



City of Culver City

Staff Report

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Item #: A-4.

CC - Approval of Temporary Use Permit No. P2018-0111-TUP Modification No. 1 (Modifying Previously Issued TUP P2017-0253) to Lowe Real Estate Group for Expanded Construction Hours and to Allow Work in the Public Right-of-Way Adjacent to the Ivy Station Transit-Oriented Development Project at 8824 National Boulevard.

Meeting Date: July 9, 2018

Contact Person/Dept: Michael Allen / Community Development
Todd Tipton / Community Development

Phone Number: (310) 253-5727
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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 (07/03/2018); (Mail) all owners/occupants within 1,000 feet of the site - 8824 National Boulevard (06/18/2018) (Published) Culver City News (07/09/18).

Department Approval: Sol Blumenfeld, Community Development Director (06/29/18)

RECOMMENDATION

Staff recommends the City Council approve Temporary Use Permit P2018-0111-TUP (TUP) Modification No. 1 (modifying previously issued TUP P2017-0253) to Lowe Real Estate Group (Lowe) for expanded construction hours and to allow work in the public right-of-way adjacent to the Ivy Station Transit-Oriented Development project located at 8824 National Boulevard.

BACKGROUND

Lowe is constructing the Project 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 in accordance with Comprehensive Plan P2015-0141-CP (Project). A portion of the Project

fronts Venice Boulevard in the City of Los Angeles. The parking structure, which is three subterranean levels, is generally constructed of concrete.

On December 11, 2017, the City Council approved a TUP (issued on December 22, 2017 as TUP P2017-0253 - see Attachment No. 1), which allows Lowe to perform onsite 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 two 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 December 16, 2018 (approximately 13 months). The TUP also allows Lowe 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.

The TUP is beneficial because it:

- Reduces traffic impacts during peak periods;
- Reduces public safety concerns as construction traffic is shifted to late hours;
- Reduces the overall construction duration because Project productivity and efficiency are improved.

DISCUSSION:

Project construction is underway and has progressed to a point where utility work in the public right-of-way (ROW) must commence. A significant amount of the utility work is located in National Boulevard ROW, which will require a partial closure of the roadway for several months. Lowe indicates that occasionally a full closure of National Boulevard southbound lanes and partial closures of Washington Boulevard may be necessary in order to complete certain phases of the work. Due to the potential adverse traffic impacts caused by these closures, Lowe is requesting to perform the work at night between 7:00 p.m. and 6:00 a.m. (Attachment No. 2).

If Lowe's request to modify its existing TUP is approved, an alternate traffic circulation pattern will be implemented, which will require at least one north/south bound lane on National Boulevard be provided. The alternate traffic circulation pattern will be memorialized in a detailed traffic mitigation plan that will be approved by the Public Works Director/City Engineer.

In addition to work in the ROW, Lowe is requesting to offload construction materials from National Boulevard and pump concrete from Washington and National Boulevards in order to construct the hotel (located at the corner of Washington and National Boulevards) more quickly. The offloading of materials would occur as-needed and the pumping of concrete would occur 15 times. Lowe is requesting both activities be allowed between 10:00 p.m. and 6:00 a.m.

Pursuant to the existing TUP, Lowe may only offload materials and pump concrete from Venice Boulevard (during non-construction hours), which is proving difficult due to the distance from Venice Boulevard to the hotel site. The distance is slowing construction because all materials, including concrete, must be transported or pumped across the development site, which is time consuming, costly and difficult to manage.

Lowe's environmental consultant (ESA) analyzed potential noise, light/glare and traffic impacts related to the proposed work and determined the proposed work will not create adverse impacts

(Attachment No. 3). ESA's determination was reviewed by Terry A. Hayes & Associates Inc. (TAHA), the City's environmental consultant, who believes the work will not create adverse impacts subject to the conditions listed in Finding G below.

