ATTACHMENT NO. 2

RESOLUTION NO. 2020-P005

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A CITY-INITIATED COMPREHENSIVE ZONING CODE AMENDMENT P2020-0078-ZCA, AMENDING VARIOUS SECTIONS OF THE CULVER CITY MUNICIPAL CODE (CCMC), TITLE 17: ZONING CODE, RELATED TO FAMILY DAYCARE HOMES, RESIDENTIAL DEVELOPMENT STANDARDS, COMMERCIAL AND INDUSTRIAL STANDARDS AND USES, SMOKING REGULATONS IN OUTDOOR DINING AND RETAIL AREAS, AND PARKING REQUIREMENTS.

(ZONING CODE TEXT AMENDMENT, P2020-0078-ZCA)

WHEREAS, City-initiated Zoning Code Amendment P2020-0078-ZCA consists of comprehensive amendments to various portions of Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code), in order to correct and/or update several unintended discrepancies in the Zoning Code to effectively and consistently apply the Zoning Code; and

WHEREAS the proposed Zoning Code Amendment addresses the following topics:

- *Family Daycare Homes*. Provides new regulations to be consistent with State law; and
- *Residential Basements in R1*. Extend basement allowances in other residentially zoned areas;
- *Front Building Setback Area*. Clarify paving standards for pedestrian pathways in residential front yard setbacks;
- *Minimum Building Separation*. Provide minimum distances between detached primary dwelling units and accessory dwelling units;
- *Parking Update*. Parking ratio for single room occupancy units and micro units;
- *Building Setbacks*. Provide consistent application of alley credits for building setback requirements for mixed use structures and commercial structures;

- *Outdoor Dining Areas*. Provide smoking regulations in outdoor dining areas.

- *Parking Exclusive Use and Wheel Stops*. Establishes exclusive on-site parking use and eliminates use of wheel stops; and

WHEREAS on April 22, 2020, after conducting a duly noticed public hearing on a City-initiated Zoning Code Amendment P2020-0078-ZCA, amending various portions of the Zoning Code, as noted above, fully considering all reports, studies, testimony, and environmental information presented, the Planning Commission, by a vote of 5 to 0, recommended to the City Council approval of Zoning Code Amendment P2020-0078-ZCA, as set forth herein below.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, RESOLVES 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.

There are several unintended discrepancies in the Zoning Code that require correction and/or update to effectively and consistently apply the Zoning Code. The proposed Zoning Code Amendments are intended to create consistency between various residential and commercial development standards and bring family daycare home regulations into compliance with State law. These amendments implement the goals, objectives, and policies of the General Plan and create internal consistency furthering General Plan Land Use Element Implementation Measure 7 – Continue Current Planning Administration. The measure states that Planning Staff will assist property owners and developers in the day to day administration of General Plan policies and Zoning Code regulations that implement those policies. These amendments will assist in that administration and implementation.

The proposed Zoning Code Amendments do not conflict with the goals, policies and strategies of any elements of the General Plan, nor create any inconsistencies.

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

There are several unintended discrepancies in the Zoning Code that require correction and/or update to effectively and consistently apply the Zoning Code. The proposed Zoning Code Amendments will help ensure that the Zoning Code is clear and internally consistent with regard to residential and commercial development standards and bring family daycare home regulations into compliance with State law. The amendments will serve to improve Current Planning's implementation of General Plan policies and Zoning standards affecting residential and commercial property owners and developers. Further, the proposed amendments will bring certain provisions into compliance with State law. The amendments support the public interest, health, safety, convenience and welfare of the City.

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

Pursuant to CEQA Guidelines Section 15061(b) (3), the proposed Project is exempt, because it can be seen with certainty that there is no possibility that the Project will have a significant effect on the environment. The Project by itself, does not result in any physical changes in the environment because it only clarifies and updates various discrepancies in the Zoning Code, and does not result in changes to existing land use, density or an intensification of development beyond what the Zoning Code currently allows.

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SECTION 2. Pursuant to the foregoing recitations and findings, the Planning Commission of the City of Culver City, California, hereby recommends to the City Council approval of Zoning Code Amendment P2020-0078-ZCA, as set forth in Exhibit A attached hereto and made a part thereof.

APPROVED and ADOPTED this 22nd day of April, 2020.

ANDREW REILMAN - CHAIRPERSON
PLANNING COMMISSION
CITY OF CULVER CITY, CALIFORNIA

Attested by:

Ruth Martin del Campo for Susan H.

