

ORDINANCE NO. 2018-\_\_

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, ZONING CODE AMENDMENT P2018-0067-ZCA, AMENDING CULVER CITY MUNICIPAL CODE (CCMC), TITLE 17 – ZONING (ZONING CODE) CHAPTER 17.230 – INDUSTRIAL ZONING DISTRICTS, CHAPTER 17.400 - STANDARDS FOR SPECIFIC LAND USES, AND CHAPTER 17.700 – DEFINITIONS.

(Zoning Code Amendment, P2018-0067-ZCA)

**WHEREAS**, on June 13, 2018, after conducting a duly noticed public hearing on City-initiated Zoning Code Text Amendment (P2018-0067-ZCA) amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code), Chapter 17.230 – Industrial Zoning Districts, 17.400 – Standards for Specific Land Uses, and Chapter 17.700 - Definitions, fully considering all reports, studies, testimony, and environmental information presented, the Planning Commission determined, by a vote of 3 to 0, to recommend to the City Council approval of Zoning Code Amendment P2018-0067-ZCA, as set forth herein below; and

**WHEREAS** on July 9, 2018, after conducting a duly noticed public hearing on a City-initiated Zoning Code Amendment (P2018-0067-ZCA) amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Chapter 17.230 – Industrial Zoning Districts, Chapter 17.400 - Standards for Specific Land Uses, and Chapter 17.700 – Definitions and considering all reports, studies, testimony, and environmental information presented, the City Council, by a vote of 5 to 0, introduced an ordinance to approve Zoning Code Amendment P2018-0067-ZCA (the “Ordinance”); and

**WHEREAS**, on July 23, 2018, the City Council, by a vote of \_\_\_\_ of \_\_\_\_, adopted the Ordinance as set forth herein below.

**NOW, THEREFORE**, the city council of the City of Culver City, California, DOES HEREBY ORDAIN as follows:

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

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

7                   The proposed Zoning Code Amendment is intended to reduce inconsistencies  
8 between standard craft brewing industry practices and the Zoning Code and reduce  
9 confusion in establishing tasting facilities and artisanal alcohol production in Culver  
10 City. The amendments will improve the implementation of the Zoning Code, which  
11 implements the goals, objectives, and policies of the General Plan. The existing  
12 Zoning Code language addresses beverage tasting facilities and microbreweries in  
13 relation to bars/night clubs only. The proposed Zoning Code Amendment will clarify  
14 and/or add language to the Zoning Code regarding beverage tasting facilities and  
15 artisanal alcohol production to facilitate establishment of such uses in industrial or  
16 commercial zones. The proposed Zoning Code Amendment is consistent with  
17 General Plan Land Use Element Use Objective 5 – Economic Diversity, because it  
18 will encourage new business opportunities that expand Culver City's economic base  
and serve the needs of the City's residents and business community with an industry  
and business type that is not widely provided within city limits. The Zoning Code  
Amendment will facilitate implementation of Objective 6 – Commercial Corridors, by  
potentially revitalizing commercial or industrial corridors with beverage tasting  
facilities and artisanal alcohol production. Therefore, the proposed Zoning Code  
Amendment does not conflict with the goals, policies, and strategies of any elements  
of the General Plan, nor create any inconsistencies.

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

21                   The proposed Zoning Code Amendment will help ensure that the Zoning Code is  
22 clear and internally consistent with regard to beverage tasting facilities and artisanal  
23 alcohol production. It will provide clear language for the allowance of such uses in  
24 the City's industrial and commercial zones. The Zoning Code Amendment will serve  
25 to update the Zoning Code in relation to standard artisanal alcohol industry practices  
26 and reduce confusion in establishing tasting facilities in Culver City. Beverage  
27 tasting facilities and artisanal alcohol production will be governed by current Zoning  
28 Code language that requires discretionary approval depending on proximity of  
29 alcohol sales to residential zones and schools. Therefore, the Zoning Code  
Amendments will not be detrimental to the public interest, health, safety,  
convenience, and welfare of the City.

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

3                   Pursuant to Sections 15162 and 15168 of the California Environmental Quality Act  
4                   (CEQA), Zoning Code Amendment, P2018-0067-ZCA is within the scope of the Culver  
5                   City General Plan Update Program EIR approved on September 24, 1996 (PEIR 1) and  
6                   the Culver City Redevelopment Plan Amendment and Merger Program Subsequent EIR  
7                   approved on November 16, 1998 (PEIR 2). The circumstances under which PEIR 1 and  
8                   PEIR 2 were prepared have not significantly changed and no new significant information  
9                   has been found that would impact either PEIR 1 or PEIR 2; therefore, no new  
10                  environmental analysis is required.

