

ORDINANCE NO. 2020-____

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING ZONING CODE AMENDMENT P2019-0264-ZCA, AMENDING CULVER CITY MUNICIPAL CODE (CCMC), TITLE 17 – ZONING CODE, SECTIONS 17.230.015, TABLE 2-8 – INDUSTRIAL DISTRICT LAND USES AND PERMIT REQUIREMENTS, AND 17.400.035 – CHILD DAY CARE FACILITIES, ALLOWING CHILD DAY CARE CENTERS AS A PRIMARY USE

(Zoning Code Amendment, P2019-0264-ZCA)

WHEREAS, at its September 9, 2019 regular meeting, the City Council discussed a potential City-initiated Zoning Code Amendment (P2019-0264-ZCA) amending Culver City Municipal Code (CCMC), Title 17 – Zoning Code (Zoning Code), Section 17.230.015, Table 2-8 – Industrial District Land Uses And Permit Requirements, to allow child day care centers as a primary use in the City's industrial zoning districts, and directed staff to add the item to the Current Planning Division's Work Plan and move forward with preparation of a draft amendment; and,

WHEREAS, on November 13, 2019 the Planning Commission conducted a duly noticed public hearing on City-initiated Zoning Code Amendment P2019-0264-ZCA, fully considering all reports, studies, testimony, and environmental information presented, and, by a vote of 3 to 0, recommended to the City Council approval of Zoning Code Amendment P2019-0264-ZCA, with a modification to include an amendment to Section 17.400.035 – Child Day Care Facilities, to require a financial analysis component for non-profit Child Day Care facilities similar to the City's requirement for private schools located in Industrial Zones; and

WHEREAS, on January 13, 2020, after conducting a duly noticed public hearing on Zoning Code Amendment P2019-0264-ZCA, fully considering all reports, studies, testimony,

1 and environmental information presented, the City Council, by a vote of ___ to ___, introduced
2 an Ordinance approving Zoning Code Amendment P2019-0264-ZCA, as set forth herein below.

3 NOW, THEREFORE, the City Council of the City of Culver City, California, DOES
4 HEREBY ORDAIN as follows:

5 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of the CCMC,
6 the following required findings for an amendment to the Zoning Code, as outlined in CCMC
7 Section 17.620.030.A, are hereby made:
8

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

12 The proposed Zoning Code Amendment is intended to address changes in the
13 trends and preferences with regard to strengthening and protecting successful
14 existing uses, by allowing child day care centers as a primary use in the City's
15 industrial zoning districts where and when analyzed for compatibility, in order to
16 improve the Zoning Code's implementation of the goals, objectives, and policies of
17 the General Plan. The existing Zoning Code language allows child day care centers
18 in both the General Industrial (IG) and Light Industrial (IL) zones ancillary to a
19 primary use only. The proposed Zoning Code Amendment will simply the remove
20 this restriction for child day care centers, to allow the potential for child day care
21 centers as a primary use to locate near to and in support of the current and future
22 daytime employment population in the IG and IL zones. The proposed Amendment
23 will create Zoning Code provisions and guidelines consistent with General Plan
24 Land Use Element Objective 4, Neighborhood Conditions, by maintaining the
25 quality design and living environment throughout the City through the
26 implementation of development standards that are realistic and practical, and
27 consistent with the changes in technology, design, and sustainability preferences
28 and objectives. Further, the proposed Amendment is consistent with 6.B, which
29 calls for focusing "commercial development into cohesive districts by identifying
and encouraging intensities and qualities of commercial uses that are sensitive to
their locations, and by emphasizing specific uses (i.e., neighborhood serving or
general commercial corridors)". The proposed Amendment serves to ensure
demand for child care services near to existing and future employment
concentrations in the IG and IL zones are adequately addressed as the City moves
towards the future. Therefore, the proposed Zoning Code Amendment does not
conflict with the goals, policies and strategies of any elements of the General Plan,
nor creates any inconsistencies.