Susan Herbertson, Senior Planner

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The proposed Zoning Code amendments are in the order they appear in the City Council staff report for Zoning Code Amendment P2020-0078.

The proposed Zoning Code Amendment P2020-0078 amends various sections of Title 17 – Zoning, of the Culver City Municipal Code (CCMC), as follows:

CCMC Section 17.210.015.A.Table 2-2:

TABLE 2-2 Allowed Uses and Permit Requirements for Residential Zoning Districts	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**:
	R1	R2	R3	RLD	RMD	RHD	
RESIDENTIAL							
Child day care - Large family day care homes (6)	P	P	P	P	P	P	
Child day care - Small family day care homes (6)	P	P	P	P	P	P	
SERVICE							
~~Child day care - Large family day care homes~~	~~AUP~~	~~AUP~~	~~AUP~~	~~AUP~~	~~AUP~~	~~AUP~~	~~17.400.035~~
~~Child day care - Small family day care homes~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~17.400.035~~

Notes:
(6) Use is subject to only those restrictions that apply to other residential uses of the same type in the same zone.

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CCMC Section 17.220.015.A.Table 2-5:

TABLE 2-5 Allowed Uses and Permit Requirements for Commercial Zoning Districts	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 :
	CN	CG	CC	CD	CRR	CRB	
RESIDENTIAL							
Child day care - Large family day care homes (12)(13)	P	P	P	P	-	-	
Child day care - Small family day care homes (12)(13)	P	P	P	P	-	-	
SERVICE							
~~Child day care - Large family day care homes~~	~~AUP~~	~~AUP~~	-	-	-	-	~~17.400.035~~
~~Child day care - Small family day care homes~~	~~P~~	~~P~~	-	-	-	-	

Notes:
(12) Use is subject to only those restrictions that apply to other residential uses of the same type in the same zone.
(13) Use only allowed as part of a mixed-use project.

CCMC Section 17.260.035.C.Table 2-11:

TABLE 2-11 Allowed Uses and Permit Requirements for the East Washington Boulevard Overlay (-EW)		P Permitted Use
LAND USE (1)	Permit Requirement	See Specific Use Regulations:
RESIDENTIAL		
Child day care - Large family day care homes (15)(16)	P	
Child day care - Small family day care homes (15)(16)	P	

Notes:
(15) Use is subject to only those restrictions that apply to other residential uses of the same type in the same zone.
(16) Use only allowed as part of a mixed-use project.

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CCMC Section 17.320.020.H.Table 3-3:

Table 3-3A	
Land Use Type: Residential	Vehicle Spaces Required
Multi-family dwellings and residential component of mixed-use development, includes supportive housing, ~~and~~ transitional housing units, Large family day care homes, and Small family day care home (1) (2)	Studio micro-units: 0.5 space. (4)
	Studio and 1 bedroom, up to 900 square feet: 1 space.
	Studio and 1 bedroom, greater than 900 square feet: 2 spaces.
	2-3-bedroom units: 2 spaces.
	4-bedroom units: 3 spaces.
	1 space for every additional bedroom greater than 4.
	Guest parking: 1 space for every 4 residential units.
Single-family, duplex and triplex units, includes supportive housing, ~~and~~ transitional housing units, Large family day care homes, and Small family day care homes (1) (2)	2 spaces per dwelling unit.

Notes:

(1) See Subsection 17.320.035 .N. (Special Requirements for Residential Uses).

(2) Any parking reductions not otherwise authorized by this Code or state law shall require approval by resolution of the City Council.

CCMC Section 17.320.020.H.Table 3-3B:

Table 3-3B	
Land Use Type: Commercial (1)(4)	Vehicle Spaces Required
Day care facilities	
Child or adult day care centers	1 space per 300 square feet of floor area.
~~Large family day care home~~	~~1 space per employee, in addition to required residential spaces.~~
~~Small family day care home~~	~~As required for the single family dwelling (see parking requirement for residential uses).~~

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CCMC Section 17.700.010:

Child Day Care Facilities. Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are also required to be licensed by the California State Department of Social Services.