11                 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City  
12                 Council of the City of Culver City, California, hereby adopts the Ordinance approving  
13                 Zoning Code Amendment P2018-0067-ZCA, amending Culver City Municipal Code  
14                 (CCMC), Title 17 – Zoning (Zoning Code) Chapter 17.230 – Industrial Zoning Districts,  
15                 Chapter 17.400 - Standards for Specific Land Uses, and Chapter 17.700 – Definitions,  
16                 as set forth in Exhibit A attached hereto and made a part thereof.

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

23                 **SECTION 4.** The City Council hereby declares that, if any provision, section,  
24                 subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or  
25                 declared invalid or unconstitutional by any final action in a court of competent jurisdiction  
26                 or by reason or any preemptive legislation, then the City Council would have  
27                 independently adopted the remaining provisions, sections, subsections, paragraphs,  
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1 sentences, phrases, or words of this Ordinance, and as such they shall remain in full  
2 force and effect.  
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4 APPROVED and ADOPTED this 23<sup>rd</sup> day of July, 2018.  
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8 THOMAS AUJERO SMALL, Mayor  
9 City of Culver City, California

10 ATTESTED BY:

11 APPROVED AS TO FORM:

12 JEREMY GREEN, City Clerk  
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15 CAROL SCHWAB, City Attorney  
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A18-00388

## 17.220.015 - Commercial District Land Uses and Permit Requirements

Table 2-5 (Allowed Uses and Permit Requirements for Commercial Zoning Districts) identifies the uses of land allowed by this Title in the commercial zoning districts, and the land use permit required to establish each use in compliance with Subsection 17.200.020.B. (Determination of Allowable Land Uses and Permit Requirements).

**Note:** Where the last column in the tables ("See Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Title may also apply.

<b>TABLE 2-5</b> <b>Allowed Uses and Permit Requirements</b> <b>for Commercial Zoning Districts</b>	P Permitted Use CUP Conditional Use Permit required AUP Administrative Use Permit Required - Use not allowed					
	<b>PERMIT REQUIREMENT BY DISTRICT</b>					
<b>LAND USE (1)</b>	<b>See Specific Use Regulations:</b>					
	<b>CN</b>	<b>CG</b>	<b>CC</b>	<b>CD</b>	<b>CRR</b>	<b>CRB</b>

### RETAIL TRADE (cont.)

General retail stores (3) <a href="#">(8)</a>	P	P	P	P	P	P	17.400.015
Restaurants, table service (3) <a href="#">(7)</a>	P	P	P	P	P	P	17.400.015

### Notes:

(3) For permit requirements related to the sale of Alcoholic Beverages see Section 17.400.015

[\(7\) Artisinal Alcohol Production cannot exceed twenty percent \(20%\) gross floor area of table service restaurant to which it is a part unless approved by Administrative Use Permit to exceed no more than thirty percent \(30%\) gross floor area.](#)

[\(8\) A Beverage Tasting Facility cannot exceed twenty percent \(20%\) gross floor area of the Food and Beverage Manufacturing Use or General Retail use to which it is associated unless approved by Administrative Use Permit to exceed no more than thirty percent \(30%\) gross floor area.](#)

## 17.230.015 - Industrial District Land Uses and Permit Requirements

- A. General Requirements.** Table 2-8 (Allowed Uses and Permit Requirements for Industrial and Special Purpose Zoning Districts) identifies the uses of land allowed by this Title in each industrial zoning district, and the land use permit required to establish each use, in compliance with Subsection 17.200.020.B. (Determination of Allowable Land Uses and Permit Requirements).

**Note:** Where the last column in the tables ("See Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Title may also apply

TABLE 2-8 Allowed Uses and Permit Requirements for Industrial and Special Purpose Zoning Districts	P	Permitted Use	
	CUP	Conditional Use Permit Required	
	AUP	Administrative Use Permit Required	
	-	Use not allowed	
LAND USE (1)	PERMIT REQUIREMENTS BY DISTRICT		See specific use regulations
	IL	IG	
RETAIL TRADE			
Restaurants, table service (3) (7)	P	P	17.400.015
INDUSTRY, MANUFACTURING & PROCESSING			
Food and beverage manufacturing (3) (8)	-	P	17.400.015

**Notes:**

(3) For permit requirements related to the sale of Alcoholic Beverages see Section 17.400.015

