



# City of Culver City

Mike Balkman Council  
Chambers  
9770 Culver Blvd.  
Culver City, CA 90232

## Staff Report

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**File #:** 19-158, **Version:** 1

**Item #:** A-2.

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**CC - Approval of Temporary Use Permit No. P2018-0126-TUP to Allow Early Construction Hours Related to the Development Project at 8888 Washington Boulevard.**

**Meeting Date:** August 27, 2018

**Contact Person/Dept:** Michael Allen / Current Planning Division  
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**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:** N/A

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (08/21/2018); (Mail) all owners/occupants within 1,000 feet of the site - 8888 Washington Boulevard (08/06/2018) (Published) Culver City News (08/09/18).

**Department Approval:** Sol Blumenfeld, Community Development Director (08/07/18)

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### **RECOMMENDATION**

Staff recommends the City Council approve Temporary Use Permit P2018-0126-TUP (TUP) to be issued to Jack Nathan for Runyon Group (Runyon), to allow expanded construction hours for the commercial (office, retail, and restaurant) building with a subterranean automated parking structure (Project) located at 8888 Washington Boulevard.

### **BACKGROUND**

The Culver City Municipal Code (CCMC), Section 9.07.035 - Construction, limits construction activity to the following hours, in order to address possible noise nuisances to property and persons surrounding construction sites:

- 8:00 am to 8:00 pm - Monday through Friday
- 9:00 am to 7:00 pm - Saturday

- 10:00 am to 7:00 pm - Sunday

The CCMC also allows for requests to allow the temporary extension of construction hours, which may be authorized by the City Council through a Temporary Use Permit (TUP).

Runyon Group is constructing the Project, on a 26,109 square foot site along the south side of Washington Boulevard, between Landmark Street and Higuera Street/Robertson Boulevard. The Project consists of a 4-story structure that is approximately 93,479 square feet including approximately 59,325 square feet of office, 2,878 square feet of retail, 3,184 square feet of restaurant, and a three-level subterranean automated parking structure in accordance with Site Plan Review P2016-0050-SPR, and Planning Commission Resolution No. 2017-P005.

In connection with the construction of the Project, Runyon Group has requested an early start time of 5:00 am daily, instead of the start times allowed by the CCMC as specified above. The request is made in order to allow workers to arrive prior to the a.m. peak traffic period and commence work earlier so as to shorten the overall construction timeline, which is expected to conclude in September 2019. The work that is proposed to occur in the requested early extended construction hours includes the following:

- Soil excavation and hauling
- Concrete transport and foundation/floor pouring; and
- Building construction (structural steel erection, sheet metal floor placement, roof placement, and building interior work)

The TUP to allow extended construction hours provides the following benefits:

- Reduces traffic impacts during the am peak period;
- Enhances public safety as some construction traffic is shifted to hours outside the peak traffic periods;
- Reduces the overall construction duration because Project productivity and efficiency are improved.

A Final Noise and Lighting Technical Report (Attachment No. 1) has been prepared by ESA in order to analyze potential noise and light impacts that may occur in association with the proposed extended construction hours.

## **DISCUSSION:**

Project construction is underway and Runyon Group is requesting the proposed 5:00 am start time to minimize am peak traffic for the project construction workers and certain construction vehicles/equipment, as well as to maintain the overall shorter construction timeline consistent with the projected completion date.

If the request is approved, various construction activities, including use of various types of construction vehicles/equipment could occur as early as 5:00 am, rather than 8:00 am, 9:00 am, and 10:00 am (depending on the day of the week). Therefore, construction related noise and lighting will be generated at earlier times than permitted by the CCMC.

ESA analyzed potential noise and light/glare traffic impacts related to the proposed extended hours and determined the proposed work will not create significant adverse impacts. However, ESA identified a recommended noise reduction measure that “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.” This recommendation is consistent with the City’s standard conditions of approval, and the Project Conditions of Approval adopted by Planning Commission Resolution No. 2017-P005.

Additionally, the technical study concluded that off-hour excavation and concrete activities would not exceed noise standards; however, off-hour structural steel erection/sheet metal floor placement and roof placement activities would exceed the noise standards and there is no feasible mitigation to reduce the noise levels. Consequently, the structural steel erection/sheet metal floor placement and roof placement activities will not be included in the requested TUP. The technical study was also reviewed by the City’s environmental consultant, who concurred with the conditions listed in Finding G below.