1. **Child Day Care Center.** Commercial or non-profit child day care facilities designed, approved and licensed as a child care center with no permanent resident. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with another related facility, or as an independent land use.
2. **Large Family Day Care Home.** A day care facility located in a residence where a full-time resident provides care and supervision for 7 to 14 children ~~12 children (plus 2 additional children after school)~~. Children under the age of 10 years who reside in the home count as children served by the day care facility.
3. **Small Family Day Care Home.** A day care facility located in a residence where a full-time resident provides care and supervision for up to eight children. ~~6 or fewer children (plus 2 additional children after school).~~ Children under the age of 10 years who reside in the home count as children served by the day care facility.

17.400.035 (RESERVED)~~CHILD DAY CARE FACILITIES.~~

~~This Section provides location, development, and operating standards for child day care facilities, in a manner that recognizes the needs of childcare operators and minimizes the effects on surrounding properties. These standards apply in addition to the other provisions of this Title and requirements imposed by the California State Department of Social Services. Licensing by the Department of Social Services is required for all facilities.~~

~~The establishment of a child day care facility shall comply with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards), and the following criteria and standards.~~

~~**A. Large Family Day Care Home - Administrative Use Permit Required.** A large family day care home requires approval of an Administrative Use Permit in compliance with Chapter 17.530 (Administrative Use Permits and Conditional Use Permits), and is subject to the following additional provisions.~~

~~**1.** Notice of filing of the application shall be in accordance with Chapter 17.630 (Public Hearings and Administrative Review), and the following additional requirements.~~

~~**a.** The notice shall include information on the right to request a hearing on the application.~~

~~**b.** The notice shall be mailed by the Director within 15 days after receipt of a complete application.~~

~~**2.** Except as provided in Subsection 17.400.035.A.3., immediately below, the Director shall have authority, without a hearing, to approve, conditionally approve, or disapprove the application, based on the required findings in Chapter 17.530 (Administrative Use Permits and Conditional Use Permits).~~

~~**3.** If one of the property owners or occupants, notified in compliance with Subsection 17.400.035.A.1. above, files a written request with the Division within 15 days after the date the notice was mailed, the application shall be referred to the Commission for public hearing. The hearing shall be promptly scheduled by the Director. Notice of the hearing shall be in accordance with Chapter 17.630 (Public Hearings and Administrative Review). Any person may present oral or written testimony at the hearing. The Commission shall approve, conditionally approve, or disapprove the application, based on the required findings in Chapter 17.530 (Administrative Use Permits and Conditional Use Permits).~~

~~**4.** The decision on the application by the Director or Commission may be appealed in compliance with Chapter 17.640 (Appeals).~~

~~**B. Large Family Day Care Homes - Development Standards.** The following standards shall apply.~~

~~**1.** The home shall be the principal residence of the childcare provider, and the child care use shall be incidental to the residential use.~~

~~**2.** A minimum 175 foot radius separation shall be provided from every other similar use. However, if the frontage of the proposed use is along the same street as the frontage of another similar use, the minimum separation shall be 300 linear feet.~~

~~**3.** A minimum of 600 square feet of open space shall be provided for an outdoor play area, none of which shall be located in the required front setback, and all of which may be satisfied by the minimum open space requirements identified in Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).~~

~~**4.** Use of the outdoor play areas shall be limited to the hours of 8:00 a.m. to 6:00 p.m. only.~~

~~**5.** On-site advertising signs shall be prohibited.~~

~~**6.** In addition to the required residential parking, one additional on-site parking space shall be provided for each employee not residing on the site.~~

~~**7.** The traffic and noise generated by a large family day care home shall not adversely impact the residential character of the neighborhood in which it is located. The applicant shall provide the Director with information relating to traffic and noise on an environmental information form provided by the City. This information shall be used to determine whether adverse impacts will likely occur. If the applicable review authority determines adverse impacts will likely occur, the application may be approved, subject to development conditions (e.g., mitigation measures) that would reduce the identified impacts to acceptable levels.~~

~~**8.** Each operator shall secure and maintain a valid State-issued license for the operation of a large family day care home at the proposed location. The Use Permit shall not become effective until the applicant provides the Director with a copy of the State-issued license, nor shall it remain in effect unless the applicant maintains a current valid State-issued license.~~

~~**9.** The Fire Department shall conduct a fire clearance inspection for the facility, upon receipt of the appropriate paperwork from the California State Department of Social Services. Fire and life safety inspections will be conducted annually thereafter.~~

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CCMC Section 17.210.020 Table 2-3:

