – Planning Commission Minutes

Attachment No. 6 – Planning Commission Agenda Reports

Attachment No. 7 – Planning Commission Resolution of Denial

ATTACHMENT NO. 1

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, GRANTING THE APPEAL AND APPROVING CONDITIONAL USE PERMIT NO. 19-04 TO ALLOW ESTABLISHMENT OF A CANNABIS TESTING FACILITY AT 4000 SLAUSON AVENUE IN THE COMMERCIAL MANUFACTURING (CM) ZONE

WHEREAS, Mr. Jose Mendoza (L.A. Labs, Inc.) filed Application No. PC19-04 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, to allow for the establishment of a cannabis testing facility ("Application") for property located at 4000 Slauson Avenue (APN 6312-028-005), Maywood CA 90270, ("Project Site"); and

WHEREAS, the Project Site consists of a 10,165 square-foot (0.23 acres) lot developed with a 7,030 square-foot commercial building in the Commercial Manufacturing (CM) zoning district; and

WHEREAS, The Applicant requests approval of CUP No. 19-04 to allow the establishment of a cannabis testing laboratory; 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 where evidence, both written and oral, was presented at said hearing.

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

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

SECTION 1 Based on the entire record before the City Council and all written and oral evidence presented to the Council, including the staff report, and pursuant to the provisions of Section 5100.40 of the Maywood Zoning Ordinance, the Council finds as follows:

1. The proposed conditional use is consistent with the General Plan.

The Project Site is located along the commercial corridor of Slauson Avenue. The cannabis vehicle dispensing facility will be consistent with other commercial uses in the vicinity and will be for vehicle dispensing only with no members of the public accessing the facility. The approval of the Conditional Use Permit, subject to the conditions of approval contained herein, will not adversely affect or be materially detrimental to adjacent uses, buildings or structures.

The proposed use is consistent with the City's General Plan designation of Mixed Use. Uses in this land use designation are characterized by a mix of retail, residential, office and dining establishments. Located along Slauson Avenue, this commercial corridor provides a mix of commercial services that accommodates both higher intensity levels of development as well as more neighborhood serving commercial uses. As such, the City's General Plan Land Use Element has established the following Goals and Policies:

Goal 2.0: 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 and within the citywide Redevelopment Project Area

Policy 2.13: Require high-quality commercial development that contributes to the identity of the community.

The proposed use will not alter the existing site and conforms to all zoning development standards of the CM zone

2. The nature, condition and development of adjacent uses, buildings and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

The table below presents the surrounding existing uses, general plan land uses and zoning. The surrounding uses to the north, east, and west of the Project Site are compatible to the use proposed on the Project Site. The existing residential uses to the south of the Project Site are separated by the solid wall of the building located on the property line with no openings (MZO Section 4040.150).

Existing General Plan and Zoning			
	Existing Use	General Plan LU	Zoning
North	Commercial	Mixed Use	Commercial Manufacturing (CM)
East	Residential	Huntington Park – High Density Residential	Huntington Park - High Density Residential
South	Commercial	Mixed Use	Commercial Manufacturing (CM)
West	Commercial	Mixed Use	Commercial Manufacturing (CM)

Furthermore, Appendix C of the MZO, as amended by Ordinance 18-12, includes requirements to ensure that commercial cannabis activity does not adversely affect adjacent uses, especially residential uses. These include requiring security and safety measures, such as alarms and close circuit televisions, security windows and roofs, lighting, fire suppression systems, and security personnel to reduce potential crime and fire hazards. Also, the Ordinance states that commercial cannabis activity shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes. In addition, specifically for cannabis manufacturing activity, no toxic chemicals or volatile liquids or material may be used in the manufacturing process, and storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems must comply with the Chapter 53 of the California Fire Code. Members of the public will not have access to the facility.

Finally, the Ordinance 18-12 restricts the location of commercial cannabis activity within 600 feet of a public or private State-accredited K-12 school. This proposed Project Site is not located within 600 feet of a State-accredited school. The nearest school to the project site is Fishburn Avenue Elementary School located approximately 671 feet to the northeast on Fishburn Avenue.

3. **The site for a proposed conditional use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Ordinance and required by the Commission or Council in order to integrate the use with uses in the neighborhood.**

The Project Site is of adequate size to accommodate the commercial cannabis non-storefront vehicle dispensing activity. The proposed use and new building will conform to all zoning development standards of the CM zone.

SECTION 2 Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds that the Application complies with CEQA for the following reasons:

Pursuant to the provisions of the California Environmental Quality Act (CEQA), as amended, the City, as the Lead Agency, has analyzed the proposal and has concluded that it is appropriate in this case to grant a Class 1 Categorical Exemption under CEQA Guidelines Section 15301(a) because the project would involve only interior improvements to an existing building.

Staff has prepared the required Notice of Exemption, which is available for public review in the Building and Planning Department.

SECTION 3 Based on the entire record before the Council, all written and oral evidence presented to the Council, and the findings set forth in this Resolution, the

City Council grants the appeal and overturns the decision of the Planning Commission and approves Conditional Use Permit Application No. PC 19-04 to allow the establishment of a cannabis testing facility on the Subject Site, subject to the conditions listed on Exhibit 1.

SECTION 4 The location and custodian of the documents and any other material which constitute the record of proceedings upon which the City Council based its decision is as follows: David Mango, City of Maywood Building and Planning Department, 4319 E. Slauson Avenue, Maywood, CA 90270 (323) 562-5721.