Modification of Existing Temporary Use Permit

Pursuant to CCMC Section 17.520.030, the City Council must determine the TUP modification being requested is in the public's interest and make the following findings before the TUP modification 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.*

Lowe would be limited to 15 concrete pours, and to work in the public right-of-way (including the offloading of materials), on an as need basis pursuant to the Public Works Director/City Engineer's approval. The utility work, concrete pours and the offloading of materials are all 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 Project occupies 100 percent of the site and requires use of the public right-of-way during construction to accommodate the offsite utility work, proposed concrete pours and offloading of materials. It would be impractical to construct the building without use of the right-of-way given the building size and adjacent land uses and developments. Utilizing the right-of-way as proposed will provide adequate space to construct the project and will help minimize disruption of services and traffic disruptions since the duration of overall construction will be reduced as proposed under the TUP.

- 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 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 are also compatible with existing land uses in the vicinity as the activities will not adversely impact surrounding properties, pursuant to the technical 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 utility work and work in the public right-of-way are temporary and intermittent in nature, and are being performed in order to implement Comprehensive Plan P2015-0141-CP. If approved, the utility work and offloading of materials would occur on an as-need basis and the concrete pours would occur 15 times subject to the Public Works Director/City Engineer's

approval.

- 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 Project currently park offsite in nearby public parking lots, at the MTA Expo/Bundy and Expo/Sepulveda station parking lots, and then take the Expo Light Rail Line to the jobsite. Both MTA 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 technical 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, and 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 environmental studies and the Public Works Department recommend the following additional conditions to further ensure the proposed activity is compatible with surrounding properties:

1. Lowe shall provide a detailed construction schedule that identifies the work to be performed and days/times it will occur. The schedule shall be reviewed and approved by the Public Works Director/City Engineer prior to construction commencing. The Public Works Director/City Engineer shall make changes to the schedule deemed necessary in order to minimize adverse impacts created by the proposed utility work;
2. Utility work creating adverse impacts shall be performed on weekdays between the hours of 7:00 and 10:00 p.m. to the extent feasible;
3. The use of pavement breakers, concrete breakers, and other impact devices (e.g., jackhammers, impact hammers, and concrete saws) shall be prohibited after 10:00 p.m. and before 9:00 a.m.);
4. Loud activities such as saw-cutting, demolition, and grinding would be prohibited between 10:00 p.m. and 9:00 a.m.;
5. Work in the ROW will not be permitted unless authorized by the Public Works Director/City Engineer in accordance with the TUP;
6. Lowe shall fund all City costs associated with inspections and other matters performed during non-business hours;
7. Only two trucks and pumps shall be used to pour concrete at any one time from

- National and Washington Boulevards (one truck and one pump at each location);
8. All mobile off-road construction equipment operating at the project site shall be equipped with properly operating mufflers. Idling equipment shall be turned off when not in use;
 9. The construction contractor(s) shall ensure that the concrete pumps are muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible that are capable of reducing noise levels at the Access Apartments by at least 15 dBA; and
 10. The construction contractor(s) shall ensure that the construction equipment are muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible that are capable of reducing noise levels at the Access Apartments by at least 15 dBA.

Notice

Pursuant to Section 9.07.035 of the CCMC, a notice 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 to modify the existing TUP to perform utility work in the ROW, 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, and the requested modification, are 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 requested modification to the existing TUP.

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 and all City costs associated with inspections and other matters performed during non-business hours.

ATTACHMENTS

1. Existing TUP P2017-0253), issued on December 22, 2017
2. June 5, 2018 letter from Lowe requesting the TUP for the Ivy Station Project be modified; and
3. Traffic, noise and light/glare studies provided by Lowe.

MOTION

That the City Council:

1. Approve Temporary Use Permit P2018-0111-TUP Modification No. 1 (modifying previously issued TUP P2017-0253) to Lowe Real Estate Group for expanded construction hours and to allow work in the public right-of-way adjacent to the Ivy Station Transit-Oriented Development project located 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 TUP Modification No. 1 on behalf of the City.