



City of Culver City

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Staff Report

File #: 20-107, **Version:** 1

Item #: C-5.

CC - Approval of a Temporary Use Permit (P2019-0155-TUP) for The Culver Studios to Allow Expanded Construction Hours Related to the Finishing of Heavy Daytime Concrete Pouring Associated with the Construction of a Parking Structure Located at 9336 Washington Boulevard.

Meeting Date: August 26, 2019

Contact Person/Dept: Michael Allen/CDD

Phone Number: (310) 253-5727

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 (8/21/19); (Mail) all owners/occupants within 1,000 feet of the project site - 9336 Washington Boulevard (8/1/19); (Posted) City Website (8/21/19); (E-Mail) E-GOV 8/21/19; (Published) Culver City News (8/8/19).

Department Approval: Sol Blumenfeld, Community Development Director (08/15/19)

RECOMMENDATION

Staff recommends the City Council approve a Temporary Use Permit (TUP) for The Culver Studios (TCS) to permit expanded construction-related finishing of heavy daytime concrete pouring associated with the construction of the Van Buren Parking Garage 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.

As part of their “Innovation Plan”, TCS 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 June 25, 2019, TCS submitted a TUP request for modified construction hours to allow for finishing activities of heavy daytime concrete pours at the below-grade foundation and deck levels of the Van Buren parking structure as part of the approved Comprehensive Plan Amendment 7 (CPA 7). The TUP request involves extending permitted construction activity hours to allow completion of daytime concrete pouring from 8:00 p.m. to 10:00 p.m. on Monday through Friday.

TCS provided technical studies prepared by Environmental Science Associates (ESA) analyzing potential noise and lighting impacts (Noise & Lighting Technical Report attached). The studies indicates that activities related to concrete finishing during two hours from 8:00 p.m. to 10:00 p.m. does not exceed the Culver City maximum and average noise level standards at the nearest residence in Culver City, and that the artificial lighting equipment on-site would be located below the top of the existing 20-foot high site perimeter sound wall, and therefore any light glare would not be visible due to the intervening site perimeter sound wall. The Project technical study was reviewed by City staff and third party reviewer, Terry A. Hayes Associates, confirming there would be no adverse noise or lighting impacts as a result of the extended hours, subject to the conditions listed under “Conditions of Approval” of the TUP, set forth below.

DISCUSSION

TCS is requesting to extend construction hours in order to complete concrete finishing after daily concrete pours have been completed during regular construction hours. The proposed off-hours project work is related to finishing and clean-up activities for approximately two hours from 8:00 p.m. to 10:00 p.m. after daytime concrete pours (ending as late as 8:00 p.m.) have been completed for below-grade foundation and elevated decks of the proposed parking structure (Van Buren Garage).

The off-hours construction activities would occur after all concrete is poured and placed. The finishing and clean-up activities include the operation of small finishing equipment (i.e., power vibrating screens, concrete backpack vibrators, and walk behind finish trowels). In addition, for worker visibility and safety, the off-hours construction activities would require lighting equipment (i.e., 18-foot high light towers) at ground-level of the subject construction area on the Project Site that is enclosed by the 20-foot tall sound wall.

The Project’s off-hours construction is estimated to require a total of 10 non-contiguous weeks to complete, occurring early September to late October 2019, and early January 2020 to mid-March 2020.

TCS is requesting two additional hours during the evening Monday through Friday in order to provide adequate time for the placement of sufficient quantities of concrete to complete a single pour in one single day, which must be finished immediately after it is placed in the formwork onsite. As proposed,

all concrete pumping activity will be completed by 8:00 p.m., with finishing work for no more than two hours, ending no later than 10:00 p.m.

