



City of Culver City

Staff Report

File #: 20-507, Version: 1

Item #: C-5.

CC - Approval of a Temporary Use Permit (P-2019-0285-TUP) Issued to Lincoln Properties Company West for Expanded Construction Hours for the Project Located at 8777 Washington Boulevard.

Meeting Date: December 9, 2019

Contact Person/Dept: Michael Allen/Current Planning Manager

Phone Number: (310) 253-5727

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 (12/03/19); (Mail) all owners/occupants within 1,000 feet of the project site - 8777 Washington Boulevard (11/21/19); (Posted) City Website (12/03/19)

Department Approval: Sol Blumenfeld, Community Development Director (11/19/19)

RECOMMENDATION

Staff recommends the City Council approve a Temporary Use Permit ("TUP") for Lincoln Properties Company West (Lincoln) to permit expanded construction hours at 8777 Washington Boulevard.

BACKGROUND

Culver City Municipal Code (CCMC) Section 9.07.035 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.

CCMC Section 9.07.035.C allows for the City Council to authorize a TUP, for expanded construction hours for construction activity of a specific nature, with a limited duration, in non-residential zoning

districts, on construction sites one acre or greater in size.

Lincoln is constructing a 132,500 square-foot office development with subterranean parking (primarily of concrete) on an approximate one-acre site at 8777 Washington Boulevard (Project).

On October 30, 2019, Lincoln submitted a TUP request for modified construction hours to permit certain construction activities limited to skilled trades to complete building interiors such as tile, terrazzo, millwork, and painting on the interior of the core and shell. The TUP request involves construction activity between the hours of 8:00 pm and 8:00 am Monday through Friday (ending on 8:00 am Saturday morning) in order to reduce conflict between construction activities at the Subject site and surrounding neighboring properties, commuters, and residents who use Washington Boulevard during morning and evening peak travel hours. The extended hours are proposed in order to reduce the overall construction schedule by two months.

Because the proposed work is entirely within the building interior between the ground through fourth floor levels, is limited to hand tools and scissor lifts, does not include deliveries or exterior or rooftop work, technical studies for noise and light were not requested by staff.

DISCUSSION

Lincoln is requesting the extended construction hours for limited construction activity as follows:

- Permit certain construction activities to occur between 8:00 pm and 8:00 am Mondays through Fridays (concluding 8:00 am Saturday morning), for a period beginning December 2019 and ending November 2020.
- Permitted construction activities will be limited to selected skilled trades needed to complete the building interiors, such as tile, terrazzo, millwork and painting.
- Permitted construction activities will occur only within the completed core and shell at the ground level and above, within areas that are fully enclosed by walls and/or glazing. No exterior or rooftop work would be permitted during the extended hours, and no exterior noise would be generated.
- Equipment to be used on the ground through fourth floor levels during the extended hours will be limited to hand tools and scissor lifts.
- A maximum of 50 construction workers are expected on site during the extended hours, and all construction worker parking will be provided on-site within the completed subterranean garage.
- No deliveries or trucking to or from the site will be permitted during the extend hours.
- Coverings will be placed within glazed openings in work areas to block light emissions during extended hours.

The proposed temporary use would allow work to occur, including worker parking, entirely within the building's core and shell and outside of the line of sight of surrounding buildings. No impacts are expected to occur, however, several provisions stipulated below as part of the Conditions of Approval, seek to ensure there are no impacts on surrounding properties or residents.

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 interior work between December 2019 and November 2020 to reduce the overall project schedule by two months, and reduce impacts during peak traffic demand, and minimize construction related conflicts with adjacent properties.

- 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 site is located within an urbanized area and surrounded by primarily commercial uses and mixed-use residential. To allow off-hours interior construction from 8:00 am to 8:00 pm Monday through Friday will not significantly impact neighboring properties. Additionally, the off-hours work will help minimize disruption of services and traffic disruptions during peak traffic demand and 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.

- 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 are temporary and intermittent in nature, and are being performed in accordance to Comprehensive Plan P2016-0049-CP.

- 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 will not exceed a total of 50 individuals and will all park onsite in the subterranean parking structure. 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.

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. There will be no potential impacts not already addressed in the Project conditions of approval, which would apply to the expanded hours.