SECTION 5 This Resolution shall become effective upon its adoption.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

EDUARDO DE LA RIVA, MAYOR

ATTEST:

GERARDO MAYAGOITIA, CITY CLERK

APPROVED AS TO FORM:

ROXANNE DIAZ, CITY ATTORNEY

Exhibit 1

Conditions of Approval

1. The use and improvements authorized by this CUP shall conform to the Conditions of Approval contained herein and to the improvement plans and specifications approved by the City. Any appreciable modification of the authorized use and/or approved plans and specifications as well of the existing use as described above, as determined by the Director of Building and Planning, shall require prior approval of the Planning Commission pursuant to an amendment of this Application.
2. This Conditional Use Permit which, if not used within one year, will expire and become null and void and of no effect, except if an extension is applied for prior to the expiration date and an extension is granted by the Planning Commission.
3. The Applicant agrees to allow the City inspector access to the subject premises to reasonably inspect the same at all times to assure compliance with these Conditions of Approval. Failure to provide reasonable access will constitute cause for a Revocation of the CUP.
4. The Applicant shall operate the proposed use and maintain the Project Site in full compliance with Maywood Ordinance No. 18-12 and any subsequent ordinance concerning regulations for the testing of cannabis as a conditional use in certain specific zones, and all other City, County, State and Federal regulations applicable to this project.
5. From a public right-of-way, there should be no exterior evidence of cannabis testing except for any signage authorized by this CUP.
6. The Applicant shall adopt a standard operating procedure using methods consistent with general requirements established by the International Organization for Standardization, specifically ISO/IEC 17025, to test cannabis or marijuana.
7. Prior to the issuance of an occupancy permit for the authorized use, all applicable Conditions of Approval shall be completed to the reasonable satisfaction of the City.
8. Odor control devices and techniques shall be incorporated in all licensed premises to ensure that odors from cannabis or marijuana are not detectable offsite. Licensees shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the licensed premises that is distinctive to its operation is not detected outside of the premises, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the licensed premises.

9. The Applicant shall defend, indemnify and hold harmless the City of Maywood (City) and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or mitigation measure imposed by the City Council, Planning Commission, or Director of Building and Planning. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter.
10. Any and all equipment used to conduct business will comply with Chapter 23 of the Maywood Municipal Code (Noise Control). Failure to comply with noise regulations may result in revocation of the CUP.
11. Applicant agrees to reimburse the City all consultant costs incurred for third-party facility inspections, financial audits, or any other activity required to verify compliance with these conditions and all other City, County, State and Federal regulations applicable to this project.
12. All proposed signage, permanent and temporary, must be approved by the Director of Building and Planning and shall conform to Section 4110 of the Maywood Zoning Ordinance and Maywood Ordinance 18-12.
13. No employees of the testing facility shall park vehicles on-site. The Applicant shall provide parking offsite, shuttle in or provide similar strategy for all employees to be approved and accepted by the Building and Planning Department and the City Attorney.
14. The parking area shall be repaved, and parking stalls restriped and signed to the satisfaction of the City.
15. The Building and Planning Department shall approve all site and construction plans and appropriate permits, including sign permits, shall be secured by the Applicant before any work is to begin.
16. No lab samples shall be received from client drop-offs at the facility after 5 PM on any day.
17. All owners, principals, managers, employees, contractors or volunteers of the testing facility shall complete a criminal background check and shall not have been convicted of or plead guilty or no-contest to a felony or misdemeanor involving the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance within the past four (4) years.
18. The property shall remain at all times free of litter and all graffiti shall be removed within 24 hours.

19. This CUP and shall be subject to revocation for any violation of or noncompliance with any of these Conditions of Approval and/or other codes, regulations, or standards enforced by or beneficial to the City of Maywood. The Applicant acknowledges that failure to meet any of the Conditions of Approval contained herein will be cause for a Revocation of the CUP.

20. This conditional use permit will not be effective until ten (10) days after the date upon which it is granted by the City Council and within ten (10) days from the adoption of the Resolution approving this Application, the Applicant and/or Owner of the subject property shall execute a notarized affidavit agreeing to comply with the aforementioned conditions.

ATTACHMENT NO. 2

RESOLUTION NO. ____

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:
NOES:
ABSENT:
ABSTAIN:

EDUARDO DE LA RIVA, MAYOR

ATTEST:

GERARDO MAYAGOITIA, CITY CLERK

APPROVED AS TO FORM:

ROXANNE DIAZ, CITY ATTORNEY

ATTACHMENT NO. 3



Osuna & Dotson

LAW FIRM

September 20, 2019

David Mango,
Assistant City Administration
4319 E. Slauson Avenue
Maywood, CA 90270

RE: LOS ANGELES LAB INC. Conditional Use Permit No. PC 19-04

LETTER OF APPEAL

Dear Mr. Mango,

Please allow this letter to serve as LOS ANGELES LABS, INC.'S appeal to the Planning Commission decision to deny LA LABS, INC. its Conditional Use Permit (CUP) on September 17, 2019.

Our client has been diligently working with the requirements of the city to establish the cannabis testing facility. In fact, LA Labs received a passing score from the Director of Building and Planning since June 18, 2019 at which time it reached phase three of the process; we were working towards it obtaining the Conditional Use Permit. On August 07, 2019 our client had its interview with the city staff, at which time again LA Labs obtained a passing score.

The Planning Commission held the first scheduled meeting on the issue of LA LABS CUP on September 03, 2019. The recommendations from the City Staff was that the Planning Commission ADOPT the resolution making the finding it recommended and approved the Conditional Use Permit No. PC 19-04 subject to the conditions recommended by the City Staff. LA LABS agreed to the conditions requested by the city staff. However, the Planning Commission opted to continue the hearing to September 17, 2019. They simply requested additional information regarding LA Labs Business Plan, Explanation of the chemicals used in the testing laboratory and filtration of water, Photos of the equipment and similar laboratories and provide documentations, and mock ups of the sample sizes received for testing, and present the lease agreement that addresses the parking concerns.