Mat Foundations - Heavy Pour Timeline:

Illustrated in Appendix B of the Noise & Lighting Technical Report, daytime heavy pours related to the mat foundations are broken into 13 separate pours (one day each pour) ranging from the smallest area at 540 cubic yards to the largest area at 950 cubic yards. Provided in the proposed pouring schedule in Appendix B, after pump setup/prep. (1 hour), concrete pouring will initiate at 9:00 a.m., at approximately 90 cubic yards/hour, six of the pouring days (highlighted below) are anticipated to require concrete finishing work beyond the existing 8:00 p.m. cut-off time as outlined in the CCMC noise standards.

pouring days (highlighted below) are anticipated to require concrete finishing work beyond the existing 8:00 p.m. cut-off time as outlined in the CCMC noise standards.

Pour/Day	Cubic Yards (CY)	Setup time (1 hours)	Pouring time (approx. 90 CY/Hour)	Finishing time (2 hours)
Pour 1	560 CY	8 a.m. – 9 a.m.	9 a.m. – 3:15 p.m.	3:15 p.m. – 5:15 p.m.
Pour 2	540 CY	8 a.m. – 9 a.m.	9 a.m. – 3:00 p.m.	3:00 p.m. – 5:00 p.m.
Pour 3	650 CY	8 a.m. – 9 a.m.	9 a.m. – 4:30 p.m.	4:30 p.m. – 6:30 p.m.
Pour 4	640 CY	8 a.m. – 9 a.m.	9 a.m. – 4:30 p.m.	4:30 p.m. – 6:30 p.m.
Pour 5	950 CY	8 a.m. – 9 a.m.	9 a.m. – 8:00 p.m.	8:00 p.m. – 10 p.m.
Pour 6	930 CY	8 a.m. – 9 a.m.	9 a.m. – 8:00 p.m.	8:00 p.m. – 10 p.m.
Pour 7	860 CY	8 a.m. – 9 a.m.	9 a.m. – 6:30 p.m.	6:30 p.m. – 8:30 p.m.
Pour 8	570 CY	8 a.m. – 9 a.m.	9 a.m. – 3:30 p.m.	3:30 p.m. – 5:30 p.m.
Pour 9	830 CY	8 a.m. – 9 a.m.	9 a.m. – 6:15 p.m.	6:15 p.m. – 8:15 p.m.
Pour 10	830 CY	8 a.m. – 9 a.m.	9 a.m. – 6:15 p.m.	6:15 p.m. – 8:15 p.m.
Pour 11	710 CY	8 a.m. – 9 a.m.	9 a.m. – 4:00 p.m.	4:00 p.m. – 6:00 p.m.
Pour 12	830 CY	8 a.m. – 9 a.m.	9 a.m. – 6:15 p.m.	6:15 p.m. – 8:15 p.m.
Pour 13	630 CY	8 a.m. – 9 a.m.	9 a.m. – 4:30 p.m.	4:30 p.m. – 6:30 p.m.

Elevated Decks - Heavy Pour Timeline:

Illustrated in Appendix B of the Noise & Lighting Technical Report, daytime heavy pours related to the raised decks are broken into 22 separate pours (one day for each pour) ranging from the smallest area at 430 cubic yards to the largest area at 850 cubic yards. As provided in the proposed pouring schedule in Appendix B, after pump setup/prep. (1 hour), concrete pouring will initiate at 9:00 a.m., at approximately 72 cubic yards per hour, two of the pouring days (highlighted below for Deck 5 and Deck 8) are anticipated to require heavy concrete pouring beyond the existing 8:00 p.m. cut-off time, and are conditioned to be reconfigured and rescheduled in order to facilitate the completion of each pour prior to 8:00 p.m., and two of the pouring days (highlighted below, Deck 6 and Deck 9) are anticipated to require concrete finishing work beyond the existing 8:00 p.m. cut-off time as outlined in

the CCMC noise standards.