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

3 The proposed Zoning Code Amendment will modify the allowed uses and permit
4 requirements for Industrial Zoning Districts in order to permit child day care centers
5 as a primary use within the City's Industrial Zones (IG, IL) in a manner that is
6 consistent with emerging preferences and objectives, changes in technology and
7 industry standards, and changes in mobility and transportation trends. The
8 proposed Amendment will serve to improve the implementation of the Zoning
9 Code with regard to allowing child day care centers as a primary land use within
10 the City's industrial zoning districts where they are currently as an ancillary use
11 subject to a Conditional Use Permit. Therefore, the proposed Amendment will not
 be detrimental to the public interest, health, safety, convenience or welfare of the
 City. Further, the proposed Amendment will continue to apply specific necessary
 development standards and restrictions to ensure compatibility with other existing
 and/or proposed land uses allowed within the industrial zones in a manner
 consistent with the orderly and quality character desired for the City, and in support
 of the public interest, health, safety, convenience and welfare of the City.

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

14 Pursuant to Section 15061(b)(3) of the California Environmental Quality Act, the
15 proposed Zoning Code Text Amendment (P2019-0264-ZCA) is considered
16 exempt because it can be seen with certainty that there is no possibility that the
17 Project to amend Zoning Code Sections 17.230.015, Table 2-8 – Industrial
18 Districts and 17.400.035 – Child Day Care Facilities, will have a significant effect
19 on the environment. The Zoning Code Amendment by itself, does not result in
20 any physical changes in the environment because it will only amend the Zoning
21 Code to require and allow the potential for child day care centers as a primary
22 use in the IG and IL zones which is currently allowed as an ancillary use subject
23 to a Conditional Use Permit, and does not result in an intensification of
24 development beyond what the Zoning Code currently allows. Furthermore, the
25 proposed Zoning Code Amendment is not in conjunction with the specific
26 approval of any existing development or use permit applications. Therefore, any
27 projects seeking approval subsequent to the proposed Zoning Code
28 Amendment, would be subject to appropriate CEQA analysis at the time of any
29 such application.

SECTION 2. Pursuant to the foregoing recitations and findings, the City Council
of the City of Culver City, California, hereby introduces the Ordinance approving Zoning
Code Amendment P2019-0264-ZCA, amending Culver City Municipal Code (CCMC), Title

1 17 – Zoning Code , Sections 17.230.015, Table 2-8 – Industrial District Land Uses And
2 Permit Requirements, and 17.400.035 – Child Day Care Facilities, to allow child day care
3 centers as a primary use in the City's industrial zoning districts, as set forth in Exhibit "A"
4 attached hereto and incorporated herein by reference.
5
6

7 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall
8 take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621
9 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City
10 Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City
11 News and shall post this Ordinance or a summary thereof in at least three places within the
12 City.
13

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 **SECTION 4.** The City Council hereby declares that, if any provision, section,
2 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
3 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
4 reason of any preemptive legislation, then the City Council would have independently
5 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
6 or words of this ordinance and as such they shall remain in full force and effect.
7

8
9 APPROVED and ADOPTED this ____ day of January, 2020.
10

11
12 _____
13 MEGHAN SAHLI-WELLS, Mayor
14 City of Culver City, California

15 ATTEST:

16 APPROVED AS TO FORM:

17
18 JEREMY GREEN, City Clerk

19 
20 CAROL A. SCHWAB, City Attorney
21 

22 A20-00029
23
24
25
26
27
28
29

EXHIBIT A
Resolution No. 2019-P010

Child Day Care Center Zoning Code Text Amendment P2019-0264

Section 17.230.015 - Industrial District Land Uses and Permit Requirements

TABLE 2-8 <i>Allowed Uses and Permit Requirements for Industrial and Special Purpose Zoning Districts</i>	P	Permitted Use	
	CUP	Conditional Use Permit Required	
	AUP	Administrative Use Permit Required	
	-	Use not allowed	
LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT		See specific use regulations
	IL	IG	

SERVICE

Child day care centers (4) (5)	CUP	CUP	
---	-----	-----	--

Notes: (4) Ancillary to a primary use only.

[\(5\) Non-Profit Child Day Care Facilities in Industrial Zones shall comply with Section 17.400.035.C.](#)

Section 17.400.035 - CHILD DAY CARE FACILITIES.

C. [Non-Profit Child Day Care Facilities in Industrial Zones.](#) Applications for a Conditional Use Permit to permit a non-profit Child Day Care Facility in the industrial zone shall include the submittal of an economic study, in form and substance as determined by the Director. Said study shall analyzes the fiscal impacts of the use and include a calculation of the economic and tax “opportunity cost” to the City.

[After considering the economic study and the fiscal impacts to the City the appropriate review authority may impose reasonable conditions to mitigate the fiscal impacts as necessary, if it determines that such conditions will serve the public interest, health, safety, convenience or welfare of the City](#)