



# City of Culver City

Mike Balkman Council  
Chambers  
9770 Culver Blvd.  
Culver City, CA 90232

## Staff Report

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**File #:** 20-611, **Version:** 1

**Item #:** PH-3.

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**CC - PUBLIC HEARING:** Introduction of an Ordinance Approving Zoning Code Amendment P2019-0264-ZCA, Amending Culver City Municipal Code, Title 17 - Zoning, Sections 17.230.015, Table 2-8 - Industrial District Land Uses and Permit Requirements and 17.400.035 - Child Day Care Facilities, to Allow Child Day Care Centers as a Primary Use.

**Meeting Date:** January 13, 2020

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

**Phone Number:** (310) 253-5712  
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**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☒

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

**Planning Commission Action Required:** Yes ☒ No ☐ **Date:** November 13, 2019

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (1/08/20), Master Notification List (12/26/19); (Posted) City Website (12/26/19); (Published) in Culver City News (12/26/19)

**Department Approval:** Sol Blumenfeld, Community Development Director (01/06/20)

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### **RECOMMENDATION**

Staff recommends the City Council introduce an Ordinance approving Zoning Code Amendment P2019-0264-ZCA, amending Culver City Municipal Code (CCMC) Title 17 - Zoning (Zoning Code), Sections 17.230.015, Table 2-8 - Industrial District Land Uses and Permit Requirements, and 17.400.035 - Child Day Care Facilities, to allow child day care centers as a primary use in the City's Industrial Zoning Districts.

### **PROCEDURES**

1. The Mayor seeks motion to receive and file the affidavit of mailing and posting of public notice.
2. The Mayor calls on staff for a brief staff report and City Council poses questions to staff as desired.

3. The Mayor seeks a motion to declare the public hearing open and the City Council receives public comment.
4. The Mayor seeks a motion to close the public hearing after all testimony has been presented.
5. The City Council 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 ancillary to a primary use in industrially zoned areas.

On November 13, 2019, the Planning Commission considered background information contained in the initial City Council staff report and a summary of neighboring city land use regulations for child care facilities (Attachment No. 2). The Planning Commission discussed the benefit of expanding Child Care Center opportunities in the City but also had concerns about the compatibility of Child Care Centers with industrial land uses as well as the potential loss of tax revenue from non-profit Child Day Care Centers. Consequently, the Planning Commission recommended to the City Council approval of Zoning Code Amendment P2019-0264-ZCA with an amendment to include a financial analysis requirement for non-profit Child Day Care facilities similar to the City's requirement for private schools located in Industrial Zones.

The following language is proposed to be added to Zoning Code Section 17.400.035, Child Day Care Facilities to address the financial issue the Planning Commission raised:

*“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 analyze 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.”*

## **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.

The survey reflects a trend to permit the subject use within industrial zones. Many of the surveyed 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 which makes a land

use conflict less likely.

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 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:

<b>Table 2-8</b> <b>Allowed Uses and Permit Requirements</b> <b>for Industrial and Special Purpose</b> <b>Zoning Districts</b>	P CUP AUP -	Permitted Use Conditional Use Permit Required Administrative Use Permit Required Use not allowed	
<b>LAND USE (1)</b>	<b>PERMIT REQUIREMENT BY DISTRICT</b>		<b>See specific use regulations</b>
	<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.](#)

#### **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 December 26, 2019, and posted on the City website and distributed electronically on December 26, 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 pursuant to CEQA Guidelines Section 15061(b) (3) because it can be seen with certainty that there is no possibility that the activity to amend the Zoning Code will have a significant effect on the environment. The activity 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 that will not result in an intensification of development beyond what the Zoning Code already currently allows. Any future projects seeking approval subsequent to this Zoning Code Amendment are subject to appropriate CEQA analysis.

## **FISCAL ANALYSIS**

There are no fiscal impacts related to the proposed amendment to the Zoning Code. In regard to potential loss of revenue from any future non-profit Child Day Care Centers in Industrial Zones, a financial analysis is required to address any fiscal impact as part of the CUP review process for a Child Day Care Center owned and operated by a non-profit organization who would otherwise be exempt from Business License Tax.

## **ATTACHMENTS**

1. 2020-01-13\_ATT - Proposed Ordinance (Including Exhibit A)
2. 2020-01-13\_ATT - Planning Commission Staff Report (With Attachments) - Meeting of November 13, 2019)

## **MOTION**

That the City Council:

Introduce the proposed Ordinance, approving Zoning Code Amendment P2019-0264-ZCA, amending Culver City Municipal Code (CCMC) Title 17 - Zoning (Zoning Code), Sections 17.230.015, Table 2-8 - Industrial District Land Uses and Permit Requirements, and 17.400.035 - Child Day Care Facilities, to allow Child Day Care Centers as a Primary use in the Industrial Zones.