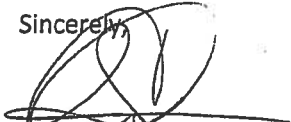
The recommendations from city Staff remained the same, to Approve the Conditional Use Permit No. PC 19-04.

During the September 17, 2019 hearing, the 4 issues were barely addressed by the commissioners since they went completely off topic—namely by addressing concerns associated with a cannabis dispensary, not a testing laboratory that is not open to the public and available on appointment only basis. It appeared that the vice chair had disseminated false and prejudicial information about LA Labs and its founding member.

LA Labs, Inc. has received a passing score of 88% per the city staff, it has score 190 out of 200 for enhanced product safety, 187 out of 200 for environmental benefits and 193 and 187 out of 200 for safety and security and Air Quality respectively. It is in complete compliance with the requirements of the city.

At this time, we are APPEALING the Commissions' decision to deny the conditional use permit LA Labs, Inc. and request a vote from the city council on this matter.

Sincerely,



CLAUDIA C. OSUNA, ESQ.

ON BEHALF OF LA LABS INC.

ATTACHMENT NO. 4

CALIFORNIA NEWSPAPER SERVICE BUREAU

DAILY JOURNAL CORPORATION

Mailing Address : 915 E FIRST ST, LOS ANGELES, CA 90012
Telephone (213) 229-5300 / Fax (213) 229-5481
Visit us @ WWW.LEGALADSTORE.COM

GUILLERMO PADILLA
MAYWOOD CITY CLERK
4319 E SLAUSON AVE
MAYWOOD, CA 90270

CNS 3294397

COPY OF NOTICE

Notice Type: HRG NOTICE OF HEARING
Ad Description: CITY OF MAYWOOD NOTICE OF PUBLIC HEARING
SEPTEMBER 17 2019

To the right is a copy of the notice you sent to us for publication in the LA OPINION. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

09/15/2019

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Daily Journal Corporation

Serving your legal advertising needs throughout California. Call your local

BUSINESS JOURNAL, RIVERSIDE	(951) 784-0111
DAILY COMMERCE, LOS ANGELES	(213) 229-5300
LOS ANGELES DAILY JOURNAL, LOS ANGELES	(213) 229-5300
ORANGE COUNTY REPORTER, SANTA ANA	(714) 543-2027
SAN FRANCISCO DAILY JOURNAL, SAN FRANCISCO	(800) 640-4829
SAN JOSE POST-RECORD, SAN JOSE	(408) 287-4866
THE DAILY RECORDER, SACRAMENTO	(916) 444-2355
THE DAILY TRANSCRIPT, SAN DIEGO	(619) 232-3486
THE INTER-CITY EXPRESS, OAKLAND	(510) 272-4747

CITY OF MAYWOOD NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Applicant LA Labs has filed an application for a Conditional Use Permit to allow a cannabis testing facility in an existing building located at 4000 Slauson Avenue ("Application"). The Planning Commission has continued the hearing on the Application to their meeting on September 17, 2019 at 7:00 p.m. at the City Council Chambers located at 4319 Slauson Avenue.

The Planning Commission has not yet made a decision on the Application. Notwithstanding, the Applicant has requested that the City publish a Notice of Public Hearing to Appeal the Planning Commission's decision to the City Council should the Planning Commission deny the Application.

IF THE APPLICATION IS DENIED BY THE PLANNING COMMISSION, NOTICE IS HEREBY GIVEN that the City Council of the City of Maywood, California, will conduct a public hearing at the City Council Chambers, 4319 Slauson Avenue in said City of Maywood on Wednesday, September 25, 2019 at 7:00 p.m., or as soon thereafter as practical, to consider the following:

AN APPEAL OF A MAYWOOD PLANNING COMMISSION DECISION DENYING CONDITIONAL USE PERMIT APPLICATION PC19-04 WHICH SOUGHT TO ESTABLISH A CANNABIS TESTING FACILITY IN A 3,560 SQUARE FOOT TENANT SPACE IN AN EXISTING 7,030 SQUARE FOOT BUILDING LOCATED AT 4000 SLAUSON AVENUE IN THE CM

(COMMERCIAL MANUFACTURING) ZONE

Questions regarding the appeal hearing may be directed to City Hall at the following address:

City of Maywood Office
of the City Clerk
Attn: Guillermo Padilla
4319 Slauson Avenue,
Maywood, CA 90270
guillermo.padilla@cityofmaywood.org

If you challenge any portion of this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the public hearing.

Any person unable to attend the public hearing may submit written comments to the City Clerk at 4319 Slauson Avenue, Maywood, California 90270.

Guillermo Padilla
Deputy City Clerk
9/15/19
CNS-3294397#
LA OPINION



* A 0 0 0 0 0 5 2 1 6 0 7 3 *

ATTACHMENT NO. 5



AGENDA 4.A
ITEM NO. _____

September 3, 2019

**MINUTES OF THE SPECIAL MEETING
OF THE MAYWOOD PLANNING COMMISSION AND BUILDING BOARD OF
APPEALS HELD IN THE COUNCIL CHAMBERS, 4319 EAST SLAUSON AVENUE,
MAYWOOD, CALIFORNIA**

1. CALL TO ORDER

Chair Perez opened the meeting at approx. 7:00 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Carmen Perez, Chairperson
Reyna Mendez, Vice Chairperson
Paloma Hernandez, Commissioner
Alondra Olmos, Commissioner
Raul Rodriguez, Commissioner

3. PUBLIC PARTICIPATION (Non-Agenda Items Only)

Members of the audience may speak on an item NOT otherwise listed on the agenda and within the subject matter jurisdiction of the Planning Commission. Each speaker is limited to three (3) minutes and is required to fill out a comment card with the Planning Commission Secretary. Public comments on agenda items will be discussed when that agenda items is raised.

