



# City of Culver City

## Staff Report

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**CC - (1) Discussion Regarding a Potential Amendment to Culver City Municipal Code Section 9.07.035 to Allow for the Limited Expansion of Construction Hours under Certain Circumstances, as Authorized by Permit; and (2) Direction to the City Manager as Deemed Appropriate.**

**Meeting Date:** August 8, 2016

**Contact Person/Dept:** Todd Tipton/CDD  
**Phone Number:** (310) 253-5783

**Fiscal Impact:** Yes  No

**General Fund:** Yes  No

**Public Hearing:**

**Action Item:**

**Attachments:** Yes  No

**Commission Action Required:** Yes  No

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (08/02/2016); Chamber of Commerce (08/02/2016).

**Department Approval:** Sol Blumenfeld (07/29/16)

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### **RECOMMENDATION:**

Staff recommends the City Council (1) discuss a potential amendment to Culver City Municipal Code (CCMC) Section 9.07.035 to allow for the limited expansion of construction hours under certain circumstances, as authorized by permit; and (2) direct the City Manager as deemed appropriate. [Note, this item has been placed on the agenda pursuant to a request from IDS Real Estate Group (Attachment No. 1).]

### **BACKGROUND:**

On July 6, 2016, IDS Real Estate Group (IDS) submitted a request to pour concrete between the hours of 4:00 a.m. and 8:00 a.m. beginning August 1, 2016 and ending on December 16, 2016. IDS is constructing a new approximate 280,000 square foot creative office building and an approximate 990 space parking structure (Project) at 5800 Bristol Parkway (Site). The Project is called C3 and will be constructed primarily of concrete.

Due to the amount of concrete being poured, IDS believes the 4:00 a.m. start time will:

- Allow concrete trucks to arrive on site largely before peak travel periods thus reducing the Project's traffic impacts;
- Reduce the potential of concrete "spoiling" in the delivery trucks while they are attempting to reach the Site;
- Improve the quality/appearance of the Project's concrete finishes as it will minimize the number of gaps/joints caused by non-continuous pours.
- Not adversely affect residents due to the Site being located near the on/off ramp of the Marina (90) Freeway.

Also, allowing the limited expansion of construction hours will decrease the amount of time needed to complete the Project thus reducing impacts overall.

### **DISCUSSION:**

CCMC Section 9.07.035 (Attachment No. 2) 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.

The CCMC does not allow for deviation from the prescribed hours except in cases of emergency. In the case of an emergency, the Building Official may issue a permit for construction activity for periods during which construction activity is prohibited, and such permit shall be issued for only the period of the emergency.

Staff believes there is merit to amending the CCMC to allow for construction activity during the prohibited periods, under certain circumstances, as authorized by project conditions of approval or the City Council, as applicable. Staff believes any expansion of the construction hours should be limited in duration (temporary) and relate primarily to the pouring of concrete for a commercial construction project. If the CCMC is amended to allow for such an exception and if expanded construction activity were granted in a particular case, it would be memorialized in a permit issued by the Building Official. Any violation of the permit or related conditions could result in the permit being revoked.

Staff has identified the following scenarios that could be included in an amendment to the CCMC if the Council so directs:

Scenario 1 - A developer requests permission to expand construction hours during the project's entitlement process. The request would be considered by the Planning Commission and/or the City Council after being analyzed as a component of the project's environmental review process under the California Environmental Quality Act (CEQA). Impacts that would be analyzed would include traffic, noise, light, haul routes, adjacency to sensitive receptors, etc. If there are significant impacts that can be mitigated, mitigation measures will be included as project conditions of approval. If there are significant impacts that cannot be mitigated the request will be

rejected or modified. The Planning Commission or City Council could approve/disapprove the request, at its discretion, during the entitlement process, even if there are no significant environmental impacts. The Planning Commission or City Council would be required to disapprove the request if there are significant environmental impacts that could not be mitigated to a level of insignificance. In order to approve a request with significant unavoidable (unmitigatable) impacts, an Environmental Impact Report would need to be prepared and a statement of overriding considerations would need to be adopted.

The public would be notified of the request when notification for the project is provided, in accordance with CCMC requirements.

Scenario 2 - A developer requests permission to expand construction hours absent an entitlement (e.g. large surface parking lot) or after an entitlement has been granted. The request would be agendaized for City Council consideration after undergoing an environmental review. Any mitigation measures would be included as conditions of the permit. The City Council could approve/reject the request at its discretion.

The public would be notified of the request pursuant to CCMC Section 17.630.010 A, which requires a mailed notice be sent to all owners/occupants within 300 feet of the site.

Next Steps - If the City Council is interested in considering a limited expansion to permitted construction hours, a draft ordinance will be presented for consideration during the August 22, 2016 City Council meeting. Prior to the August 22, 2016 meeting a notice will be published, and homeowners associations and the Chamber of Commerce will be notified.

If the City Council moves forward with the consideration of an amendment to the CCMC, IDS has requested that the City Council also consider granting a permit to IDS to expand the construction hours for the C3 Project when/if there is a second reading of the ordinance, so that IDS is able to proceed when/if the draft ordinance is adopted and becomes effective.

Although IDS' request was the catalyst for bringing this item forward, because any potential CCMC amendment would affect construction citywide, this would be a City-initiated amendment and IDS would not be responsible for the application fee to process such a code amendment. However, if the City Council directs staff to move forward with this amendment, staff will also propose an application fee, to recover City costs to process a stand-alone permit separate from a project entitlement process, and IDS would be responsible for the payment of such fee.

### **FISCAL ANALYSIS:**

There is no fiscal impact associated with the discussion of this matter.

### **ATTACHMENTS:**

1. Letters from IDS requesting extended construction hours for the C3 projects at 5800 Bristol Parkway.
2. CCMC Section 9.07.035, Construction.

**RECOMMENDED MOTIONS:**

That the City Council:

1. Discuss the limited expansion of construction hours as defined in Section 9.07.035 of the Culver City Municipal Code; and
2. Direct the City Manager as deemed appropriate.