



City of Culver City

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

Staff Report

File #: 20-789, **Version:** 1

Item #: C-9.

CC - Approval of a Temporary Use Permit to Allow Extended Construction Hours for an Office/Retail Development Located at 9735 Washington Boulevard

Meeting Date: March 9, 2020

Contact Person/Dept: Michael Allen/Current Planning Manager
Jose Mendivil/Associate Planner

Phone Number: (310) 253-5757/(310) 253-5727

Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☒

Public Hearing: ☐ **Action Item:** ☒ **Attachments:** ☒

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: (Mailed) Property Owners and Occupants within a 1000-foot Radius (02/13/2020); (Email) Meeting and Agendas - City Council (03/04/2020); Master Notification List (02/17/2020); (Posted) City website (02/17/2020)

Department Approval: Sol Blumenfeld, Community Development Director (02/26/2020)

RECOMMENDATION

Staff recommends the City Council approve a Temporary Use Permit to permit extended construction hours for an office/retail development.

BACKGROUND

On November 12, 2018, the City approved Claret West's (Applicant) office project with ground floor retail uses (the "Project" or the "Brick and Machine") at 9735 Washington Boulevard. The Project consists of a 44 to 56 foot, 3- to 4-story, 155,986 Square Foot (SF) building with three levels of subterranean parking and 80,519 SF of office and retail space.

The development is subject to several Project conditions of approval and environmental related mitigation measures including a required Construction Management Plan, Pedestrian Protection Plan, and a Construction Traffic Management Plan, as well as a Noise analysis.

Project Demolition and excavation began in January of 2020. Condition of Approval No. 60 states:

Hours of construction shall be limited to the following: 8:00 AM to 7:00 PM Monday through Friday; 9:00 AM to 6:00 PM Saturday; no work shall be allowed on Sunday and National holidays. Dirt hauling and construction material deliveries or removal are prohibited during the morning (7:00 AM to 9:00 AM) and afternoon (4:00 PM to 6:00 PM) peak traffic periods. All construction workers shall be respectful of the surrounding neighborhood and keep non-construction related noise to a minimum prior to, during, and after permissible construction hours.

Construction hours shall include any activity on the construction site or on City streets including any staging activities or any vehicle operation or any activity of any kind.

Condition No. 60 is more restrictive than the standard construction hours as written in Culver City Municipal Code (CCMC) Section 9.07.035 that limits construction activity to:

- 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.

CCMC Section 9.07.035 also allows the temporary extension of construction hours with City Council approval through a Temporary Use Permit.

On October 22, 2019, the Applicant submitted a TUP request for modified construction hours to:

- a. Prepare, deliver, and pour concrete on 17 non-contiguous weekdays, one hour before the 8:00 AM start time (7:00 AM) with the last concrete mixer truck delivery ending at 4:00 PM; the concrete mixer trucks will be delivering during the 7:00 AM to 9:00 AM delivery restriction period.
- b. Prepare and assemble the construction tower crane on three consecutive weekdays, one hour before the 8:00 AM start time with the last delivery ending at 4:00 PM. Deliveries necessary for the tower crane assembly will occur during the 7:00 AM to 9:00 AM delivery prohibition period.
- c. Prepare and disassemble the construction tower crane on three consecutive weekdays, one hour before the 8:00 AM start time with the last delivery ending at 4:00 PM. Deliveries necessary for the tower crane disassembly will occur during the 7:00 AM to 9:00 AM delivery prohibition period.

The Applicant's request also included preparation, delivery, and concrete pours on three (3) Saturdays from 9:00 AM to 6:00 PM. However, these construction hours are allowed pursuant to the Project condition of approval noted above and the delivery restriction in the AM and PM traffic peak hours are for weekdays only. Therefore, no City Council action is required for the weekend pour request. The Applicant provided an updated Noise Study and a Traffic Study Memorandum which are attached to this report (Attachment Nos. 2 and 3).

