



# City of Culver City

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## Staff Report

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**File #:** 18-01408, **Version:** 1

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**CC - Approval of a Temporary Use Permit Issued to Lincoln Properties Company West for Expanded Construction Hours and to Allow Work in the Public Right-of-Way for the Project Located at 8777 Washington Boulevard.**

**Meeting Date:** June 25, 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 (06/20/2018); (Mail) all owners/occupants within 1,000 feet of the project site - 8777 Washington Boulevard (06/4/2018); (Posted) City Website (6/4/18); (E-Mail) E-GOV 6/4/18; (Published) Culver City News (6/7/18).

**Department Approval:** Sol Blumenfeld, Community Development Director (06/14/18)

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### **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 and allow work in the public right-of-way.

### **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.

On October 24, 2016, the City Council adopted an ordinance amending CCMC Section 9.07.035 to allow the temporary expansion of construction hours by authorization of the City Council via a TUP.

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 March 29, 2018, Lincoln submitted a TUP request for modified construction hours to prepare and pour concrete. The TUP request involved an early start time of 7:00 a.m. in order for workers to arrive and deliveries to occur prior to the a.m. peak traffic period, and allow six 24-hour non-consecutive workdays within a single month in order to pour concrete during the Project construction period.

On May 17, 2018, Lincoln modified their TUP application to eliminate an early start time and to request six 24-hour non-consecutive workdays during a single month to prepare and pour concrete (Attachment 1).

Lincoln provided technical studies that analyze potential noise, light and traffic impacts (Attachment 2). The studies indicate that the early start time and six 24-hour workdays to pour concrete will not create adverse impacts on the surrounding neighborhood. City staff contracted with Terry A. Hayes & Associates Inc. (TAHA) a Culver City-based environmental consulting firm to confirm the study findings and the project traffic impacts were reviewed by and the City's traffic engineer. TAHA confirmed there would not be adverse impacts subject to the conditions listed under Section G of the TUP, as set forth below.

## **DISCUSSION**

Lincoln is requesting the six 24-hour non-consecutive workdays in order to:

- Mitigate traffic impacts because concrete deliveries will occur at night;
- Reduce the overall duration of construction by minimizing the total number of concrete pours;  
and
- Reduce the potential of concrete "spoiling" in the delivery trucks while they're attempting to reach the Project site.

The month in which the six 24-hour non-consecutive workdays occur is subject to change due to weather.

Because the Project requires work in the public right-of-way, staff recommends the TUP also allow the Public Works Director/City Engineer to approve periodic work in order to minimize potential adverse traffic impacts. One work task includes the assembly and erection of a Tower Crane Lincoln will use to construct the Project. Due to the size of the crane it must be assembled on Washington Boulevard and then erected on the site (see Attachment 3). The assembly process is anticipated to occur in early August (when schools are out) and will require the closure of the westbound Washington Boulevard traffic lanes on a Friday, Saturday and Sunday for three 24-hour periods. During the three-day period an alternate traffic circulation pattern will be implemented, which will

require that at least one westbound through lane 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. Prior to the crane being erected there will need to be extensive notice and outreach to the surrounding community. Prior to tonight's meeting, staff utilized social media outlets and made telephone calls and sent emails to stakeholders in the Helms and Rancho Higuera neighborhoods to ensure they are aware of this matter.

Pursuant to the CCMC, the Public Works Director/City Engineer has the authority to permit work in the public right-of-way after hours for emergency purposes only. Staff believes it prudent the City Engineer have the authority to permit non-emergency work in the public right-of-way, without a TUP, if the work is justified. As a result staff will prepare a proposed amendment to the CCMC providing the City Engineer with this authority and return to City Council at a future meeting for consideration.

#### 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 six 24-hour non-consecutive work days within a single month period for concrete preparation and pouring, and work including work in the public right-of-way both of 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 Project occupies 100 percent of the site and requires use of the public right-of-way during construction to accommodate the proposed concrete pours. 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 construction activities and work in the public right-of-way are temporary and intermittent in nature, and are being performed in accordance to Comprehensive Plan P2016-0049-CP. If approved, the six 24-hour non-consecutive workdays would occur within a single month and work in the public right-of-way would occur on an as need basis.

- 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 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 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 Public Works Department recommends the following additional conditions to further ensure the proposed activity is compatible with surrounding properties:

1. Lincoln shall provide a detailed construction schedule that identifies the work to be performed during the six 24-hour non-consecutive workdays and work in the public right-of-way, and at what times the work will occur. The schedule shall be reviewed and approved by the City's Building Official and Public Works Director/City Engineer prior to construction commencing. The City's Building Official and Public Works Director/City Engineer shall make changes to the schedule deemed necessary in order to minimize adverse impacts created by the proposed work;
2. Periodic work in the public right-of-way creating adverse impacts shall be performed on weekdays between the hours of 7:00 and 10:00 p.m. to the extent feasible;
3. Periodic work in the public right-of-way involving 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 6:00 a.m.);

4. Periodic work in the public right-of-way shall not be permitted on weekends unless authorized by the Public Works Director/City Engineer in accordance with the TUP; and
5. Lincoln shall be responsible for all City costs related to after-hours inspections and other related City services.

### 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 June 25, 2018 City Council meeting and inviting comments/questions related to Lincoln'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 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. May 17, 2018, letter from Lincoln requesting extended construction hours for the Project at 8777 Washington Boulevard
2. Traffic, noise and light/glare technical studies provided by Lincoln
3. Tower Crane summary

### **MOTION**

That the City Council:

1. Approve a TUP for Lincoln Properties Company West to prepare and pour concrete during six

24-hour non-consecutive workdays within a single month at 8777 Washington Boulevard and perform related work in the public right-of-way 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 a TUP Decision Letter on behalf of the City.