



# City of Culver City

## Staff Report

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**File #:** 20-155, **Version:** 1

**Item #:** A-2.

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**CC - (1) Discussion of a Potential City Initiated Zoning Code Amendment to Allow Child Care Facilities as a Primary Use in the Industrial Zones; and (2) Direction to the City Manager as Deemed Appropriate.**

**Meeting Date:** September 9, 2019

**Contact Person/Dept:** Sol Blumenfeld/Community Development Director  
Michael Allen/Current Planning Manager

**Phone Number:** 310-253-5727

**Fiscal Impact:** Yes  No

**General Fund:** Yes  No

**Public Hearing:**  **Action Item:**  **Attachments:**

**Commission Action Required:** Yes  No  **Date:**

**Public Notification:** (Posted) City website (09/04/19), (E-Mail) Meetings and Agendas - City Council (09/04/19).

**Department Approval:** Sol Blumenfeld, Community Development Director (08/15/19)

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### **RECOMMENDATION**

Staff recommends the City Council (1) discuss a potential City initiated Zoning Code Amendment to allow child care facilities as a primary use in the industrial zones; and (2) provide direction to the City Manager as deemed appropriate.

### **BACKGROUND/DISCUSSION:**

On May 28, 2019, City Council provided direction to the City Manager to agendize for future discussion a potential City initiated Zoning Code Amendment to allow child care facilities as a primary use in the industrial zones.

Title 17, Zoning, of the Culver City Municipal Code (Zoning Code) establishes the permissible locations for child care facilities within the various land use zones in the City. As shown below, Zoning Code (CCMC) Sections 17.210.015, 17.220.015, and 17.230.015 allow for commercial child

care facilities subject to a Conditional Use Permit (CUP) in multi-family zones Residential Low Density (RLD), Residential Medium Density (RMD), and Residential High Density (RHD), commercial zones Commercial Neighborhood (CN), Commercial General (CG), Community Commercial (CC), Commercial Downtown (CD), and Commercial Regional Business Park (CRB) zones. Additionally, child care facilities are permissible in the Industrial Light (IL) and Industrial General (IG) zones ancillary to a primary use only, and subject to a Conditional Use Permit.

	R1	R2	R3	RLD	RMD	RHD
Child Care Facilities	-	-	-	CUP	CUP	CUP

	CN	CG	CC	CD	CRR	CRB
Child Care Facilities	CUP	CUP	CUP	CUP	-	CUP

	IL	IG
Child Care Facilities	Ancillary Use Only	Ancillary Use Only

**Timeline/History:**

Prior to 2003, commercial child care facilities in Culver City were permitted in multi-family, commercial, and industrial zones without discretionary review. In 2003, the CCMC was amended to require a CUP for commercial child care facilities in multi-family, commercial, and industrial zones.

Subsequently, in 2005, the Zoning Code was further amended to only allow child care facilities in multi-family, and commercial zones. Additionally, as part of the comprehensive 2005 Zoning Code Amendment, child care was only allowed in the industrial zones ancillary to the primary use as described above. Similarly, in an effort to eliminate sensitive receptors in industrial zones and preserve the economic and tax benefits to the City, in 2005, the Zoning Code was amended to prohibit private schools from the Industrial General zone, and only allow private schools in the Industrial Light zone subject to a conditional use permit with the standard condition that the school remit the amount of tax revenues that would have otherwise been paid to the City.

**Considerations:**

Local/growing demand for child care facilities - The Los Angeles County Child Care Planning Committee 2017 Needs Assessment, and Capacity and Demand Study (Attachment No. 1) demonstrate a County-wide overall shortage of infant and toddler care, decline in family child care homes, and high cost of care. However, local data on Culver City demonstrates an overall surplus of capacity as shown below.

## 2016 Capacity and Demand Data (excerpt/summary)

Zip Code	Total Infant/Toddler Population <sup>1</sup>	Total Preschool Population <sup>2</sup>	Total Capacity	Total Shortfall/Surplus
90016 (.05% Culver City)	35	45	53	-27
90066 (.10% Culver City)	74	91	108	-56
90230	370	465	1,347	+513
90232	178	204	104	-112
<b>Total</b>	<b>657</b>	<b>805</b>	<b>1,612</b>	<b>+318</b>

1. Excludes 35% total which are likely to use license exempt facilities per Los Angeles County Health Survey 2013.
2. Excludes 21.2% total which are likely to use license exempt facilities per Los Angeles County Health Survey 2013.

Although the above excerpt taken from the 2016 Capacity and Demand Data from the Los Angeles County Child Care Planning Committee 2017 Needs Assessment (Attachment No. 2) demonstrates an overall surplus of 318 spaces in licensed facilities and centers, recently approved development projects and newly locating City businesses are expected to increase future demand for child care services.

Land use relationship - The State of California requires local jurisdictions to classify and allow by-right family day care facilities as residential uses, and prohibits the imposition of licenses, fees, or zoning requirements on day care centers with 6 or fewer children. However, local jurisdictions may require discretionary approvals for facilities with up to 12 children in residential zones.

As noted in the American Planning Association (APA) Policy Guide on the Provision of Child Care (Attachment No. 3), child care for a limited number, in close proximity, and high quality are of greatest concerns to parents. Because of home occupancy restrictions, limited use of floor area in the home, and prohibitions on the use of outdoor space, create a greater need for larger facilities in areas that can provide higher quality, greater indoor and outdoor space, and in close proximity to jobs and homes. However, some locations, such as high noise areas near airports and industrial areas with hazardous material storage, where larger facilities may commonly be found, may be inappropriate for child care. Other consideration should be made for traffic, parking, waste disposal, adequate sound control measures, and the overall quality of care and safety of children when making land use determinations for child care facilities.

The introduction of a sensitive receptor in industrial areas may have implications on existing or future uses more typical of an industrial zone. An unintended consequence of allowing child care facilities as a primary use in industrial zones may result in non-conforming conditions for other industrial type uses which already exist but must adhere to distancing requirements or additional regulatory conditions when in close proximity to sensitive receptors (i.e. chemical processing, noise, air

emissions, etc.).

### **FISCAL ANALYSIS**

There is no fiscal impact related to this discussion.

### **ATTACHMENTS**

1. 2018-08-26\_ATT\_Los Angeles County Child Care Planning Committee 2017 Needs Assessment
2. 2018-08-26\_ATT\_Capacity and Demand - Family Child Care Homes and Centers for Infants, Toddlers, and Preschool 2016
3. 2018-08-26\_ATT\_APA Policy Guide on the Provision of Child Care

### **MOTION**

That the City Council:

1. Discuss a potential City initiated zone text amendment to allow childcare facilities as a primary use in the industrial zones; and
2. Provide direction to the City Manager as deemed appropriate.