



City of Culver City

Staff Report

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Item #: C-6.

CC - Approval of the Issuance of a Temporary Use Permit to Lowe Real Estate Group for Expanded Construction Hours at its Ivy Station Transit-Oriented Development Project Located at 8824 National Boulevard.

Meeting Date: December 11, 2017

Contact Person/Dept: Glenn Heald / Community Development
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Phone Number: (310) 253-5752
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Fiscal Impact: Yes No

General Fund: Yes No

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

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

Public Notification: (E-Mail) Meetings and Agendas - City Council (12/06/2017); (Mail) all owners/occupants within 1,000 feet of the site - 8824 National Boulevard (12/01/2017).

Department Approval: Sol Blumenfeld, Community Development Director (12/04/17)

RECOMMENDATION

Staff recommends the City Council approve issuance of a Temporary Use Permit ("TUP") to Lowe Real Estate Group ("Lowe") for Expanded Construction Hours at its Ivy Station Transit-Oriented Development ("TOD") Project Located at 8824 National Boulevard ("Project").

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.

Lowe 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.

On October 26, 2017, Lowe submitted a request (Attachment No. 2) to perform excavation and soil hauling between the hours of 8:00 p.m. and 8:00 a.m. beginning December 12, 2017, and ending on February 15, 2018 (approximately 2 months), and to pour concrete between the hours of 8:00 p.m. and 8:00 a.m. beginning December 12, 2017, and ending on March 31, 2019 (approximately 16 months). Lowe is also requesting authorization to work 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.

Lowe believes the proposed extended construction hours will benefit 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, Lowe 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.

Temporary Use Permit

Pursuant to CCMC Section 17.520.030, the City Council must determine the TUP being requested is in the public’s interest and make the following findings before the TUP can be approved:

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.

Conditions of Approval

Based on the above findings, the following conditions of approval were recommended by Public Works and, if approved, will be conditions of issuance of the TUP.

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; and
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.
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.

Notice

Pursuant to Section 9.07.035 of the CCMC, a notice (Attachment No. 4) was mailed to approximately 353 owners/occupants within 1,000 feet of the Project Site, advising of tonight's meeting and inviting comments/questions related to Lowe's request for expanded construction hours, including the associated traffic, noise and light/glare studies. Public response received by staff as a result of the notice will be provided to the City Council.

Environmental Review

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.

FISCAL ANALYSIS

There is no fiscal impact to the City for considering or authorizing the requested TUP. Lowe will be required to pay the TUP fee and third-party costs associated with the City's review of the required

studies discussed above.

ATTACHMENTS

1. Section 9.07.035, Construction, of the Culver City Municipal Code;
2. Letter from Lowe requesting extended construction hours for the Project 8824 National Boulevard;
3. Traffic, noise and light/glare studies provided by Lowe;

MOTION

That the City Council:

1. Approve a TUP to Lowe to haul excavated soil between the hours of 8:00 p.m. and 8:00 a.m. beginning the effective date of the TUP and ending on February 15, 2018, and to pour concrete and perform related construction activities between the hours of 8:00 p.m. and 8:00 a.m. beginning the effective date of the TUP and ending on December 16, 2018, at its Ivy Station TOD Project Site at 8824 National Boulevard, subject to the conditions of approval herein, based on the findings set forth in the staff report; and
2. Authorize the Community Development Director to prepare and issue the TUP on behalf of the City.