There were no speakers for Non-Agenda Items

4. APPROVAL OF MINUTES

- a. Approval of minutes for July 16, 2019 Motion to approve by Rodriquez. Second by Perez. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES
- b. Approval of minutes for July 30, 2019. Motion to approve by Rodriquez. Second by Perez. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES
- c. Approval of minutes for August 12, 2019. Motion to approve with correction to the minutes by Rodriquez. Second by Perez. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES

The typographical error to be corrected is on page #2 the signature line for the Chair should read "Planning Commission Chair, Carmen Perez."

5. PUBLIC HEARING

- a. Public Hearing to consider Conditional Use Permit PC19-03 to allow a non-storefront retail vehicle dispensary on a parcel within the CM (Commercial/Manufacturing) zone with a General Plan land use designation of Mixed-use. The property address is 4006 Slauson Avenue (APN 6312-028-005).

The following individuals spoke on the Public Hearing.

1. Steve Norman (Applicant);
2. Nadia Aziz (Applicant);
3. Evette Driden;
4. Mary Mariscal.

Motion to Deny the Conditional Use Permit Application and direct staff to return with a Resolution of denial based on safety, parking, and traffic concerns and the impacts to the surrounding residences and businesses raised at the hearing by Olmos. Second by Mendez. AYES: Rodriquez, Hernandez, Olmos, Mendez, and Perez. PASSES.

- b. Public Hearing to consider Conditional Use Permit PC19-04 to allow a cannabis testing facility on a parcel within the CM (Commercial/Manufacturing) zone with a General Plan land use designation of Mixed-use. The property address is 4000 Slauson Avenue (APN 6312-028-005).

The following individuals spoke on the Public Hearing.

1. Jose Mendoza (Applicant);
2. Myra Mendoza (Applicant);
3. Juan Datzen (Applicant);
4. Claudia Osuna (Applicant);
5. Evette Driden;
6. Sherina Holmes;
7. Alma Jimenez;
8. Heather Wilson;
9. Maria Iniguez;
10. Mary Mariscal;
11. Patricia Florez;
12. Maria Walta;
13. Edwin Garcia.

Motion to continue to next meeting with educational components, including: 1) LA Labs business plan; 2) explanation of chemicals used in the testing laboratory and filtration of water; 3) photos of the equipment and of similar laboratories and provide documentation; and 4) mock-ups of the sample sizes received for testing. provided by the applicant by Perez. Second by Hernandez. AYES: Rodriquez, Hernandez, Olmos, and Perez. NOES: Mendez. PASSES

- c. Public Hearing to consider Conditional Use Permit PC19-05 to allow a cannabis cultivation facility on a parcel within the M (Manufacturing) zone with a General Plan land use designation of Industrial. The property address is 3744 Fruitland Avenue (APN 6311-001-004).

The following individuals spoke on the Public Hearing.

1. Jennifer Michael
2. Mike Morola
3. Mary Mariscal
4. Margerito Garcia
5. Edwin Garcia

Motion to Deny the Conditional Use Permit Application and direct staff to return with a Resolution of denial due to adverse impacts on adjacent residential uses along southern portion of Project site, including the high concentration of commercial cannabis facilities adjacent to sensitive residential uses, and concerns about odor and crime raised during the hearing by Olmos. Second by Perez. AYES: Rodriquez, Olmos, Mendez, and Perez. ABSTAIN: Hernandez. PASSES.

6. ADJOURNMENT

To the next regular Planning Commission meeting of Tuesday, September 17, 2019, at 7:00 P.M.



Planning Commission Chair
Carmen Perez

ATTEST:



Planning Secretary, Guillermo Padilla

ATTACHMENT NO. 6



AGENDA 5.b
ITEM NO. _____

Agenda Report
CITY OF MAYWOOD
PLANNING COMMISSION

DATE: SEPTEMBER 3, 2019

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

SUBJECT: CONDITIONAL USE PERMIT NO. PC19-04

APPLICANT: MR. JOSE MENDOZA (L.A. LABS INC.)

REQUEST: A CONDITIONAL USE PERMIT TO ALLOW A CANNABIS TESTING FACILITY IN AN EXISTING BUILDING LOCATED AT 4000 SLAUSON AVENUE IN THE CM (COMMERCIAL MANUFACTURING) ZONE

PROPERTY: 4000 SLAUSON AVENUE (APN 6312-028-005)

PROPOSAL

L.A. Labs Inc. ("Applicant") proposes the establishment of a cannabis testing facility in a 3,560 square foot tenant space within an existing 7,030 square foot building. The approximately 10,165 square foot (0.23-acre) project site is located at 4000 Slauson Avenue, at the southeast corner of Slauson Avenue and Corona Avenue ("Project Site"). The proposed facility will consist of a reception area and various testing stations and storage areas.

Seven (7) on-site parking spaces are proposed including one handicapped parking space. Per the Maywood Municipal Code (Section 4100.60), a total of 14 parking spaces are required (1/250 square feet of gross floor area for an office use). This is an office use replacing a former retail use, therefore the number of parking spaces is considered legal nonconforming. However, Applicant states that up to eleven (11) employees may work at the facility and staff has provided a condition requiring that all employees will be required to park their vehicles off-site (see condition #13). Vehicular access to the Project Site includes a two-way driveway along Corona Avenue.

Hours of operation will be in two shifts, from 6:30 am to 3:00 pm and 3:30 pm to midnight. The business will operate Monday through Friday. Up to eleven employees will work at the facility. The first shift will have five employees, and the second shift will have six employees.

