



# City of Culver City

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## Staff Report

**File #:** 20-446, **Version:** 1

**Item #:** PH-1.

**PC - Consideration of a Zoning Code Amendment, P2019-0264-ZCA, Amending Culver City Municipal Code Title 17: 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.**

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**Meeting Date:** November 13, 2019

**Contact Person/Dept:** Michael Allen, Current Planning Manager  
Chris Minniti, Planning Intern

**Phone Number:** (310) 253-5712/ (310) 253-5727

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☒

**Public Hearing:** ☒ **Action Item:** ☐ **Attachments:** ☒

**City Council Action Required:** Yes ☒ No ☐ **Date:** TBD

**Public Notification:** (E-Mail) Meetings and Agendas - Planning Commission (11/07/19); (Posted) City Website (10/24/19); (Published) in Culver City News (10/24/19).

**Department Approval:** Sol Blumenfeld, Community Development Director (11/07/19)

### RECOMMENDATION

Staff recommends the Planning Commission adopt Resolution No. 2019-P010, recommending to the City Council approval of Zoning Code Amendment P2019-0264-ZCA, to allow Child Day Care Centers as a primary use in the City's Industrial Zoning Districts subject to a Conditional Use Permit.

### PROCEDURES

- 1) Chair calls on staff for a brief staff report and the Planning Commission poses questions to staff as desired.
- 2) Chair opens the public hearing and receives comments from the general public.
- 3) Chair seeks a motion to close the public hearing after all testimony has been presented.
- 4) Commission discusses the matter and arrives at its decision

**BACKGROUND**

On September 9, 2019, the City Council directed staff to initiate a Zoning Code Amendment to eliminate the existing land use restriction for child day care centers as ancillary to a primary use in industrially zoned areas. Background information is contained in the City Council staff report and related attachments (Attachment No. 2).

**ANALYSIS**

Child day care centers are defined in the Culver City Zoning Code as follows:

*“Commercial or non-profit child day care facilities designed, approved and licensed as a child care center with no permanent resident. Includes infant centers, 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.”*

Currently, child day care centers are permitted in industrial zones ancillary to a primary use subject to a Conditional Use Permit. An ancillary or accessory use must be incidental to, related and clearly secondary to a principal use on the same parcel. Typically, when a use is ancillary or accessory to a primary use, no more than 20% of the total gross floor area of the primary use is permitted. The Zoning Code defines primary use as “The main purpose for which a site is permitted, developed and occupied, including the activities that are conducted on the site during most of the hours when activities occur.” It is only in the industrial zones that child day care centers must be ancillary to a primary use and may not be operated as an independent business.

The table below summarizes a staff survey of neighboring cities regarding land use regulations for child care facilities. All the cities surveyed permit child day care centers as a primary use within some or all their industrial zones except for West Hollywood and Beverly Hills which no longer have industrial zones.

**Table Summary of Survey of Child Day Care Centers in Other Cities**

City	Permit Requirements	Additional Provisions
<b>Culver City</b>	Allowed through a CUP in Multiple Family, Commercial & Industrial Zones.	Restricted to an ancillary use only in industrial zones.
<b>Santa Monica</b>	Allowed through a CUP or permitted in Residential, Commercial & Industrial Districts.	Allowed as Primary Use.
<b>Beverly Hills</b>	Allowed through a CUP in Multiple Family Residential and Commercial Zones.	Allowed as Primary Use. No longer have Industrial Zones
<b>West Hollywood</b>	Allowed through a CUP in Residential and Commercial Zones.	Allowed as Primary Use. No longer have Industrial Zones
<b>Los Angeles</b>	Allowed by right or through a CUP in Residential, Commercial, and Industrial Zones.	Allowed as Primary Use
<b>El Segundo</b>	Allowed by right in Multiple Family and Commercial Zones; CUP required in Light Industrial Zone.	Allowed as Primary Use. Not permitted in Heavy Industrial Zone

<b>Inglewood</b>	Allowed through a CUP in Multiple Family Residential Zones; By right in Commercial and Manufacturing Zones.	Allowed as Primary Use. In R4 Zone, use limited/reserved for children 6 years of age or younger; In M-1L Zone, must be located within a shopping center.
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The survey shows a trend among the cities toward smaller-scale industrial and manufacturing uses within their industrial zones. Moreover, many of the cities are actively engaged in transforming their industrial zones through adaptive reuse of existing industrial buildings into creative office and tech/media use, similar to Culver City.

The proposed Zoning Code Amendment would allow child day care centers as a primary use, subject to the City's Conditional Use Permit process. Along with required community meetings and pre-application review, the CUP process will provide extensive opportunities for public comment prior to approving a new child day care facility project. The CUP process will require submission of supporting documentation and environmental studies to demonstrate that the use is fitting for the proposed location and minimizes impacts upon surrounding properties.

The Zoning Code Section 17.230.015 Industrial Land Use and Permit Requirements, Table 2-8, is proposed to be modified as follows:

Table 2-8 Allowed Uses and Permit Requirements for Industrial and Special Purpose Zoning Districts	P CUP AUP -		Permitted Use Conditional Use
			Required Administrative Use Permitted Use
			Required Use not allowed
LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT		See specific use regulations
	IL	IG	
SERVICE			
Child day care centers (4)	CUP	CUP	
Notes: (4) Ancillary to a primary use only.			

## **CONCLUSION**

There is new demand for child day care centers to service the growing employee population that has resulted from new technology and media businesses (e.g., Amazon, Apple, HBO, etc.) that are repurposing industrial land. Amending the zoning code regulations to allow child care facilities as a primary use within the industrial zones will facilitate improved access to child day care services located in the City.

## **PUBLIC NOTIFICATION**

CCMC Section 17.630.010 requires public notification via a publication in the Culver City News, a minimum of fourteen (14) days prior to the formal Public Hearing. Accordingly, a public notice was published on October 24, 2019, and posted on the City website and distributed electronically on October 24, 2019. As of the writing of this report, staff has not received any public comments, in writing or any other form, regarding the proposed Zoning Code Amendment in response to the public notice.

**ENVIRONMENTAL DETERMINATION**

The proposed Zoning Code Amendment, P2019-0058-ZCA is considered exempt from CEQA pursuant to CEQA Guidelines Section 15061(b) (3) because it can be seen with certainty that there is no possibility that the project to amend the Zoning Code will have a significant effect on the environment. The Project by itself, does not result in any physical changes in the environment because it will only amend the Zoning Code to allow child day care centers as a primary use within the industrial zones. Any future projects seeking approval subsequent to this Zoning Code Amendment is subject to appropriate CEQA analysis

**FISCAL ANALYSIS**

There are no fiscal impacts related to this item.

**ATTACHMENTS**

1. Draft Planning Commission Resolution No. 2019-P010 and Exhibit A: Proposed Zoning Code Text Amendments in "Strikethrough/Underline" Format.
2. City Council Staff Report (including Attachments) - Meeting of September 9, 2019.

**MOTION**

That the Planning Commission:

Recommend to the City Council approval of Zoning Code Amendment P2019-0264-ZCA