CONDITIONS OF APPROVAL

Based upon the authority found in CCMC Section 17.520.030, Temporary Use Permit P2019-0285-TUP, allowing certain construction activities limited to skilled trades to complete building interiors such as tile, terrazzo, millwork, and painting on the interior of the core and shell between the hours of 8:00 pm and 8:00 am Monday through Friday (ending on 8:00 am Saturday morning) associated with the construction of 8777 Washington Boulevard, is hereby approved subject to the following conditions:

1. Lincoln shall fund all City costs associated with inspections and/or studies required as part of the TUP review and to ensure conformance with the TUP.
2. Modification to the project schedule, equipment, and scope may be approved by the Community Development Director with prior notice, and notification to residential property owners within 150 feet of the subject property area, and demonstration that scope of work does not result in adverse impacts.
3. Construction activities are limited to interior work only between 8:00 pm and 8:00 am Mondays through Fridays (concluding 8:00 am Saturday morning), for a period beginning December 2019 and ending November 2020.
4. Permitted construction activities are limited to selected skilled trades needed to complete the building interiors, such as tile, terrazzo, millwork and painting.

5. Permitted construction activities shall occur only within the completed core and shell at the ground level and above, within areas that are fully enclosed by walls and/or glazing. No exterior or rooftop work would be permitted during the extended hours.
6. Equipment to be used on the ground through fourth floor levels during the extended hours are limited to hand tools and scissor lifts.
7. A maximum of 50 construction workers shall be allowed on site during the extended hours, and all construction worker parking shall be provided on-site within the completed subterranean garage.
8. No deliveries or trucking to or from the site are permitted during the extend hours.
9. Coverings shall be placed within glazed openings in work areas to block light emissions during extended hours.
10. Lighting shall not create glare off site and shall be shielded and/or directed on to the subject site, away from the site perimeter.
11. The City reserves the right to periodically inspect the premises without prior notification to ensure ongoing compliance with all conditions of approval.
13. This TUP shall be subject to revocation as stipulated in CCMC 17.660.015 if any of the following findings can be made:
 - a) Circumstances under which the permit or entitlement was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner and the public health, safety, and general welfare require the revocation.
 - b) The permit or entitlement was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement(s) in the application or in the applicant's testimony presented during the public hearing for the permit or entitlement.
 - c) One or more of the conditions of the permit have not been substantially fulfilled or have been violated.
 - d) The use or structure for which the permit was granted has ceased to exist or has been suspended for at least one year, as defined in Section 17.610.015.
 - e) The improvement authorized in compliance with the permit is in violation of any code, law, ordinance, regulation, or statute.
 - f) The improvement/use allowed by the permit has become detrimental to the public health, safety, or general welfare, or the manner of the operation constitutes or is creating a nuisance.
 - g) During permitted construction hours, the project does not comply with the maximum

permitted decibel level requirements defined as follows:

**TABLE 2
CULVER CITY NOISE STANDARDS**

Daytime levels 7:00 AM – 10:00 PM	Nighttime Levels 10:00 PM – 7:00 AM	Duration
55 dBA - Leq	50 dBA - Leq	30 minute
60 dBA - Leq	55 dBA - Leq	15 minute
65 dBA - Leq	60 dBA - Leq	5 minute
70 dBA - Leq	65 dBA - Leq	1 minute
75 dBA - Leq	70 dBA - Leq	Never

Notice

Pursuant to CCMC Section 9.07.035, a notice was mailed to approximately 710 owners/occupants within 1,000 feet of the Project site, advising that this matter will be considered at the December 9, 2019 City Council meeting and inviting comments/questions related to Lincoln’s request for expanded construction hours. Public response received by staff as a result of the notice will be provided to the City Council prior to the meeting.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act guidelines, a Mitigated Negative Declaration (MND) finding, was adopted by the City Council on June 26, 2017, which determined that the project will not have a significant adverse impact on the environment and that a MND finding was appropriate. The proposed Temporary Use Permit is within the scope of the adopted MND and the circumstances under which the MND was prepared have not significantly changed and no new significant information has been found that would impact the MND, and therefore no new environmental analysis is required.

FISCAL ANALYSIS

There is no fiscal impact to the City for considering or authorizing the requested TUP. Lincoln will be required to pay the TUP fee and third-party costs associated with the City’s review of the required studies discussed above, as well as City costs related to after-hours inspections and other related City services in the event the TUP is approved.

ATTACHMENTS

1. 2019-12-09_ATT - Lincoln Request

MOTION

That the City Council:

1. Approve Temporary Use Permit P-2019-0285-TUP for Lincoln Properties Company West to permit certain construction activities limited to skilled trades to complete building interiors such as tile, terrazzo, millwork, and painting on the interior of the core and shell between the hours of 8:00 pm and 8:00 am Monday through Friday (ending on 8:00 am Saturday morning) beginning the effective date of the TUP subject to the conditions of approval herein and 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.