The Project Site is zoned CM (Commercial/Manufacturing) with a General Plan designation of Mixed Use. Surrounding land uses include residential uses to the south and commercial uses to the north, east and west.

BACKGROUND

The application for a Conditional Use Permit No. CUP19-04 to establish a cannabis testing facility was filed with the City of Maywood, Building and Planning Department by Mr. Jose Mendoza of L.A. Labs, Inc. on July 18, 2019. The 0.23-acre Project Site is flat and is currently developed with a 7,030 square-foot commercial building. The cannabis testing facility will occupy 3,560 square feet of the building. Retail or office uses typically occupy the remainder of the building.

Ordinance No. 18-12 provides that "Cannabis Testing" means commercial cannabis activity involving the performance of tests on cannabis or marijuana pursuant to a valid certificate of accreditation. Cannabis Testing facilities are not open to members of the general public, customers must pre-arrange sample drop-offs.

ANALYSIS

The Applicant is requesting Conditional Use Permit approval to allow the establishment of a cannabis testing facility. Per Section 5100.40 of the Maywood Zoning Ordinance, the following criteria must be met in order to approve the Conditional Use Permit:

1. The proposed conditional use is consistent with the General Plan.

The Project Site is located along the commercial corridor of Slauson Avenue. The cannabis testing facility will be consistent with other commercial uses in the vicinity and will be for testing only with no members of the public accessing the facility. Only known clients with an appointment will be permitted access.

The approval of the Conditional Use Permit, subject to the conditions of approval contained herein, will not adversely affect or be materially detrimental to adjacent uses, buildings or structures.

The proposed use is consistent with the City's General Plan designation of Mixed Use. Uses in this land use designation are characterized by a mix of retail, residential, office and dining establishments. Located along Slauson Avenue, this

Commercial corridor provides a mix of commercial services that accommodates both higher intensity levels of development as well as more neighborhood serving commercial uses. As such, the City's General Plan Land Use Element has established the following Goals and Policies:

Goal 2.0: *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.*

Policy 2.13: *Require high-quality commercial development that contributes to the identity of the community.*

The proposed use will not alter the existing site and conforms or is legal non-conforming to all zoning development standards of the CM zone

2. The nature, condition and development of adjacent uses, buildings and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

The table below presents the surrounding existing uses, general plan land uses and zoning. The surrounding uses to the north, east, and west of the Project Site are compatible to the use proposed on the Project Site. The existing residential uses to the south of the Project Site are separated by the solid wall of the building located on the property line with no openings (MZO Section 4040.150).

Existing General Plan and Zoning

	Existing Use	General Plan LU	Zoning
North	Commercial	Mixed Use	Commercial Manufacturing
South	Residential	Huntington Park – High Density Residential	Huntington Park - High Density Residential
East	Commercial	Mixed Use	Commercial Manufacturing
West	Commercial	Mixed Use	Commercial Manufacturing

Furthermore, Appendix C of the MZO, as amended by Ordinance 18-12, includes requirements to ensure that commercial cannabis activity does not adversely affect adjacent uses, especially residential uses. These include requiring security and safety measures, such as alarms and close circuit televisions, security windows and roofs, lighting, fire suppression systems, and security personnel to reduce potential crime and fire hazards. Also, the Ordinance states that commercial cannabis activity shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes. Storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems must comply with the Chapter 53 of the California Fire Code. Members of the public will not have access to the facility.

Finally, Ordinance 18-12 restricts the location of commercial cannabis activity within 600 feet of a public or private State-accredited K-12 school. This proposed Project Site is not located within 600 feet of a State-accredited school. The nearest school to the project site is Fishburn Avenue Elementary School located approximately 700 feet to the northeast on Fishburn Avenue.

3. The site for a proposed conditional use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Ordinance and required by the Commission or Council in order to integrate the use with uses in the neighborhood.

This commercial development was built in 1946 and as such, certain features are legal non-conforming. However, the proposed use as conditioned, will not impact the neighborhood more significantly than by-right uses that are typically located in the CM zone.

CONDITIONS OF APPROVAL

Staff recommends conditions of approval for this project as follows:

1. The use and improvements authorized by this CUP shall conform to the Conditions of Approval contained herein and to the improvement plans and specifications approved by the City. Any appreciable modification of the authorized use and/or approved plans and specifications as well of the existing use as described above, as determined by the Director of Building and Planning, shall require prior approval of the Planning Commission pursuant to an amendment of this Application.
2. This Conditional Use Permit which, if not used within one year, will expire and become null and void and of no effect, except if an extension is applied for prior to the expiration date and the extension is granted by the Planning Commission.

3. The Applicant agrees to allow the City inspector access to the subject premises to reasonably inspect the same at all times to assure compliance with the Conditions of Approval. Failure to provide reasonable access will constitute cause for a Revocation of the CUP.
4. The Applicant shall operate the proposed use and maintain the Project Site in full compliance with Maywood Ordinance No. 18-12 and any superseding ordinance, and all other City, County, State and Federal regulations applicable to this project.
5. From a public right-of-way, there shall be no exterior evidence of cannabis testing except for any signage authorized by this CUP.
6. The Applicant shall adopt a standard operating procedure using methods consistent with general requirements established by the International Organization for Standardization, specifically ISO/IEC 17025, to test cannabis or marijuana.
7. Prior to the issuance of an occupancy permit for the authorized use, all applicable Conditions of Approval shall be completed to the reasonable satisfaction of the City.
8. Odor control devices and techniques shall be incorporated in all licensed premises to ensure that odors from cannabis or marijuana are not detectable offsite. Licensees shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the licensed premises that is distinctive to its operation is not detected outside of the premises, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the licensed premises.
9. The Applicant shall defend, indemnify and hold harmless the City of Maywood (City) and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or mitigation measure imposed by the City Council, Planning Commission, or Director of Building and Planning. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter.

