



City of Culver City

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Staff Report

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Item #: C-3.

CC - CONSENT ITEM - Approval of a Temporary Use Permit to Allow Extended Construction Hours for an Office Development Located at 8833 National Boulevard (P2023-0242-TUP).

Meeting Date: January 8, 2024

Contact Person/Dept.: Jeff Anderson/Planning and Development
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Fiscal Impact: Yes ☐ No ☒ **General Fund:** Yes ☐ No ☒

Attachments: Yes ☒ No ☐

Public Notification: (Mailed) Property Owners and Occupants within a 1,000-foot Radius (12/13/2023); (Posted) City website (12/13/2023); (Email) Meeting and Agendas - City Council (01/03/2024);

Department Approval: Mark E. Muenzer, Planning and Development Director (12/12/2023)

RECOMMENDATION

Staff recommends the City Council approve a Temporary Use Permit (TUP) to permit extended construction hours for a creative office building located at 8833 National Boulevard.

BACKGROUND

On December 12, 2022, the City Council approved the Culver Crossings creative office development at 8833 National Boulevard (the "Project"). Apple, Inc. is the intended tenant. The Project, including both City of Culver City and City of Los Angeles segments, is 536,000 square feet on a 4.46-acre site. The Culver City portion of the Project is 4 stories and 162,794 square feet with 3 levels of subterranean parking. An Environmental Impact Report (EIR) was prepared for the Project and mitigation measures adopted. Project demolition and excavation are anticipated to begin in March 2024.

Culver City Municipal Code (CCMC) Section 9.07.035 provides that construction can occur at the following times:

Mondays through Fridays from 8:00 AM to 8:00 PM

Saturdays from 9:00 AM to 7:00 PM

Sundays from 10:00 AM to 7:00 PM

As part of the approved development proposal, an Extended Construction Hours request was approved to extend the hours weekdays to allow construction to begin at 7:00 AM instead of 8:00 AM. Conditions of Approval Nos. 13 and 91 state the approved hours. Approved construction hours for the development are as follows:

Mondays through Fridays from 7:00 AM to 8:00 PM

Saturdays from 9:00 AM to 7:00 PM

Sundays from 10:00 AM to 7:00 PM

DISCUSSION

On September 28, 2023, Culver Crossings Properties, LLP, the Applicant, submitted a TUP request for further modified construction hours (Attachment 1). Information on the Applicant's request is summarized below:

1. Mass Excavation (85 days) - 5:00 AM - 10:00 PM

- Start Date & Duration: A total of 85 extended-hour events over the course of a 4-month period commencing on the 3rd month of construction.
- Reasons: Allows for 3 truck round trips instead of 2 truck round trips to the dump site per day.
- Reduce the excavation duration by 14 days.
- Equipment: Excavators and haul trucks.

2. Concrete Pours (Mat Foundation) (4 days) - 2:00 AM - 10:00 PM

- Start Date & Duration: Total of 4 separate days over the course of a 3-week period commencing at the 5th month of construction.
- Reasons:
 - Yield maximum strength of the material and prevent cracking.
 - Limits the impact of large volume pours (e.g., reduce the number of trucks to the site) during pour events.
 - Reduce potential for concrete "spoiling" in delivery trucks while they're attempting to reach the project site.
 - Reduce total number of pours, reduces duration by 10 days.
- Equipment: Concrete pump and concrete trucks.

3. Concrete Pours (Deck Pours) (30 days) - 2:00 AM - 10:00 PM

- Start Date & Duration: Total of 30 separate days over the course of a 6-month period commencing at the 6th month of construction.
- Reasons:
 - Yield maximum strength of the material and prevent cracking.
 - Limits the impact that large volume pours (e.g., reduce the number of trucks to the site) during pour events.

- Reduce potential for concrete “spoiling” in delivery trucks while they’re attempting to reach the project site.
- Reduce total number of pours, reduces duration by 30 days.
- Equipment: Concrete pump and concrete trucks.

4. Tower Crane Erection/Dissemble (6 days) - 2:00 AM - 10:00 PM

- Start Date & Duration: A total of 2 separate 3-day events, the first of which will occur during the 8th month of construction and the second of which will occur during the 22nd month of construction.
- Reasons: The physical requirements to erect and dismantle the tower crane will require extended work hours while avoiding prolonged exposure to the community and minimizing impacts on weekday commuter traffic.
- Reduce the duration by 2 days.
- Equipment: Mobile cranes, forklifts, trucks.

The proposed extended hours request is estimated to reduce the duration of construction by a total of 56 days. The proposed extended construction hours would not require any changes to the traffic control plans. The total number of concrete trucks delivering to the site would increase slightly, as the trucks would be able to access the site quicker, and the applicant would be able to place more concrete at certain times.

