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Luis Gutierrez
555 First Street
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NOTICE OF DECISION: EXTENDED CONSTRUCTION HOURS – TEMPORARY USE PERMIT, P2017-0253-TUP:

8824 National Boulevard, Culver City, in the PD-11 Planned Development Zone, General Corridor General Plan designation.

Dear Mr. Gutierrez:

At their meeting of December 11, 2017, the City Council approved issuance of a Temporary Use Permit, P2017-0253-TUP, to allow extended construction hours for excavation, dirt hauling, concrete pumping, and other concrete related activities during off hours on weekdays, Saturdays, and during Culver City Holiday slowdown period located at 8824 National Boulevard in the Planned Development (PD-11) Zone.

Request

A request was submitted in writing on October 26, 2017 and subsequent temporary use permit (TUP) application was submitted on November 27, 2017 requesting permission to allow extended construction hours for excavation, dirt hauling, concrete pumping, and other concrete related activities during off hours on weekdays, Saturdays, and during Culver City Holiday slowdown period located at 8824 National Boulevard.

This would include excavation and soil hauling between the hours of 8:00 p.m. and 8:00 a.m. ending on February 15, 2018, and to pour concrete between the hours of 8:00 p.m. and 8:00 a.m. ending on March 31, 2019, and working between the hours of 8:00 p.m. and 8:00 a.m. during the "Holiday Slowdown" period, which is December 18, 2017 through January 1, 2018.

Background

CCMC Section 9.07.035 (Attachment No. 1) limits construction activity to the following hours:

- 8:00 a.m. to 8:00 p.m. Mondays through Fridays;
- 9:00 a.m. to 7:00 p.m. Saturdays; and,
- 10:00 a.m. to 7:00 p.m. Sundays.

On October 24, 2016, the City Council adopted an ordinance amending the Culver City Municipal Code ("CCMC") Section 9.07.035 to allow the temporary expansion of construction hours by authorization of the City Council via a TUP.

The Applicant is constructing the Project parking structure (primarily of concrete) on a 5.5 acre site at the intersection of Washington and National Boulevards consisting of a 148-room boutique hotel, 200 residential units, approximately 55,000 square feet of new retail uses, a five-story office building and a three-level subterranean parking structure. A portion of the Project fronting Venice Boulevard is in the City of Los Angeles.

The proposed extended construction hours suggest a benefit to the public by:

- Reducing traffic impacts during peak periods;
- Reducing public safety concerns as traffic is shifted to late hours;
- Improving Project productivity and efficiency, and reducing the excavation and concrete schedule durations;
- Improving the quality/appearance of the concrete finishes, as it will minimize the number of gaps/joints caused by non-continuous pours; and
- Reducing the potential of concrete "spoiling" in the delivery trucks while they're attempting to reach the Project site;

On October 26, 2017, the Applicant provided technical studies that analyze potential noise, light and traffic impacts (collectively the "Studies") (Attachment No. 3). The Studies indicate that expanded construction hours will not create adverse impacts. To confirm this, the Studies were reviewed by Terry A. Hayes & Associates ("Terry Hayes"), a Culver City-based environmental consulting firm and the City's consulting traffic engineer. Both confirmed there should be no adverse impacts subject to the conditions listed under (G) below.

It is difficult to precisely replicate real world conditions in a model and therefore complaints are possible. If complaints occur, the TUP may be temporarily suspended until the developer resolves the complaint to the reasonable satisfaction of the City

Findings

The following findings for a TUP have been made pursuant to CCMC Section 17.520.030:

A. The use is limited to a duration that is no more than the maximum allowed duration, as determined appropriate by the review authority.

The Applicant would be limited to the proposed extended construction hours of 8:00 p.m. to 8:00 a.m. from December 12, 2017 through March 31, 2019, for the excavation, dirt hauling, concrete pumping, and other concrete related activities, which are temporary and intermittent in nature.

B. The site is physically adequate for the type, density, and intensity of use being proposed, including provision of services (e.g. sanitation and water), public access and the absence of physical constraints.

The site is physically adequate for the construction activities and hours proposed. The site is 5.5 acres in size and is able to accommodate all of the proposed construction activity. The excavation is for a three-level subterranean parking structure; therefore, the majority of excavation work takes place below ground level, significantly reducing noise levels.

C. The design, location, size, and operating characteristics of the proposed use are compatible with the existing land uses on-site and in the vicinity of the subject property.

The proposed construction activities during the requested expanded construction hours are compatible with the existing land uses on site, in that they are consistent with the type of construction activities that would otherwise be permissible and occurring during normal construction hours pursuant to the CCMC. The construction activities/hours are also compatible with existing land uses in the vicinity as the activities will not adversely impact surrounding properties, pursuant to the Studies.

