



City of Culver City

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Staff Report

File #: 19-510, **Version:** 1

Item #: A-1.

CC - Approval of a Temporary Use Permit Issued to The Culver Studios for Expanded Construction Hours for the Project Located at 9336 Washington Boulevard.

Meeting Date: November 12, 2018

Contact Person/Dept: Michael Allen/Current Planning Manager
Lisa Edwards/Contract Senior Planner

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 (10/29/18, 11/06/18); (Mail) all owners/occupants within 1,000 feet of the project site - 9336 Washington Boulevard (10/27/18); (Posted) City Website (11/7/18); (Published) LA Times (10/27/18).

Department Approval: Sol Blumenfeld, Community Development Director (10/30/18)

RECOMMENDATION

Staff recommends the City Council approve a Temporary Use Permit ("TUP") for The Culver Studios to permit expanded construction-related dirt hauling and material delivery hours at 9336 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.

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.

The Culver Studios is constructing new digital media office and stage facilities totaling 564,500 square feet, demolishing 219,493 square feet of office, support, and stage uses, and adding 2,370 parking spaces in garage and surface parking.

On October 19, 2018, The Culver Studios submitted a TUP request for modified construction hours to allow for dirt hauling and material deliveries. Condition No. 76 of the Conditions of Approval for the Project states that dirt hauling and construction materials deliveries or removal are prohibited from 7:00 a.m. to 9:00 a.m. The TUP request involves extending the permitted hours to allow dirt hauling and construction materials deliveries/removal from 8:00 a.m. to 9:00 a.m. on weekdays.

The Culver Studios provided technical studies that analyzed potential noise, air quality, and traffic impacts (Attached). The studies indicated that the additional one hour during morning peak traffic period would be consistent with the City's noise and air quality thresholds and that this modification would not qualify any further environmental review or documentation. The Project traffic impacts were reviewed by the City's traffic engineer. The technical studies confirmed there would not be adverse impacts subject to the conditions listed under Section G of the TUP, as set forth below.

DISCUSSION

The Culver Studios is requesting one additional hour during morning peak traffic on weekdays in order to:

- Reduce the overall earthwork activity by up to 12 days since earthwork quantities for the Project have been reduced; and
- Expedite construction hauling to reduce the number of days of adverse traffic effect caused by haul and delivery truck traffic on adjacent streets and intersections.

According to the Traffic Memo (Table 2) provided by The Culver Studios, Phase 2 will incur the highest volume of haul truck trips and will gradually diminish to no trips during Phase 3. Given that, the impact of the additional hour to allow for increased weekday hauling and delivery will be alternated between Phases 2 & 3.

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 requesting a six-month duration with the allowance of the extended construction-related hauling and delivery hours. Of the three phases, Phase 1 & 2 will incur the most hauling activity given the amount of demolition and excavation taking place. As

construction continues into each phase, the morning peak time dirt hauling and material deliveries will gradually diminish.

- 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. To allow the additional hour from 8 a.m. to 9 a.m. will not significantly impact the neighboring properties as it would if the Project were located in closer proximity to residential uses. Additionally, the Applicant's Traffic Memo states that the intersection Level of Service (LOS C) for Ince Boulevard and Washington Boulevard operate at acceptable level and have the capacity to accommodate additional haul truck traffic.

- 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-related hauling and deliveries are temporary and intermittent in nature, and are being performed in accordance with Comprehensive Plan P2016-0208-CP. If approved, only Phase 1 & 2 would incur increased haul truck trips and by Phase 3 only delivery trips are anticipated.

- 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 on-site. 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 be consistent 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 hauling hours including noise, air quality, and traffic impacts to ensure that adjacent properties would not be adversely impacted. The technical studies demonstrate that there will be no potential impacts not already addressed in the Project conditions of approval, which would apply to the expanded hours.

Notice

Pursuant to CCMC Section 9.07.035, a notice was mailed to approximately 1900 owners/occupants within 1,000 feet of the Project site, advising that this matter will be considered at the November 12, 2018 City Council meeting and inviting comments/questions related to The Culver Studios request for expanded construction hours, including the associated noise, air quality, and traffic 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, an Environmental Impact Report (EIR), was adopted by the City Council on January 8, 2018, which included conditions of approval that implement a Mitigation Monitoring Program. The proposed Temporary Use Permit is within the scope of the adopted 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 analysis is required.

FISCAL ANALYSIS

There is no fiscal impact to the City for considering or authorizing the requested TUP. The Culver Studios 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. Traffic, noise and light/glare technical studies provided by consultants (Traffic Memo by Fehr Peers 10/3/18 & Noise/Air Quality Memo by ESA 10/16/18)

MOTION

That the City Council:

1. Approve a TUP for The Culver Studios to allow dirt hauling and material deliveries/removal from 8:00 a.m. to 9 a.m. on weekdays for a six-month duration at 9336 Washington Boulevard 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.