Table 2-3 Residential Districts Development Standards (R1, R2, R3)			
Development Feature	Requirement by Zoning District		
	R1	R2	R3
Dwelling size	***Maximum and minimum allowed floor area.***	***Maximum and minimum allowed floor area, not including any garage or other non- habitable space.***	
Maximum floor area (7)	.60 Floor Area Ratio (FAR) (6)~~(7)~~	1,500 square feet plus 40% of net lot area for parcels less than 8,000 square feet; 60% of net lot area for parcels 8,000 square feet or more.	
Setbacks (4)	*Minimum setbacks required. See § 17.300.020* (Setback Regulations and Exceptions).		
Minimum distance between structures	5 feet between accessory residential structures and accessory dwelling units; 5 feet between primary dwelling units and accessory residential structures and accessory dwelling units. 8 feet between detached dwelling units.		

Notes:

(4) For standards for Accessory Residential Structures, see § 17.400.100.

(6) Garages attached to be primary structure shall be included in the FAR. Detached garages shall not be included in the FAR.

(7) The floor area of basements shall not be included in the Maximum floor area ~~FAR~~.

CCMC Section 17.210.020 Table 2-4:

Table 2-4 **Residential District Development Standards (RLD, RMD, RHD)**			
Development Feature	Requirement by Zoning District		
	RLD	RMD	RHD
Setbacks (4)	***Minimum setbacks required. See § 17.300.020*** **(Setback Regulations and Exceptions).**		
Minimum distance between structures	5 feet between accessory residential structures, and accessory dwelling units; 5 feet between primary dwelling units and accessory residential structures and accessory dwelling units. 10 feet between detached dwelling units.		

Notes:

(4) For standards for Accessory Residential Structures, see § 17.400.100.

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CCMC Section 17.310.020.A

Landscaping shall be provided in the locations specified below.

A. Setbacks. All setback and open space areas not occupied by driveways, parking areas, walkways, building projections and approved hardscape areas, shall be planted, except where a required setback is screened from public view, or it is determined by the Director that planting is not necessary to fulfill the purposes of this Chapter.

a. For single-family, two-family and three-family residential projects, all street-facing setback areas shall be landscaped ~~within 6 months of occupancy~~. Such areas shall be landscaped with live plant materials for a minimum of 75% of the subject area, unless paving of a larger area is required to comply with Subsection 17.320.035.C. (Parking Space and Lot Dimensions), to provide a standard 16-foot, double-wide driveway for a two-car garage within the 20-foot front setback area, or unless such paving involves a circular driveway that is otherwise in compliance with Subsection 17.320.040.C. (Circular Drive), or unless such paving involves a pedestrian pathway subject to Section 17.310.020.A.b, subject to the discretion of the Director.

b. In addition to the required driveway paving in single-family, two-family and three-family residential projects, additional paving in a street facing setback may be allowed for a pedestrian pathway provided it is not more than 4 feet in width. The pedestrian path shall be separated from the driveway by a minimum width of 3 feet and landscaped unless the pathway is designed to lead from the driveway to the dwelling entrance. In that case, the pathway connection shall not exceed 4 feet in width.

CCMC Section 17.320.035.N.2:

N. Special Parking Requirements for Residential Uses.

2. Paving of street-facing setback. Within residential zoning districts, no more than 25% of any required setback facing a street shall be paved to provide access to on-site parking, unless paving of a larger area is required to comply with Subsection 17.320.035.C. (Parking Space and Lot Dimensions) above (e.g., to provide a standard 16-foot, double-wide driveway for a two-car garage within the 20-foot front setback area), or unless such paving involves a circular driveway that is otherwise in compliance with Subsection 17.320.040.C. (Circular Drive). In addition to the required driveway paving in single-family, two-family and three-family residential projects, additional paving may be allowed for a pedestrian pathway leading to the entrance of the development provided the pedestrian path is not more than 4 feet in width. If the pedestrian path is not connected to the driveway, it shall be separated from the driveway by a minimum width of 3 feet and landscaped. If the pedestrian pathway is connected to the driveway, the maximum length of the connection shall not exceed 4 feet Vehicles shall not be parked between the street

property line and the front or side of a residential unit except on a driveway leading to a garage or carport, or a circular driveway.

CCMC Section 17.320.020 Table 3-3A:

Table 3-3A	
Land Use Type: Residential	Vehicle Spaces Required
Single room occupancy units	0.5 parking space per unit. (4) ~~One (1) parking space per unit.~~

Notes:
(4) Studio micro-units and single room occupancy units within the TOD District depicted in Map 4-1 of § 17.400.065.E are not required to provide parking.