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Deck/Day	Cubic Yards (CY)	Setup time (1 hours)	Pouring time (approx. 90 CY)
Deck 1	430 CY	8 a.m. – 9 a.m.	9 a.m. – 3:15 p.m.
Deck 2	630 CY	8 a.m. – 9 a.m.	9 a.m. – 3:00 p.m.
Deck 3	525 CY	8 a.m. – 9 a.m.	9 a.m. – 4:30 p.m.
Deck 4	430 CY	8 a.m. – 9 a.m.	9 a.m. – 3:00 p.m.
Deck 5	850 CY	8 a.m. – 9 a.m.	9 a.m. – 9:00 p.m.
Deck 6	700 CY	8 a.m. – 9 a.m.	9 a.m. – 7:00 p.m.
Deck 7	500 CY	8 a.m. – 9 a.m.	9 a.m. – 4:00 p.m.
Deck 8	830 CY	8 a.m. – 9 a.m.	9 a.m. – 9:00 p.m.
Deck 9	730 CY	8 a.m. – 9 a.m.	9 a.m. – 7:00 p.m.
Deck 10	500 CY	8 a.m. – 9 a.m.	9 a.m. – 4:00 p.m.
Deck 11	630 CY	8 a.m. – 9 a.m.	9 a.m. – 6:00 p.m.
Deck 12	525 CY	8 a.m. – 9 a.m.	9 a.m. – 4:30 p.m.
Deck 13	500 CY	8 a.m. – 9 a.m.	9 a.m. – 4:00 p.m.
Deck 14	630 CY	8 a.m. – 9 a.m.	9 a.m. – 6:00 p.m.
Deck 15	525 CY	8 a.m. – 9 a.m.	9 a.m. – 4:30 p.m.
Deck 16	500 CY	8 a.m. – 9 a.m.	9 a.m. – 4:00 p.m.
Deck 17	630 CY	8 a.m. – 9 a.m.	9 a.m. – 6:00 p.m.
Deck 18	575 CY	8 a.m. – 9 a.m.	9 a.m. – 5:00 p.m.
Deck 19	500 CY	8 a.m. – 9 a.m.	9 a.m. – 4:00 p.m.
Deck 20	630 CY	8 a.m. – 9 a.m.	9 a.m. – 6:00 p.m.
Deck 21	500 CY	8 a.m. – 9 a.m.	9 a.m. – 4:00 p.m.
Deck 22	530 CY	8 a.m. – 9 a.m.	9 a.m. – 4:30 p.m.
Deck 23	450 CY	8 a.m. – 9 a.m.	9 a.m. – 3:30 p.m.

According to the Noise and Lighting Technical Report, there were no adverse impacts as it relates to project related noise and lighting. As shown in Table 4 of the Report, the maximum night work noise levels at the property line of 57 dBA L_{max} and 54 dBA L_{eq} do not exceed the City's maximum and hourly average daytime noise limits of 70 dBA L_{max} and the hourly average of 55 dBA L_{eq}. Additionally, Project lighting includes design performance measures to reduce glare and light trespass, including a restricted lighting pole height of 18 feet, directed towards work areas only, external shielding to avoid off-site light spill and glare, and located below the 20-foot sound wall

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According to the Noise and Lighting Technical Report, there are no adverse impacts related to noise and lighting associated with the finishing work and lighting. As shown in Table 4 of the Report, the maximum night work noise levels at the property line of 57 dBA L_{max} and 54 dBA L_{eq} do not exceed the City's maximum and hourly average daytime noise limits of 70 dBA L_{max} and the hourly average of 55 dBA L_{eq}. Additionally, Project lighting includes design performance measures to reduce glare and light trespass, including a restricted lighting pole height of 18 feet, directed towards work areas only, external shielding to avoid off-site light spill and glare, and located below the 20-foot sound wall

surrounding the construction area blocking any line of sight from nearby residential properties. Therefore, there will be no adverse impacts and no mitigation is required.