#### Temporary Use Permit

Pursuant to CCMC Section 17.520.030, the City Council must determine the TUP request 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 TUP duration would be approximately one (1) year as the proposed early start hour extension would occur daily for the duration of the construction of the Project. Activities that may occur during the early extended hours would include soil excavation, concrete pours, and general building construction. If approved, the expected completion date for the construction would be September 2019; therefore, the activity proposed by the subject TUP is temporary 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 site is approximately 26,109 square feet in size, rectangular in shape, and flat in topography. The Project occupies nearly one hundred (100) percent of the site, including the proposed subterranean parking, and requires use of the public right-of-way during construction to accommodate the construction work, proposed concrete pours, loading of materials, and streetscape work. The Project is currently under construction and has all necessary temporary provisions for services/utilities in place. In addition, the Project has an approved plan to utilize a portion of the public-right-of-way as part of the Project construction. The proposed TUP would not further burden the site nor intensify the amount of work or construction activities, but rather allow an earlier start time. This in turn would shorten the overall time of use of the right-of-way and minimize potential conflict during the am peak traffic period.

- 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 proposal for extended construction hours and the work that will occur during those additional hours is temporary in nature, and is being performed in order to execute the improvements approved under Site Plan Review P2016-0050-SPR. If approved, daily construction activity start time would be 5:00 am rather than the hours indicated in CCMC Section 9.07.035, and will cease upon Project completion in September 2019. At that time the site will operate as typical for the allowed uses per the approved SPR and the Zoning Code. Thus, the proposed TUP will not affect the range of possible future land uses otherwise allowed by the Zoning Code.

- 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 a nearby private parking structure located at 8850 Washington Boulevard (Platform), which is owned by the same developer, and walk (approximately 400 feet) to the jobsite. It is not expected that the proposed TUP would generate more parking demand or vehicle traffic, but rather would allow many of the trips to occur prior to the am peak traffic hour time.

- F. *The use will comply with all applicable provisions of local, State, and Federal laws or regulations.*

Off-hour excavation and concrete activities would not exceed noise standards; however, off-hour structural steel erection/sheet metal floor placement and roof placement activities would exceed the noise standards and there's no feasible mitigation to reduce the noise levels. Consequently, the structural steel erection/sheet metal floor placement and roof placement activities will not be included in the TUP request.

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 noise and lighting 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 City Staff recommend the following additional conditions to further ensure the proposed activity is compatible with surrounding properties:

1. Runyon Group shall fund all City costs associated with inspections and/or studies required to ensure conformance with the TUP.
2. The construction contractor(s) shall ensure that all mobile off-road construction equipment operating at the project site shall be equipped with properly operating mufflers, and idling equipment shall be turned off when not in use.
3. Structural steel erection/sheet metal floor placement and roof placement activities shall be excluded from the permissible activities set forth in the TUP and shall not be permitted during the expanded hours.

### Public Outreach

Pursuant to Section 9.07.035 of the CCMC, a notice was mailed to approximately 760 owners/occupants within 1,000 feet of the Project Site, advising of tonight's meeting and inviting comments/questions related to the request for a TUP to extend the construction hours associated with the development at 8888 Washington Boulevard, including the associated noise and lighting study. 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 P2018-0126-TUP is within the scope of the Synapse at Platform Mitigated Negative Declaration (P2016-0050-MND, February, 2017). No new significant information has been found that would impact the environmental analysis for P2016-0050-MND; therefore, no new environmental analysis is required for the subject Temporary Use Permit.

## **FISCAL ANALYSIS**

There is no fiscal impact to the City for considering or authorizing the requested TUP. The Applicant 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. Final Noise and Lighting Technical Report

## **MOTION**

That the City Council:

1. Approve Temporary Use Permit P2018-0126-TUP for Runyon Group to conduct construction activities to commence as early as 5:00 am daily, in connection with the Commercial (office, retail, restaurant) Building project (Project) located at 8888 Washington Boulevard, subject to the conditions of approval herein, beginning the effective date of the TUP, based on the findings set forth in the staff report; and
2. Authorize the Community Development Director to prepare and issue a Temporary Use Permit on behalf of the City.