

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, and environmental information presented, the City Council, by a vote of 4 to 0, introduced an

Ordinance approving Zoning Code Amendment P2019-0264-ZCA ("Ordinance"), as set forth herein below;

WHEREAS, on January 27, 2020, the City Council, by a vote of \_\_\_\_ to \_\_\_\_, 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:

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

The proposed Zoning Code Amendment is intended to address changes in the trends and preferences with regard to strengthening and protecting successful existing uses, by allowing child day care centers as a primary use in the City's industrial zoning districts where and when analyzed for compatibility, in order to improve the Zoning Code's implementation of the goals, objectives, and policies of the General Plan. The existing Zoning Code language allows child day care centers in both the General Industrial (IG) and Light Industrial (IL) zones ancillary to a primary use only. The proposed Zoning Code Amendment will simply the remove this restriction for child day care centers, to allow the potential for child day care centers as a primary use to locate near to and in support of the current and future daytime employment population in the IG and IL zones. The proposed Amendment will create Zoning Code provisions and guidelines consistent with General Plan Land Use Element Objective 4, Neighborhood Conditions, by maintaining the quality design and living environment throughout the City through the implementation of development standards that are realistic and practical, and consistent with the changes in technology, design, and sustainability preferences and objectives. Further, the proposed Amendment is consistent with 6.B, which 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

1 conflict with the goals, policies and strategies of any elements of the General Plan,  
2 nor creates any inconsistencies.

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

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

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

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

30 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City Council  
31 of the City of Culver City, California, hereby adopts the Ordinance approving Zoning Code

1 Amendment P2019-0264-ZCA, amending Culver City Municipal Code (CCMC), Title 17 –  
2 Zoning Code , Sections 17.230.015, Table 2-8 – Industrial District Land Uses And Permit  
3 Requirements, and 17.400.035 – Child Day Care Facilities, to allow child day care centers  
4 as a primary use in the City's industrial zoning districts, as set forth in Exhibit "A" attached  
5 hereto and incorporated herein by reference.  
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 **SECTION 4.** The City Council hereby declares that, if any provision, section,  
15 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared  
16 invalid or unconstitutional by any final action in a court of competent jurisdiction or by  
17 reason of any preemptive legislation, then the City Council would have independently  
18 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases  
19 or words of this ordinance and as such they shall remain in full force and effect.  
20

21 APPROVED and ADOPTED this 27<sup>th</sup> day of January 2020.  
22

23  
24 \_\_\_\_\_  
MEGHAN SAHLI-WELLS, Mayor  
City of Culver City, California

25 ATTEST:

26 APPROVED AS TO FORM:

27 \_\_\_\_\_  
28 JEREMY GREEN, City Clerk

29   
CAROL SCHWAB, City Attorney

A20-00029

**EXHIBIT A**

Ordinance No. 2020-\_\_\_\_\_

Child Day Care Center Zoning Code Text Amendment P2019-0264

**Section 17.230.015 - Industrial District Land Uses and Permit Requirements**

<b>TABLE 2-8</b> <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
	<i>IL</i>	<i>IG</i>	

**SERVICE**

Child day care centers <del>(4)</del> (5)	CUP	CUP	
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**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