CCMC Section 17.400.106.G:

This Section provides density, development, and operating standards for single room occupancy units in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

G. Parking. 0.5 ~~One~~ parking space shall be provided for each SRO unit. SRO units within the TOD District depicted in Map 4-1 of § 17.400.065.E are not required to provide parking.

CCMC Section 17.220.020 Table 2-6:

Table 2-6 **Commercial District Development Standards (CN, CG, CC, CD)**				
Development Feature	Requirement by Zoning District			
	CN	CG	CC	CD
Setbacks	Minimum setbacks required. See § 17.300.020 (Setback Regulations and Exceptions).			
Alley	2 feet ~~The width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.~~ One half (1/2) the width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.			

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CCMC Section 17.220.020 Table 2-7:

Table 2-7 **Commercial District Development Standards (CRR, CRB)**		
Development Feature	Requirement by Zoning District	
	CRR	CRB
Setbacks	Minimum setbacks required. See § 17.300.020 (Setback Regulations and Exceptions).	
Alley	2 feet ~~The width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.~~ One half (1/2) the width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.	

CCMC Section 17.230.020 Table 2-9:

Table 2-9 **Industrial District Development Standards**		
Development Feature	Requirement by Zoning District	
	IL	IG
Setbacks	Minimum setbacks required. See § 17.300.020 (Setback Regulations and Exceptions).	
Alley	2 feet ~~The width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.~~ One half (1/2) the width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.	

CCMC Section 17.230.015.A Table 2-8:

TABLE 2-8 Allowed Uses and Permit Requirements for Industrial and Special Purpose Zoning Districts			
AUP Administrative Use Permit Required			
LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT		See Specific Use Regulations:
	IL	IG	
RETAIL TRADE			
Restaurants, outdoor dining (3)	AUP	AUP	17.400.070

Notes:
(3) For permit requirements related to the sale of alcoholic beverages, see §17.400.015.

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CCMC Section 17.400.070 OUTDOOR DINING:

CCMC 17.400.070.D
D. Conformance with Chapter 9.11: Smoking Regulations
Outdoor dining shall conform to all standards and regulations pertaining to Outdoor Dining Areas, as set forth in Sections 9.11.100, et seq. of Chapter 9.11: Smoking Regulations of this Code.

CCMC Section 17.400.075 OUTDOOR RETAIL SALES AND DISPLAY:

CCMC Section 17.400.075.B
B. Conformance with Chapter 9.11: Smoking Regulations. Outdoor Retail Sales and Display shall conform to all standards and regulations pertaining to Outdoor Dining Areas, as set forth in Sections 9.11.100, et seq. of Chapter 9.11: Smoking Regulations of this Code.

CCMC Section 17.320.015 GENERAL PARKING REGULATIONS:

CCMC Section 17.320.015.H
H. Off-street On-Site Parking Exclusive Use. Except for City-approved covenants and/or development entitlements, all off-street on-site parking is for the exclusive use of the development, uses, and/or structure(s) that are located on the property that the on-site parking is located. Any proposed use of on-site parking by an off-site use/development may be approved pursuant to Section 17.320.025 provided the existing on-site parking includes surplus parking for the existing on-site use, or the City has approved a shared parking agreement pursuant to Section 17.320.025. Any excess parking, or the creation of new parking on a site, shall first satisfy the required parking for the on-site development, use, and/or structure(s) of that property, if it is deficient in required parking pursuant to Section 17.320.020, or is a legal non-conforming use due to parking.

CCMC Section 17.320.035 PARKING DESIGN AND LAYOUT GUIDELINES:

CCMC Section 17.320.035.D.1 Curbing ~~and Wheel Stops~~.
1. Continuous concrete curbing at least 6 inches high and 6 inches wide, with breaks to allow on-site drainage, shall be provided along the edges of parking spaces adjacent to fences, walls, other structures, property lines, pedestrian walkways and planted areas. Curbing shall be placed within the parking space a minimum of 2 feet from the front of the space. ~~Alternatively, wheel stops can be placed to allow for 2 feet of vehicle overhang area within the dimension of the parking space.~~ ~~Wheel stops or c~~ Curbs are not required where 2 parking spaces are contiguous at the width ("head to head"). Alternative barrier designs to protect planted areas may be approved by the Director.