Environmental Studies

ESA and Associates prepared the EIR for the Project. In order to evaluate pertinent impacts, ESA provided a study for potential lighting and air quality impacts from the extended construction hours (Attachment 2). The study identifies applicable City noise regulations and evaluates potential noise, lighting, and air quality impacts associated with the proposed off-hours construction of the Project. Information used to prepare this analysis includes the environmental analyses in the [Crossings Campus Environmental Impact Report \(EIR\)](https://www.culvercity.org/Active-Projects/8825-8833-National-Blvd-Crossings-Campus), <https://www.culvercity.org/Active-Projects/8825-8833-National-Blvd-Crossings-Campus> the City’s General Plan Noise Element and Municipal Code noise ordinance, off-hours construction data provided by the Applicant, and other sources identified herein.

Noise Analysis

To determine if noise would be an issue per CEQA, noise measurements were done from 2:00 AM to 7:00 AM on May 31, 2023 (Wednesday). Measurements were taken at the nearest sensitive receptors to the subject property. These sensitive receptors included the following.

- Residential uses located 250 feet to the north (LA)
- Residential uses located 100 feet to the west (Culver City)
- Residential uses located 120 feet to the south (Culver City)
- Residential uses located 430 feet to the east (Culver City)

Next, the construction activity noise levels at the sensitive receptors were estimated using Federal Highway Administration models. The estimated construction activity noise levels were then analyzed against the off-hours construction noise standards. The off-hours construction noise level limits are based on the General Plan Noise Element. The measured average ambient levels are currently exceeded for three of the sensitive receptors. The applicable limit for construction noise is 5 decibels

over existing ambient.

In addition, the Project Design Features and Mitigation Measures included in the EIR were factored into the noise analysis (reducing the noise measurements). The Project off-hours construction noise levels were compared to the existing ambient noise levels to estimate the increase in ambient noise levels at the sensitive receptors. With the implementation of the applicable Project Design Features and mitigation measures, the construction noise impacts from on-site sources from off-hours construction activity would not exceed Culver City noise regulations. In summary, the analysis concluded that the impacts for the proposed extended construction hours would be less than significant.

The off-hours Project construction work would occur on the traffic lane areas along Venice Boulevard. Venice Boulevard is located within the City of Los Angeles along the northerly property line of the development as approved in the Construction Management Plan (CMP). The off-hours mat foundation pours, elevated deck concrete pours, and export of mass excavations would include the operation of a 5-yard loader, bottom dump truck and trailer transporter, concrete pumps, concrete trucks, a crane, and generators. The off-hours tower crane erections/disassemble would include the operation of a mobile crane, forklift, and flatbed delivery truck(s). Existing noise mitigation measures include the following:

- A 12-foot-tall construction fence equipped with noise blankets along the northern and western boundaries of the Project Site, and a 6-foot-tall construction fence equipped with noise blankets along the southern boundary. (Summary of NOI-MM-1.)
- Contractors shall ensure that all construction equipment, fixed or mobile, is equipped with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' standards. (Summary of NOI-MM-2.)

(See Attachment 2 - August 2023 Updated Analysis on Noise, Air Quality, and Lighting Prepared by ESA and Associates.)

Lighting and Air Quality

The off-hours construction would extend the construction day and result in a relatively small increase in daily air pollutant emissions. An air quality analysis was conducted to determine the maximum daily emissions from the off-hour's construction combined with the maximum daily construction emissions identified in the EIR. With implementation of existing mitigation measures, the off-hours construction would not exceed the South Coast Air Quality Management District significance thresholds for emissions. Impacts would continue to be less than significant with mitigation, as was determined in the EIR. Therefore, the TUP to allow extended nighttime construction hours would not result in adverse air quality impacts.

The Project would involve lighting to support nighttime construction. Lighting impacts in the summer months would be less than in the winter months as there are more hours of daylight. However, the provided lighting analysis demonstrated that no significant lighting impacts would occur at the nearby residential locations. Therefore, the TUP to allow extended nighttime construction hours would not result in adverse lighting impacts.

(See Attachment 2 - August 2023 Updated Analysis on Noise, Air Quality, and Lighting Prepared by ESA and Associates.)

Traffic Memorandum

A Traffic Memorandum was prepared by Fehr and Peers. The proposed extended hours construction request does not propose an intensification of activities during the peak traffic periods when the City's Transportation Study Criteria and Guidelines (TSCG) requires traffic analysis. Typically, peak traffic hours are 7:00 AM to 9:00 AM and 4:00 PM to 7:00 PM. The proposed extended construction hours are 2:00 AM to 7:00 AM and 8:00 PM to 10:00 PM. Traffic in the late night and early morning periods is substantially less and not prone to congestion and operational issues. Therefore, the extended construction hours would have a less than significant impact on traffic. (See Attachment 3 - October 2023 Traffic Study Memorandum Prepared by Fehr and Peers.)

