

MEETING DATE: **09.24.12**

AGENDA ITEM: Adoption of an Ordinance Amending Section 17.230.015, Table 2-8 and Section 17.610.010 of the Culver City Zoning Code to Allow for the Expansion of Existing Private Schools Located in the Industrial General (IG) Zone, Subject to Approval of a Modification to an Existing Conditional Use Permit (Zoning Code Amendment ZCA P-2011154).

ATTACHMENTS

	<u>Pages</u>
1. Ordinance	1-7

ORDINANCE NO. 2012-____

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE (CCMC), SECTION 17.230.015, TABLE 2-8 AND SECTION 17.610.010, TO ALLOW FOR THE EXPANSION OF EXISTING PRIVATE SCHOOLS LOCATED IN THE INDUSTRIAL GENERAL (IG) ZONE AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO.

(Zoning Code Amendment P-2011154)

WHEREAS, on October 26, 2011, The Willows Community School (the "School") filed an application for a Zoning Code Text Amendment to amend Section 17.230.015, Table 2-8 and Section 17.610.010 of the Culver City Municipal Code ("CCMC"), to allow for the expansion of existing private schools located in the Industrial General (IG) Zone, subject to approval of a Modification to an existing Conditional Use Permit (CUP); and, concurrently, an application for a Conditional Use Permit Modification (CUP Modification) to allow for the phased expansion of School facilities and operations; and

WHEREAS, on July 11, 2012, the Planning Commission commenced a duly noticed public hearing on Zoning Code Amendment, ZCA P-2011154 and CUP Modification, and continued the public hearing to August 8, 2012 for further consideration; and

WHEREAS, on August 8, 2012, after conducting a duly noticed public hearing on Zoning Code Amendment, ZCA P-2011154 and the related CUP Modification, including full consideration of the application, plans, reports, studies, environmental information and all testimony presented, the Planning Commission (i) by a vote of 4 to 0, adopted a Mitigated Negative Declaration, in accordance with the California Environmental Quality Act (CEQA), finding the CUP Modification, with mitigation measures, and the Zoning Code Amendment, ZCA P-2011154, will not result in significant adverse environmental impacts; (ii) by a vote of

4 to 0, approved the CUP Modification to become effective upon the effective date of Zoning Code Amendment, ZCA P-2011154, ; and (iii) by a vote of 4 to 0, recommended to the City Council approval of Zoning Code Amendment, ZCA P-2011154; and

WHEREAS, on September 10, 2012, after conducting a duly noticed public hearing on Zoning Code Amendment, ZCA P-2011154, including full consideration of all reports, studies, testimony, and environmental information presented, the City Council, by a vote of ___ to ___, approved for adoption Zoning Code Amendment, ZCA P-2011154, as set forth herein below.

The City Council of the City of Culver City, California, DOES HEREBY ORDAIN as follows:

SECTION 1. Pursuant to the foregoing recitations and the provisions of CCMC Title 17, Section 17.520.030, the following findings are hereby made:

1. **The proposed amendment ensures and maintains internal consistency with the goals, policies, and strategies of all elements of the General Plan and will not create any inconsistencies with this Title.**

Zoning Code Amendment, ZCA P-2011154 requires any proposed expansion of existing private schools located in the Industrial General (IG) Zone be subject to approval of a modification to an existing Conditional Use Permit (CUP). The CUP Modification will be reviewed for consistency with the General Plan and with the Zoning Code; thereby maintaining internal consistency with the goals, policies, and strategies of all elements of the General Plan and the Zoning Code. Further, an economic analysis and Master Plan document shall be required as part of any CUP Modification request which will be used as the basis for determining whether the expansion can meet the required CUP finding that the use is consistent with the General Plan.

2. **The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City.**

The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City because any proposal to allow for the expansion of existing private schools located in the Industrial General (IG) Zone, will be subject to approval of a Modification to an existing Conditional Use Permit

(CUP). Such a discretionary action requires that the City conduct environmental review, pursuant to the California Environmental Quality Act (CEQA), make findings for a CUP Modification, and impose conditions and measures to mitigate impacts to surrounding areas. The purpose of such a review process is to address impacts that may be detrimental to the public interest, health, safety, convenience or welfare of the City.

3. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

Pursuant to CEQA, an Initial Study prepared for the proposed Zoning Code Amendment (ZCA) and related CUP Modification determined that the project would have less than significant impacts on the environment and that a Mitigated Negative Declaration finding was appropriate. Any potential environmental impacts from future school expansion will be evaluated through an Initial Study as part of the required CUP Modification and will identify any mitigation measures necessary to reduce identified impacts to a level of insignificance, as was the case with the School's CUP Modification filed concurrently with the ZCA and approved by the Planning Commission.

SECTION 2. Pursuant to the foregoing recitations and findings, the City Council of the City of Culver City, California, hereby adopts Zoning Code Amendment (ZCA P-2011154) as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 3. Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

SECTION 4. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the

1 remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this
2 ordinance and as such they shall remain in full force and effect.

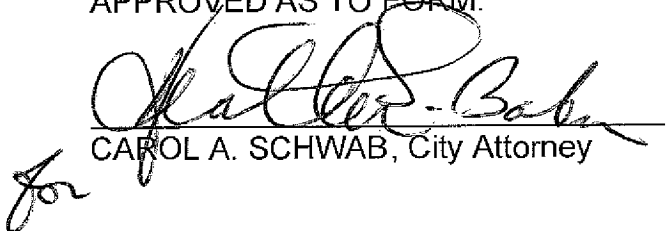
3 APPROVED and ADOPTED this _____ day of _____, 2012.

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7 _____
ANDREW WEISSMAN, Mayor
City of Culver City, California

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9 ATTEST:

APPROVED AS TO FORM:

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11 _____
MARTIN R. COLE, City Clerk

12  _____
CAROL A. SCHWAB, City Attorney

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EXHIBIT A
ORDINANCE NO. 2012-_____

CULVER CITY MUNICIPAL CODE - TITLE 17, ZONING CODE

Industrial Zoning Districts

17.230

TABLE 2-8 Allowed Uses and Permit Requirements for Industrial and Special Purpose Zoning Districts	P CUP AUP -	Permitted Use Conditional Use Permit Required Administrative Use Permit Required Use not allowed	
LAND USE (1)	PERMIT REQUIREMENTS BY DISTRICT		See specific use regulations
	IL	IG	
INDUSTRY, MANUFACTURING & PROCESSING			
Chemical product manufacturing	-	P	
Concrete, gypsum, and plaster products	-	P	
Electronics and equipment manufacturing	P	P	
Fabric products manufacturing	P	P	
Food and beverage manufacturing	-	P	
Furniture/fixtures manufacturing	P	P	
Glass, metal and plastics product manufacturing	-	P	
Handcraft industries	P	P	
Laundries and dry cleaning plants	-	P	
Lumber and wood product manufacturing	-	P	
Machinery manufacturing	-	P	
Media production - Backlots/outdoor facilities	-	P	
Media production - Indoor support facilities	P	P	
Media production - Soundstages	P	P	
Metal products fabrication, machine/welding shops	-	P	
Motor vehicle/transportation equipment manufacturing	-	P	
Paper product manufacturing	-	P	
Paving and roofing material manufacturing	-	P	
Printing and publishing	P	P	
Recycling facility - Processing	-	P	17.400.090
Recycling facility - Large collection	-	P	17.400.090
Recycling facility - Small collection	AUP	P	17.400.090
Recycling facility - Incidental small collection	P	P	17.400.090
Research and development (R&D)	P	P	
Small-scale product manufacturing	P	P	
Stone and cut stone product manufacturing	-	P	
Stone, clay and pottery product manufacturing	-	P	
Warehousing and distribution facilities	P	P	
Wholesaling and distribution facilities	P	P	
RECREATION, EDUCATION , PUBLIC ASSEMBLY			
Arcade	P	P	
Health/fitness facilities	P	P	
Indoor amusement/entertainment facilities	CUP	CUP	
Outdoor Commercial Recreation	CUP	CUP	
Private Schools	CUP	-(2)	
Public recreational and cultural facilities	CUP	CUP	
Public Schools	P	P	
Studios - Art, dance, music, photography, etc.	P	P	
Theaters	P	P	

Notes: (1) See Article 7 for definitions of the land uses listed.