10. Any and all equipment used to conduct business will comply with Chapter 23 of the Maywood Municipal Code (Noise Control). Failure to comply with noise regulations may result in revocation of the CUP.
11. Applicant agrees to reimburse the City for all consultant costs incurred for third-party facility inspections, financial audits, or any other activity required to verify compliance with these conditions and all other City, County, State and Federal regulations applicable to this project.
12. All proposed signage, permanent and temporary, must be approved by the Director of Building and Planning and shall conform to Section 4110 of the Maywood Zoning Ordinance and Maywood Ordinance 18-12.
13. No employees of the testing facility shall park vehicles on-site. The Applicant shall provide parking offsite, shuttle-in or employ a similar strategy for all employees. Applicant agrees to submit a written employee parking proposal to be approved and accepted by the Building and Planning Department and the City Attorney prior to occupancy.
14. The parking area shall be repaved, parking stalls restriped, concrete wheel stops and all required signage installed to the satisfaction of the City.
15. The Building and Planning Department shall approve all site and construction plans and appropriate permits, including sign permits, shall be secured by the Applicant before any work is to begin.
16. No lab samples shall be received from client drop-offs at the facility after 5 PM on any day.
17. All owners, principals, managers, employees, contractors or volunteers of the testing facility shall complete a criminal background check and shall not have been convicted of or plead guilty or no-contest to a felony or misdemeanor involving the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance within the past four (4) years.
18. The property shall remain at all times free of litter and all graffiti shall be removed within 24 hours.
19. This CUP and shall be subject to revocation for any violation of or noncompliance with any of these Conditions of Approval and/or other codes, regulations, or standards enforced by or beneficial to the City of Maywood. The Applicant acknowledges that failure to meet any of the Conditions of Approval contained herein will be cause for a Revocation of the CUP.

20. This conditional use permit will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission. Also, within ten (10) days from the adoption of the Resolution approving this application, the Applicant and/or Owner of the subject property shall execute a notarized affidavit agreeing to comply with the aforementioned conditions.

ENVIRONMENTAL ASSESSMENT

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1: Existing Facilities) because the project would make interior improvements to an existing building.

POSSIBLE COMMISSION ACTIONS

1. Approve the request for a Conditional Use Permit Application and make the required positive findings; or
2. Deny the Conditional Use Permit Application and direct staff to return with a Resolution of denial; or
3. Continue the Case to a future Planning Commission meeting (date to be specified in Commission motion); or
4. Refer to Planning staff for reconsideration of specific details (details to be specific in Commission motion)

RECOMMENDATION

Staff respectfully recommends that the Planning Commission **ADOPT** attached Resolution No. PC19-0450 making the findings contained therein and **APPROVE** Conditional Use Permit No. PC19-04 subject to the conditions listed in Exhibit "A" of the attached Planning Commission Resolution.

Attachments:

- Exhibit A: Draft Resolution No. PC19-0450 and Conditions of Approval
- Exhibit B: Photos
- Exhibit C: Aerial Site Photo
- Exhibit D: Site Plan, Floor Plan and Elevations
- Exhibit E: Proof of Publication



AGENDA 5.A
ITEM NO. _____

Agenda Report
CITY OF MAYWOOD
PLANNING COMMISSION

DATE: SEPTEMBER 17, 2019

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM:  DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

SUBJECT: CONDITIONAL USE PERMIT NO. PC19-04

APPLICANT: MR. JOSE MENDOZA (L.A. LABS INC.)

REQUEST: A CONDITIONAL USE PERMIT TO ALLOW A CANNABIS TESTING FACILITY IN AN EXISTING BUILDING LOCATED AT 4000 SLAUSON AVENUE IN THE CM ZONE (ITEM CONTINUED FROM THE SEPTEMBER 3, 2019 MEETING)

PROPERTY: 4000 SLAUSON AVENUE (APN 6312-028-005)

PROPOSAL

L.A. Labs Inc. ("Applicant") proposes the establishment of a cannabis testing facility in a 3,560 square foot tenant space within an existing 7,030 square foot building. The approximately 10,165 square foot (0.23-acre) project site is located at 4000 Slauson Avenue, at the southeast corner of Slauson Avenue and Corona Avenue ("Project Site"). The proposed facility will consist of a reception area and various testing stations and storage areas.

Seven (7) on-site parking spaces are on the site including one handicapped parking space, however, these parking spaces are for all three tenant spaces. Per the Maywood Municipal Code (Section 4100.60), a total of 14 parking spaces are required (1/250 square feet of gross floor area for an office use). This is an office use replacing a former retail use, therefore the number of parking spaces is considered legal nonconforming. However, Applicant states that up to eleven (11) employees may work at the facility and staff has provided a condition requiring that all employees will be required to park their

vehicles off-site (see condition #13). Vehicular access to the Project Site includes a two-way driveway along Corona Avenue.

Hours of operation will be in two shifts, from 6:30 am to 3:00 pm and 3:30 pm to midnight. The business will operate Monday through Friday. Up to eleven employees will work at the facility. The first shift will have five employees, and the second shift will have six employees.

The Project Site is zoned CM (Commercial/Manufacturing) with a General Plan designation of Mixed Use. Surrounding land uses include residential uses to the south and commercial uses to the north, east and west.

BACKGROUND

The application for a Conditional Use Permit No. CUP19-04 to establish a cannabis testing facility was filed with the City of Maywood, Building and Planning Department by Mr. Jose Mendoza of L.A. Labs, Inc. on July 18, 2019. The 0.23-acre Project Site is flat and is currently developed with a 7,030 square-foot commercial building. The cannabis testing facility will occupy 3,560 square feet of the building. Retail or office uses typically occupy the remainder of the building.