D. The temporary use will be removed and the site restored as necessary to ensure that no changes to the site will limit the range of possible future land uses otherwise allowed by this Title.

The construction activities/hours are temporary and intermittent in nature, and are being performed in accordance to Comprehensive Plan P2015-0141-CP. The expanded construction hours, if approved, would only occur from December 12, 2017 through March 31, 2019.

E. Adequate temporary parking will be provided in order to accommodate the vehicle traffic generated by the temporary use or special event either on-site or at alternate locations acceptable to the review authority.

Workers constructing the Ivy Station project plan to park offsite at the MTA Expo/Bundy and Expo/Sepulveda station parking lots and then take the Expo Light Rail Line to the

jobsite. Both parking lots are located in the City of Los Angeles. These procedures would also be followed during expanded construction hours.

F. The use will comply with all applicable provisions of local, State and Federal laws or regulations.

The construction activity/hours will comply with the Project conditions of approval and all applicable regulations, and will not interfere or adversely impact other activities/uses surrounding the Property pursuant to the Studies.

G. Other pertinent factors affecting the operation of the temporary use or special event have been addressed to ensure the orderly and efficient operation of the proposed use or event, in compliance with the intent and purpose of the Temporary Use provisions of the CCMC.

Nuisance factors were considered relating to the proposed expansion of construction hours including, illumination, noise and traffic impacts to ensure that adjacent properties would not be adversely impacted. In addition to the Project conditions of approval, which would apply to the expanded hours, the Public Works Department recommended additional conditions to further ensure the proposed activity is compatible with surrounding properties.

Environmental Determination

Pursuant to Sections 15162 of the California Environmental Quality Act ("CEQA"), Temporary Use Permit P2017-0253-TUP is within the scope of the Ivy Station Transit Oriented Mixed Use Development Final Mitigated Negative Declaration (P2015-0141-MND, February, 2016). No new significant information has been found that would impact the environmental analysis for P2015-0141- MND; therefore, no new environmental analysis is required for the subject Temporary Use Permit.

Conditions of Approval

Based upon the authority found in CCMC Section 17.520.030, Temporary Use Permit, and the City Council direction on December 11, 2017, P2017-0253-TUP is hereby approved subject to the following conditions:

City Council Conditions:

1. Truck staging on Washington Boulevard is prohibited;
2. Only two trucks may be located at the concrete pump along National Boulevard at any one time;
3. Only one concrete pump along National Boulevard may be operated at any time during the hours between 8:00 p.m. and 8:00 a.m.; and

4. Upon receipt of complaints concerning light and noise impacts, the TUP may be temporarily suspended until the Permittee resolves the complaint to the reasonable satisfaction of the City.

Planning Division Conditions:

1. Said temporary use permit shall be subject to the terms and conditions as outlined in the CCMC and as further modified by the conditions listed herein below.
2. The following hours shall be observed: Excavation and soil hauling between the hours of 8:00 p.m. and 8:00 a.m. ending on February 15, 2018, and to pour concrete between the hours of 8:00 p.m. and 8:00 a.m. ending on March 31, 2019, and working between the hours of 8:00 p.m. and 8:00 a.m. during the "Holiday Slowdown" period, which is December 18, 2017 through January 1, 2018.
3. Lighting shall not create glare and shall be directed on to the subject site, away from the site perimeter. Lighting shall be shielded to prevent spillover onto abutting properties.
4. The applicant/licensee shall contain litter in enclosed containers and shall be responsible for maintaining the subject site in litter free condition. Refuse and recyclable storage location, access and pickup shall be placed and maintained in accordance with the standards set by the City's Environmental Programs and Operations Division.
5. Applicant/licensee shall provide security personnel on the subject site as may be required by the Community Development Director.
6. Applicant/licensee shall comply with the City's noise ordinance. The operation of generators, if any, will be limited to the hours of operation. Applicant/licensee understands their operation is adjacent to commercial uses and residential properties and shall operate at noise levels not deemed to be a nuisance.
7. The City reserves the right to periodically inspect the premises without prior notification to ensure ongoing compliance with all conditions of approval.
8. The project and its operations shall comply with all code requirements and standards as identified by all City departments and divisions and shall obtain all necessary City permits in order to be in compliance with the conditions of approval stated herein.
9. At the end of each business day, applicant/licensee shall remove all accumulated trash and debris resulting from the operation, from the subject and immediately adjacent sites.
10. The applicant shall comply with Chapter 5.05: Stormwater and Urban Runoff Pollution Control of the Culver City Municipal Code (CCMC).

If you have any questions, please contact Michael Allen, Planning Manager, at (310) 253-5727 or at michael.allen@culvercity.org.

Prepared by:



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Approved by:



Sol Blumenfeld
Community Development Director

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Decision Letter Binder
Case File