[\(7\) Artisanal Alcohol Production cannot exceed twenty percent \(20%\) gross floor area of the table service restaurant to which it is a part unless approved by Administrative Use Permit to exceed no more than thirty percent \(30%\) gross floor area.](#)

[\(8\) A Beverage Tasting Facility cannot exceed twenty percent \(20%\) of the gross floor area of the Food and Beverage Manufacturing or General Retail use to which it is associated unless approved by Administrative Use Permit to exceed no more than thirty percent \(30%\) gross floor area.](#)

## 17.400.015 - Alcoholic Beverage Sales

This Section provides location and operating standards for the establishment of alcoholic beverage sales facilities (for off-site or on-site consumption), in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards).

- A. Permit Requirement.** Establishments offering the retail sales of alcoholic beverages are subject to all of the restrictions of the applicable zoning district and shall only be allowed as identified in Table 4-1 (Permit Requirements for Alcoholic Beverage Sales), which may require an Administrative Use Permit (AUP) or a Conditional Use Permit (CUP) in compliance with Chapter 17.530 (Administrative Use Permits and Conditional Use Permits).

**Table 4-1**  
**Permit Requirements for Alcoholic Beverage Sales**

Zoning District(s): Type of Establishment	Permit Requirement
<b><u>CN Zoning District:</u></b> 1. Alcoholic beverage sales incidental to a restaurant or retail use	AUP
<b><u>CG, CD, CC, CRR, CRB, IL, IG, and S Zoning Districts:</u></b> <del>1. Alcoholic beverage sales that are not incidental to a restaurant if located:</del>	
<del>a. Within 300 ft of residentially zoned property or an elementary/secondary school.</del>	<del>AUP</del>
<del>b. More than 300 ft from a residentially zoned property or an elementary/secondary school.</del>	<del>No use permit required</del>
<del>2. Alcoholic beverage sales incidental to a restaurant if located established:</del>	
a. Within 300 ft of residentially zoned property or an elementary/secondary school.	AUP
b. More than 300 ft from a residentially zoned property or an elementary/secondary school.	No use permit required
<u>c. As an ancillary beverage tasting facility or artisanal alcohol production exceeding twenty percent (20%) gross floor area of the primary use but no greater than thirty percent (30%) gross floor area of the primary use.</u>	<u>AUP</u>
<del>3. Alcoholic beverage sales with the concurrent retailing of motor vehicle fuel.</del>	CUP

## 17.700.010 – Definitions of Specialized Terms and Phrases

### E. Definitions, “E”.

#### Eating and Drinking Establishments:

**1. Bars and Night Clubs.** Businesses where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing, comedy, etc.). May also include ~~beer brewing~~ artisanal alcohol production as part of a microbrewery that does not exceed twenty percent (20%) gross floor area unless approved by Administrative Use Permit to exceed no more than thirty percent (30%) gross floor area., ~~and other beverage-tasting facilities.~~ Does not include Adult Businesses.

**2. Beverage Tasting Facility.** A Beverage Tasting Facility means an ancillary tasting of alcoholic beverage products associated with a Food and Beverage Manufacturing use or a General Retail use when that General Retail use includes the sale of beer, wine, and distilled spirits for off-site consumption. A Beverage Tasting Facility cannot exceed twenty percent (20%) of the gross floor area of the Food and Beverage Manufacturing or General Retail use to which it is associated unless approved by Administrative Use Permit to exceed no more than thirty percent (30%) gross floor area.

**3. Artisanal Alcohol Production.** Manufacturing of alcoholic beverage products ancillary to a table service restaurant. Artisanal alcohol production cannot exceed twenty percent (20%) gross floor area of the table service restaurant to which it is a part unless approved by Administrative Use Permit to exceed no more than thirty percent (30%) gross floor area.

**~~2.4.~~-Restaurant, Counter Service.** A retail business where customers are served prepared food and/or beverages from a walk-up ordering counter for either on- or off-premise consumption, which may include fast-food and take-out restaurants. A restaurant with drive-up or drive-through service is instead included under the definition of "Drive-in and Drive-Thru Facilities."

**~~3.5.~~ Restaurant, Table Service.** A retail business selling food and beverages prepared on the site, where most customers are served food at tables for on-premise consumption. These restaurants may also provide food on a take-out basis and live entertainment that is clearly secondary to table service. May also include artisanal alcohol production that does not exceed twenty percent (20%) of the gross floor area of the table service restaurant unless approved by Administrative Use Permit to exceed no more than thirty percent (30%) gross floor area.