Ordinance No. 18-12 provides that "Cannabis Testing" means commercial cannabis activity involving the performance of tests on cannabis or marijuana pursuant to a valid certificate of accreditation. Cannabis Testing facilities are not open to members of the general public, customers must pre-arrange sample drop-offs.

On September 3, 2019, a duly noticed public hearing was held to consider this CUP. After receiving a report from staff and testimony from the Applicant and his associates, and from the public; additional information was requested from the Applicant by the Commission. The Applicant was directed to provide:

1. LA Labs business plan.
2. Explanation of chemicals used in the testing laboratory and filtration of water.
3. Photos of the equipment and of similar laboratories and provide documentation.
4. Mock-ups of the sample sizes received for testing.

The Planning Commission then voted to continue the public hearing to September 17, 2019 and request the Applicant provide the information listed above. The motion was approved on a 4-1 vote.

ANALYSIS

The Applicant is requesting Conditional Use Permit approval to allow the establishment of a cannabis testing facility. Per Section 5100.40 of the Maywood Zoning Ordinance, the following criteria must be met in order to approve the Conditional Use Permit:

1. The proposed conditional use is consistent with the General Plan.

The Project Site is located along the commercial corridor of Slauson Avenue. The cannabis testing facility will be consistent with other commercial uses in the vicinity and will be for testing only with no members of the public accessing the facility. Only known clients with an appointment will be permitted access.

The approval of the Conditional Use Permit, subject to the conditions of approval contained herein, will not adversely affect or be materially detrimental to adjacent uses, buildings or structures.

The proposed use is consistent with the City's General Plan designation of Mixed Use. Uses in this land use designation are characterized by a mix of retail, residential, office and dining establishments. Located along Slauson Avenue, this Commercial corridor provides a mix of commercial services that accommodates both higher intensity levels of development as well as more neighborhood serving commercial uses. As such, the City's General Plan Land Use Element has established the following Goals and Policies:

Goal 2.0: 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.

Policy 2.13: Require high-quality commercial development that contributes to the identity of the community.

The proposed use will not alter the existing site and conforms or is legal non-conforming to all zoning development standards of the CM zone

2. The nature, condition and development of adjacent uses, buildings and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

The table below presents the surrounding existing uses, general plan land uses and zoning. The surrounding uses to the north, east, and west of the Project Site are compatible to the use proposed on the Project Site. The existing residential

uses to the south of the Project Site are separated by the solid wall of the building located on the property line with no openings (MZO Section 4040.150).

Existing General Plan and Zoning

	Existing Use	General Plan LU	Zoning
North	Commercial	Mixed Use	Commercial Manufacturing
South	Residential	Huntington Park – High Density Residential	Huntington Park - High Density Residential
East	Commercial	Mixed Use	Commercial Manufacturing
West	Commercial	Mixed Use	Commercial Manufacturing

Furthermore, Appendix C of the MZO, as amended by Ordinance 18-12, includes requirements to ensure that commercial cannabis activity does not adversely affect adjacent uses, especially residential uses. These include requiring security and safety measures, such as alarms and close circuit televisions, security windows and roofs, lighting, fire suppression systems, and security personnel to reduce potential crime and fire hazards. Also, the Ordinance states that commercial cannabis activity shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes. Storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems must comply with the Chapter 53 of the California Fire Code. Members of the public will not have access to the facility.

Finally, Ordinance 18-12 restricts the location of commercial cannabis activity within 600 feet of a public or private State-accredited K-12 school. This proposed Project Site is not located within 600 feet of a State-accredited school. The nearest school to the project site is Fishburn Avenue Elementary School located approximately 700 feet to the northeast on Fishburn Avenue.

3. The site for a proposed conditional use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Ordinance and required by the Commission or Council in order to integrate the use with uses in the neighborhood.

This commercial development was built in 1946 and as such, certain features are legal non-conforming. However, the proposed use as conditioned, will not impact the neighborhood more significantly than by-right uses that are typically located in the CM zone.

CONDITIONS OF APPROVAL

Staff recommends conditions of approval for this project as follows:

1. The use and improvements authorized by this CUP shall conform to the Conditions of Approval contained herein and to the improvement plans and specifications approved by the City. Any appreciable modification of the authorized use and/or approved plans and specifications as well of the existing use as described above, as determined by the Director of Building and Planning, shall require prior approval of the Planning Commission pursuant to an amendment of this Application.
2. This Conditional Use Permit which, if not used within one year, will expire and become null and void and of no effect, except if an extension is applied for prior to the expiration date and the extension is granted by the Planning Commission.
3. The Applicant agrees to allow the City inspector access to the subject premises to reasonably inspect the same at all times to assure compliance with the Conditions of Approval. Failure to provide reasonable access will constitute cause for a Revocation of the CUP.
4. The Applicant shall operate the proposed use and maintain the Project Site in full compliance with Maywood Ordinance No. 18-12 and any superseding ordinance, and all other City, County, State and Federal regulations applicable to this project.
5. From a public right-of-way, there shall be no exterior evidence of cannabis testing except for any signage authorized by this CUP.
6. The Applicant shall adopt a standard operating procedure using methods consistent with general requirements established by the International Organization for Standardization, specifically ISO/IEC 17025, to test cannabis or marijuana.