(2) See Section 17.610.010 for nonconforming school uses

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ORDINANCE NO. 2012-_____
CULVER CITY MUNICIPAL CODE - TITLE 17, ZONING CODE

17.610.010 - Nonconforming Uses

- A. Continuation of Use.** Any nonconforming use may be maintained and continued provided that there is no increase or enlargement of the area, space, or volume occupied by or devoted to the nonconforming use. Alterations which do not increase or enlarge a nonconforming use may be approved.
- B. Abandonment or Discontinuance of Use.** A nonconforming use which has been abandoned or has been discontinued for a period of one year shall not be reestablished and any subsequent reuse or any new use established shall conform to the current provisions of this Title.
- C. Change of Use.** A nonconforming use that is changed to, or replaced by a conforming use shall result in termination and subsequent abandonment of the nonconforming use.
- D. Nonconforming Oil Use.** Land which has been used for the drilling, production, or processing of oil, gas, or other hydrocarbons, may continue in the use regardless of the applicable zoning district. The provisions of this Subsection shall not apply to gasoline service stations or other like uses, or to any oil well, oil well structures, or equipment that has been abandoned or the use has been discontinued for a period of at least one year
- E. Conditional Uses.**
 - 1. Conformity of uses requiring Administrative Use Permits and Conditional Use Permits.** Any use existing at the time of adoption of this Title, in a zoning district that allows the use subject to the granting of an Administrative Use Permit or Conditional Use Permit, shall be deemed a legal nonconforming use and may only continue to the same extent that it previously existed.
 - 2. Previous Administrative Use Permits or Conditional Use Permits in effect.** A use that was established with an Administrative Use Permit or a Conditional Use Permit but is no longer a use allowed by this Title within the applicable zoning district may continue in compliance with the provisions and terms of the original permit. If the Administrative Use Permit or Conditional Use Permit specified a termination date, then the use shall terminate in compliance with the original permit.
- F. Nonconforming Private School Use in the IG District.** Notwithstanding the foregoing, a nonconforming private school use in the IG zoning district, which was originally established with a Conditional Use Permit at a time when the private school use fully conformed with all then existing applicable provisions of this Title, may be modified and/or expanded, subject to the following:
 - 1. The modification and/or expansion shall require a modification of the existing Conditional Use Permit, subject to review and approval by the Commission in compliance with Chapter 17.530 (Administrative Use Permits and Conditional Use Permits) and Section 17.595.035 (Changes to an Approved Project).
 - 2. The modification and/or expansion may only include property that is already part of the existing private school use or that is directly and physically abutting the existing school property.

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CULVER CITY MUNICIPAL CODE - TITLE 17, ZONING CODE

3. Any application for a modification and/or expansion of an existing Conditional Use Permit shall include, but not be limited to, the following:
 - a. The submittal of a master plan document, in form and substance as determined by the Director, which thoroughly outlines the extent of the proposed modification and/or expansion, including any proposed increase to student enrollment and/or staff;
 - b. The submittal of an economic study, in form and substance as determined by the Director, which estimates the fiscal impacts of any modification and/or expansion on the City. Such study shall include, but not be limited to, a calculation of the economic and tax "opportunity cost" to the City of expanding the nonconforming private school use.
4. After considering the economic study and the fiscal impacts on the City from any modification and/or expansion of the existing private school use, the appropriate review authority may impose reasonable conditions to mitigate the fiscal impacts if it determines that such conditions will serve the public interest, health, safety, convenience or welfare of the City.
5. The total area of the property included in the school (as proposed to be expanded) may in no event exceed 3.5 acres.