



# City of Culver City

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## Staff Report

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**File #:** 16-159, **Version:** 1

**Item #:** A-3.

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**CC - Introduction of an Ordinance Amending Section 9.07.035, Construction, of Chapter 9.07, Noise Regulations, of the Culver City Municipal Code, to Allow the Limited Expansion of Construction Hours Under Certain Circumstances, as Authorized by Permit.**

**Meeting Date:** August 22, 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:** Published in the Culver City News (08/18/2016); (E-Mail) Homeowners Associations on (08/16/2016); (E-Mail) Meetings and Agendas - City Council (08/02/2016 and 08/16/16); Chamber of Commerce (08/02/2016).

**Department Approval:** Sol Blumenfeld (08/11/16)

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### **RECOMMENDATION:**

Staff recommends the City Council introduce an ordinance amending Section 9.07.035, Construction, of Chapter 9.07, Noise Regulations, of the Culver City Municipal Code (CCMC), to allow the limited expansion of construction hours under certain circumstances, as authorized by permit (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 construction impacts overall.

Although IDS' request and the C3 Project was the catalyst for discussion of a possible amendment to the CCMC to allow for limited expansion of construction hours, there is the potential for other circumstances/projects that may warrant such an exception.

On August 8, 2016, the City Council discussed the matter and directed the City Manager to prepare an amendment to CCMC Section 9.07.035 to allow for the temporary expansion of construction hours. During its discussion, the City Council emphasized that the expansion should be for a limited duration, apply to commercial property only, be revocable, not be limited to the pouring of concrete, requests should be processed administratively when possible, and the City Council should be provided with all public comments and notified of all administrative decisions.

## **DISCUSSION:**

The existing provisions of 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.

Based on the City Council's direction, the proposed Ordinance will allow the limited expansion of construction hours under certain circumstances, as authorized by permit. Staff has identified the following scenarios that could occur if the Ordinance is approved:

Scenario 1 - A developer requests permission to temporarily expand construction hours during the project's land use permit process set forth in and in accordance with provisions of Title 17, Zoning, of the CCMC (Zoning Code). The request would be considered by the Community Development Director, Planning Commission and/or the City Council (Decision Making Authority) as applicable in conjunction with the project as a whole and would be subject to conditions of approval as determined to be necessary by the Decision Making Authority after traffic, noise, dust, light, haul

routes and other impacts to sensitive receptors are analyzed. The Decision Making Authority can approve/disapprove the request, at its discretion, during the land-use permit process. A fee will not be charged when a request is considered as part of a land use permit.

The public would be notified of a developer's request to temporarily expand construction hours when notification for the land use permit is provided, in accordance with Zoning Code requirements.

Scenario 2 - A developer requests permission to temporarily expand construction hours absent a land use permit process or after a land use permit has already been granted. Staff believes the temporary nature of the expanded construction hours is analogous to the Temporary Use Permit (TUP) requirements defined in Chapter 17.520 of the CCMC (Attachment No. 3). The TUP requirements (attached) include a defined application/permit process and analysis and mitigation of impacts among other things. The proposed Ordinance expands the TUP provisions by requiring a 15-day public notice to all property owners and occupants within a 500 foot radius of the construction site and a determination that the temporary expansion of construction hours are in the public interest. The City's fee schedule currently requires a fee of \$953.68 for processing of a Temporary Use Permit.

Following conclusion of the 15-day public notice period, a decision on the TUP request would be issued by the Community Development Director (Director) or his/her designee subject to conditions of approval as determined to be necessary by the Director after traffic, noise, dust, light, haul routes and other impacts to sensitive receptors are analyzed. Interested members of the public and the City Council would be notified of the Director's decision and the decision will be subject to the appeal provisions contained in Chapter 17.640 of the Zoning Code. The Director could also refer the request to the Planning Commission at his/her discretion.

### Environmental Review

If the request for expansion of construction hours is requested as part of a land use permit process (as discussed in Scenario 1), environmental impacts would be considered as part of the overall environmental review of the particular project. Requests processed under the City's TUP process (as discussed in Scenarios 2) would be categorically exempt, pursuant to the California Environmental Quality Act (CEQA). The temporary expansion of construction hours is considered to be a Class 4(e) Categorical Exemption pursuant to CEQA Section 15304 - Minor Alterations to Land.

### IDS

If the proposed Ordinance is introduced for first reading this evening, the City Council will consider its adoption at the September 12, 2016 City Council meeting. If the Ordinance is adopted, IDS' request will be processed administratively pursuant to TUP requirements. However, the TUP would only be issued once the Ordinance becomes effective and if the requests meets the requisite findings.

### **FISCAL ANALYSIS:**

Although IDS' request was the catalyst for bringing this item forward, because the proposed Ordinance affects construction citywide, this is a City-initiated amendment and IDS is not be responsible for the CCMC Text Amendment application fee. IDS will be required to pay the \$953.68 TUP fee discussed above.

**ATTACHMENTS:**

1. Proposed Ordinance;
2. CCMC Section 9,07.035, Construction
3. CCMC Chapter 17.520, Temporary Use Permits.

**RECOMMENDED MOTION:**

That the City Council:

Introduce an Ordinance Amending Section 9.07.035, Construction, of Chapter 9.07, Noise Regulations, of the Culver City Municipal Code, to Allow the Limited Expansion of Construction Hours Under Certain Circumstances, as Authorized by Permit.