Findings

Based on the foregoing environmental studies, staff recommends the City Council determine that the issuance of the requested TUP satisfies the required findings set forth in CCMC Section 17.520.030 (Attachment 4).

Conditions of Approval

Based on the above-referenced studies, the extended construction hours will be subject to previously approved conditions of approval and mitigation measures, including the approved Construction Management Plan, Pedestrian Protection Plan, Construction Traffic Management Plan, and Noise studies. The following are the recommended conditions of approval for the TUP for extended construction hours:

1. Should negative issues arise, the Planning and Development Director may reduce or revoke the extended hours.
2. Revise Construction Management Plan to include approved extended construction hours.
3. Any changes to the Construction Management Plan, Pedestrian Protection Plan, and/or Construction Traffic Management Plan will require approval by the Public Works Engineering Division, Building Safety Division, and the Current Planning Division.
4. The Planning and Development Director may impose additional measures on the extended construction hours approval should the City determine it is necessary. These additional measures may include, but are not limited to, construction signage informing the public of extended constructions hours, increase sound attenuation, and added traffic control construction personnel.
5. Best management practices shall be utilized to mitigate the noise created by the extended hours construction.
6. The Planning and Development Director may extend the timeframe of the TUP by up to 10% of the total days requested for extended hours.

Planning and Development Director Authority

In the event of construction delays, it is recommended the Planning and Development Director have the authority to extend the expiration date of the TUP (i.e., beyond the number of days per activity requested), provided there are no new impacts that were not considered and mitigated prior to approval of the TUP. A condition of approval will be included that allows for the Director to extend the timeframe of the TUP by up to 10% of the total days requested for extended hours.

Notice

Pursuant to CCMC Section 9.07.035, approximately 996 notices were mailed to all property owners and occupants within 1,000 feet of the Project site. As of the preparation of this report, staff had received two comment letters.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act guidelines, an Environmental Impact Report (EIR) was prepared. Based on the analyses contained in the EIR, the Project would result in significant impacts that could not be mitigated. A [Statement of Overriding Considerations](https://www.culvercity.org/files/assets/public/v/1/documents/planning-amp-development/8825-national-resolution-certifying-the-eir-and-statement-of-overriding-consideration.pdf) was prepared. The EIR was certified, and the Statement of Overriding Considerations was adopted by the City Council on December 5, 2022. The Draft EIR included various technical studies including noise, air quality and traffic. Upon analysis, these studies confirmed that existing noise mitigation measures are adequate to lessen potential impacts resulting from the extended hours and that potential traffic impacts from extended hours are not significant, therefore, no additional CEQA review or documentation is necessary. As part of the Project Description in the Draft EIR, the Draft EIR disclosed the TUP for Extended Hours as an anticipated discretionary approval required for the Project. The Draft EIR fully evaluated the environmental impacts of this approval, as applicable, consistent with the requirements of the CEQA Guidelines. Temporary Use Permit, P2023-0242-TUP is within the scope of the certified EIR and the circumstances under which the EIR was prepared have not significantly changed and no new significant information has been found that would impact the EIR, and therefore no new environmental process is required.

With regards to the TUP for Extended Hours, no additional CEQA review or documentation is necessary. As part of the Project Description in the Draft EIR (see Chapter 2 of the Draft EIR), the Draft EIR disclosed the TUP for Extended Hours as an anticipated discretionary approval required for the Project. The Draft EIR fully evaluated the environmental impacts of this approval, as applicable, consistent with the requirements of the CEQA Guidelines. For example, the methodology and impact analysis in Section 4.10, *Noise*, of the Draft EIR, identifies and discloses the potential impacts of the Project should construction activities occur within the contemplated extended construction hours.

FISCAL ANALYSIS

There is no fiscal impact to the City for considering or authorizing the requested TUP. The Applicant

paid 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. Applicant TUP Request Letter
2. August 2023, Updated Analysis on Noise, Air Quality, and Lighting Prepared by ESA and Associates
3. October 2023 Traffic Study Memorandum Prepared by Fehr and Peers
4. Findings for Temporary Use Permits
5. Construction Site Map

MOTIONS

That the City Council:

1. Determine the requested Temporary Use Permit to allow extended construction hours at the Crossings Campus office development located at 8833 National Boulevard (TUP) is in the public's interest and satisfies the required findings set forth in CCMC Section 17.520.030; and approve the TUP; and
2. Authorize the Planning and Development Director to prepare and issue a Temporary Use Permit Decision Letter on behalf of the City Council; and
3. Authorize the Planning and Development Director to have the authority to extend the expiration date of the TUP (i.e., beyond the number of days per activity requested), provided there are no new impacts that were not considered and mitigated prior to approval of the TUP (if approved by Council, this will be included in the TUP conditions of approval).