7. Prior to the issuance of an occupancy permit for the authorized use, all applicable Conditions of Approval shall be completed to the reasonable satisfaction of the City.
8. Odor control devices and techniques shall be incorporated in all licensed premises to ensure that odors from cannabis or marijuana are not detectable offsite. Licensees shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the licensed premises that is distinctive to its operation is not detected outside of the premises, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the licensed premises.
9. The Applicant shall defend, indemnify and hold harmless the City of Maywood (City) and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or mitigation measure imposed by the City Council, Planning Commission, or Director of Building and Planning. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter.
10. Any and all equipment used to conduct business will comply with Chapter 23 of the Maywood Municipal Code (Noise Control). Failure to comply with noise regulations may result in revocation of the CUP.
11. Applicant agrees to reimburse the City for all consultant costs incurred for third-party facility inspections, financial audits, or any other activity required to verify compliance with these conditions and all other City, County, State and Federal regulations applicable to this project.
12. All proposed signage, permanent and temporary, must be approved by the Director of Building and Planning and shall conform to Section 4110 of the Maywood Zoning Ordinance and Maywood Ordinance 18-12.
13. No employees of the testing facility shall park vehicles on-site. The Applicant shall provide parking offsite, shuttle-in or employ a similar strategy for all employees. Applicant agrees to submit a written employee parking proposal to be approved and accepted by the Building and Planning Department and the City Attorney prior to occupancy.

14. The parking area shall be repaved, parking stalls restriped, concrete wheel stops and all required signage installed to the satisfaction of the City.
15. The Building and Planning Department shall approve all site and construction plans and appropriate permits, including sign permits, shall be secured by the Applicant before any work is to begin.
16. No lab samples shall be received from client drop-offs at the facility after 5 PM on any day.
17. All owners, principals, managers, employees, contractors or volunteers of the testing facility shall complete a criminal background check and shall not have been convicted of or plead guilty or no-contest to a felony or misdemeanor involving the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance within the past four (4) years.
18. The property shall remain at all times free of litter and all graffiti shall be removed within 24 hours.
19. This CUP and shall be subject to revocation for any violation of or noncompliance with any of these Conditions of Approval and/or other codes, regulations, or standards enforced by or beneficial to the City of Maywood. The Applicant acknowledges that failure to meet any of the Conditions of Approval contained herein will be cause for a Revocation of the CUP.
20. This conditional use permit will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission. Also, within ten (10) days from the adoption of the Resolution approving this application, the Applicant and/or Owner of the subject property shall execute a notarized affidavit agreeing to comply with the aforementioned conditions.

ALTERNATIVE DIRECTION

Alternatively, the Planning Commission could make a determination that the Application should be denied. Section 5100.40(C) of the Maywood Zoning Ordinance provides that the Planning Commission shall deny a requested conditional use permit 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. A proposed Resolution of Denial is provided as Attachment B.

ENVIRONMENTAL ASSESSMENT

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1: Existing Facilities) because the project would make interior improvements to an existing building.

POSSIBLE COMMISSION ACTIONS

1. Approve the request for a Conditional Use Permit Application and adopt the Resolution with the required positive findings and adopt the Resolution approving the ; or
2. Deny the Conditional Use Permit Application and adopt the Resolution with the required findings.

RECOMMENDATION

Staff respectfully recommends that the Planning Commission take either action below:

(1) **ADOPT** attached Resolution No. PC19-0450 making the findings contained therein and **APPROVE** Conditional Use Permit No. PC19-04 subject to the conditions listed in Exhibit "A" of the attached Planning Commission Resolution.

(2) **ADOPT** attached Resolution No. PC19-0458 making the findings contained therein and **DENY** Conditional Use Permit PC19-04.

Attachments:

- Exhibit A: Draft Resolution No. PC19-0450 and Conditions of Approval
- Exhibit B: Draft Resolution No. PC19-0458 to Deny the Project
- Exhibit C: Photos
- Exhibit D: Aerial Site Photo
- Exhibit E: Site Plan, Floor Plan and Elevations
- Exhibit F: Proof of Publication

ATTACHMENT NO. 7

**CITY OF MAYWOOD
PLANNING COMMISSION**

RESOLUTION NO. PC 19-0458

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MAYWOOD, CALIFORNIA, DENYING CONDITIONAL USE PERMIT
NO. 19-04 FOR A CANNABIS TESTING FACILITY AT 4000 SLAUSON
AVENUE IN THE IN THE COMMERCIAL MANUFACTURING (CM)
ZONE**

WHEREAS, 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 and continued such hearing to September 17, 2019. Evidence, both written and oral, was presented at said hearing.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF
MAYWOOD HEREBY FINDS, DETERMINES 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 Maywood Zoning Ordinance provides that the Planning Commission shall deny a requested conditional use permit 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 Planning Commission, all written and oral evidence presented to the Commission, and pursuant Section 5100.40(C) of the Maywood Zoning Ordinance, the Planning Commission 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 likely not enough area for vehicles to turn-around safely. This, however, depends on how many vehicles are parked in the driveway/parking area. 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 may not have enough area to allow

the proper ingress/egress of those vehicles in a safe manner 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.

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 Planning Commission of the City of Maywood hereby denies the Application for a CUP to allow a non-storefront cannabis vehicle dispensary use at 4006 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 Planning Commission has reviewed Staff's determination of exemption, and based on its own independent judgment, concurs in staff's determination.

Section 6. Appeal of Decision. This decision may be appealed to the City Council if the appeal is made within 10 days of the date of the decision (the date of adoption of this Resolution) by filing a written appeal with the City Clerk as set forth in the Maywood Zoning Ordinance.

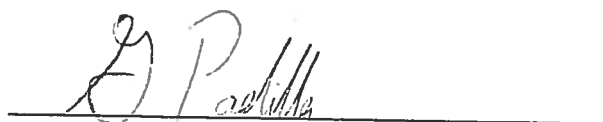
Section 7. This Resolution shall be effective immediately upon its passage and approval.

Passed, approved and adopted this 17th day of September, 2019.



Carmen Perez
Chair of the Planning Commission

ATTEST:



Guillermo Padilla
Planning Commission Secretary