During construction, the concrete pump trucks located not less than 200 feet from the nearest sensitive receptor are anticipated to generate a maximum of 81 dBA L_{max} , reduced to less than 60 dBA with existing noise shielding and attenuation by distance. Additionally, with existing noise shielding and minimum distance of 40 feet from the nearest sensitive receptor, the power vibrating screens will generate a maximum of 7 dBA, concrete backpack vibrators will generate a maximum of 57 dBA, walk behind finish trowels will generate a maximum of 47 dBA, and light towers will generate a maximum of 49 dBA. Therefore, with existing sound attenuation and distance requirements, concrete pumping and off-hours finishing work would not result in adverse noise impacts.

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 is requesting a non-contiguous 10 week duration with the allowance of the extended construction-related finishing of concrete pours. This request is temporary and necessary in order to complete a single concrete pour in one day, which requires finishing immediately after the pour. Concrete pumping and pouring is proposed and conditioned to end at 8:00 p.m. with finishing continuing for no more than two hours to be completed no later than 10:00 p.m. which includes low intensity activities such as small power vibrating screens, backpack vibrators, and walk behind finish trowels.

- 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. Additional two hours from 8:00 p.m. to 10:00 p.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 technical study states that the Projects off-hours finishing of daytime concrete pours would not result in adverse noise and lighting impacts.

- 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. Further, the Developer has conducted door to door mailings and noticing on all residential properties

immediately adjacent to the construction site, hosted community meetings to provide updated construction schedules including information on construction related hours of operation and type of construction during each phase, and on a case by case basis provided equipment to neighboring property occupants to mitigate noise and dust (i.e. air purifiers, noise cancelling head phones, portable air conditioners).

- 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 concrete pouring and finishing are temporary and intermittent in nature, and are being performed in accordance with Comprehensive Plan P2016-0208-CP.

- 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. Further, the Developer has conducted door to door mailings and noticing on all residential properties immediately adjacent to the construction site, hosted community meetings to provide updated construction schedules including information on construction related hours of operation and type of construction during each phase, and on a case by case basis provided equipment to neighboring property occupants to mitigate noise and dust (i.e. air purifiers, noise cancelling head phones, portable air conditioners).

- 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 hours to accommodate the finishing of daytime concrete pouring including noise, and lighting 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 August 26,

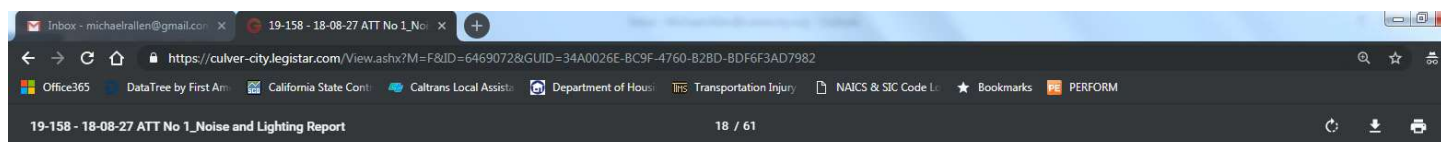
2019 City Council meeting and inviting comments/questions related to The Culver Studios request for expanded construction hours, including the associated noise and lighting study. Public response received by staff as a result of the notice will be provided to the City Council prior to the meeting.

CONDITIONS OF APPROVAL

Pursuant to the authority set forth in CCMC Section 17.520.030, if the Temporary Use Permit P2019-0155-TUP allowing expanded construction-related finishing of daytime concrete pouring from 8:00 p.m. to 10:00 p.m. Monday through Friday, associated with the construction of the Van Buren Parking Garage at 9336 Washington Boulevard, is granted by the City Council, it shall be subject to the following conditions:

1. TCS shall fund all City costs associated with inspections and/or studies required as part of the TUP review and to ensure conformance with the TUP.
2. TCS shall provide one-week advanced notice to residential properties within 150 feet of the subject project area, including scheduled pours, expected start and end times for pouring and finishing work, and 24-hour contact information.
3. TCS shall adhere to scope of work and approximate work schedule on pour days as outlined in the June 12, 2019 memo provided in Appendix B of the Noise & Lighting Technical Report, unless otherwise modified by the Conditions of Approval.
4. Modification to the project schedule, equipment, and scope may be approved by the Community Development Director with prior notice to the City Council, and notification to residential property owners within 150 feet of the subject property area, and demonstration that scope of work does not result in adverse impacts.
5. Concrete pump trucks shall be a distance no less than 200 feet from the closest residential property. All finishing equipment approved and outlined as part of the Noise & Lighting Technical Report shall be a distance no less than 40 feet from the closest residential property.
6. All concrete pumping and pouring shall be complete on all days no later than 8:00 p.m. Concrete pumping and pouring for Deck 5 and Deck 8 shall be modified or reconfigured in order to complete all heavy pouring before 8:00 p.m.
7. The operation of simulations finishing equipment shall not include more than one (1) power vibrating screen, one (1) concrete backpack vibrator, one (1) walk behind finish trowel, and two (2) light towers, analyzed as the "worst case scenario" in the Noise & Lighting Technical Report.
8. 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, and such equipment shall be turned off when not in use.

9. Temporary noise barriers that provide a minimum of 20 dB noise reduction shall be used to block the line-of-site between construction equipment and noise-sensitive receptors (residences or businesses) during project construction as determined by the Building Official.
10. Lighting shall not create glare off site and shall be shielded and/or directed on to the subject site, away from the site perimeter and shall not exceed the height of the surrounding noise attenuating screen wall.
11. The City reserves the right to periodically inspect the premises without prior notification to ensure ongoing compliance with all conditions of approval.
12. The construction contractor(s) shall ensure that the concrete pump is muffled and partially enclosed with temporary insulation barriers to block line-of-sight with the residential properties or other measure as determined by the City's Building Official.
13. This TUP shall be subject to revocation as stipulated in CCMC 17.660.015 if any of the following findings can be made:
 - a) Circumstances under which the permit or entitlement was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner and the public health, safety, and general welfare require the revocation.
 - b) The permit or entitlement was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement(s) in the application or in the applicant's testimony presented during the public hearing for the permit or entitlement.
 - c) One or more of the conditions of the permit have not been substantially fulfilled or have been violated.
 - d) The use or structure for which the permit was granted has ceased to exist or has been suspended for at least one year, as defined in Section 17.610.015.
 - e) The improvement authorized in compliance with the permit is in violation of any code, law, ordinance, regulation, or statute.
 - f) The improvement/use allowed by the permit has become detrimental to the public health, safety, or general welfare, or the manner of the operation constitutes or is creating a nuisance.
 - g) During permitted construction hours, the project does not comply with the maximum permitted decibel level requirements defined as follows:



establishes a daytime (7:00 a.m. to 10:00 p.m.) level of 55 dBA Leq and a nighttime (10:00 p.m. to 7:00 a.m.) level of 50 dBA Leq for a duration of 30 minutes; and 70 dBA Leq (daytime) and 65 dBA Leq (nighttime) for a duration of one minute at the property line of the noise sensitive receptor, as shown in **bold** in **Table 2** (City 1995).

TABLE 2
CULVER CITY NOISE STANDARDS

Daytime levels 7:00 AM – 10:00 PM	Nighttime Levels 10:00 PM – 7:00 AM	Duration
55 dBA - Leq	50 dBA - Leq	30 minute
60 dBA - Leq	55 dBA - Leq	15 minute
65 dBA - Leq	60 dBA - Leq	5 minute
70 dBA - Leq	65 dBA - Leq	1 minute
75 dBA - Leq	70 dBA - Leq	Never

Source: City 1995.

Based on these noise standards in Table 2, the City has established maximum noise level limits of

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. 2019-08-26_ATT_Noise & Lighting Technical Report provided by consultants (Noise & Lighting Technical Report by ESA June, 2019)

MOTION

That the City Council:

1. Approve a TUP for The Culver Studios to allow extended hours for the finishing of concrete pouring associated with the construction of a parking structure located at 9336 Washington Boulevard beginning the effective date of the TUP Decision Letter, 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 the TUP on behalf of the City.