DISCUSSION

Details of the Applicant's request including the reasons for the extended construction time is summarized below:

- 1) Concrete Pours (Deck Pours) - Pour Day (17 days)
 - a) Start Date & Duration: Total of 17 separate days over the course of a seven-month period commencing at the seventh month of construction.
 - b) Start - Stop Hours: **7:00 a.m. - 4:00 p.m.**
 - e) Reasons:
 - Limit the number of pours by one per deck, with a total of six decks or six pours
 - Yield maximum strength of the concrete
 - Prevent cracking
 - Reduce potential for concrete "spoiling" in delivery trucks while they are traveling to the Project site
 - Reduce the number of pours which reduces the duration for deck activities
 - Reduce overall construction activity by thirty days
 - Reduced overall duration for peak construction activities
 - c) Equipment: Concrete pump and concrete trucks.
- 2) Tower Crane Erection/Dissemble - Tower Crane (6 days)
 - a) Start Date & Duration: Total of two separate three-day events, the first of which will occur during the sixth month of construction and the second of which will occur during the seventeenth month of construction.
 - b) Start - Stop Hours: **7:00 a.m. - 4:00 p.m.**
 - c) Reasons:
 - The physical requirements to erect and dismantle the tower crane will require extended work hours to safely complete this activity, while avoiding prolonged exposure to the community and minimizing impacts to weekday commuter traffic.
 - d) Equipment: Mobile cranes, forklifts, trucks.

Noise Analysis

The Applicant provided a noise analysis prepared by ESA that reviewed potential impacts from the added construction hours and existing required noise mitigations for the Project. ESA also prepared the original noise analysis for the Project. The analysis reported that implementation of the City required noise mitigation measures that are incorporated within the conditions will reduce construction noise impacts to less than City Standards and new or modified noise conditions are not necessary.

The off-hours Project construction work would occur on the traffic lane areas along Washington

Boulevard and Delmas Terrace adjacent to the Project Site's southwest corner that the City has approved as part of the current building permit. The concrete pours would include a total of four concrete trucks and a concrete pump, located in the existing City approved designated work area. In addition, a tower crane would be erected and disassembled with mobile cranes, forklifts, and trucks, also within the designated work area. Existing noise mitigations include a temporary 20-foot high construction sound wall.

Sensitive receptors identified in the noise analysis, including Southern California Hospital of Culver City, north of the Project site and the residential use east of the Project site, have not submitted written comments regarding the Temporary Use Permit request. The Hospital indicated that they do not oppose the TUP request.

The noise analysis studied whether the noise levels would exceed applicable City noise standards or substantially increase existing ambient noise levels at the adjacent noise sensitive receptors (i.e., adjacent residential building and hospital). Based on the noise analysis, the average off-hours construction noise from concrete pours and the tower crane assembly/disassembly will potentially impact only the exterior of the hospital's upper levels. However, the analysis noted that although noise increases would be perceptible at the exterior of the upper hospital floors, the increase in average interior noise levels would be 50 dBA Leq or below, which is within the City's standards, assuming hospital windows are closed and existing hospital building sound attenuation of 25 dBA or greater remains.

Work in the Public Right of Way

Crain and Associates ("Crain") who conducted the Project's traffic analysis for the entitlement application provided a memo regarding the proposed off-hours construction. The approved traffic related conditions and building permit related traffic control plans do not require revisions and are adequate to address potential impacts from extended off-hour construction.

The memo reports that there is no increase in the number concrete deliveries or concrete trucks. Rather, the extended hours will reduce the number of trucks trips during each construction hour, thereby reducing the traffic impact during the current construction hours. Crain reports that the total number of delivery trucks in any of the additional peak hours, is not expected to be substantial. The extended hours for concrete pours and crane assembly/disassembly will not result in lane closures at a signalized intersection consistent with City approved traffic control plans. The traffic control plans will not be modified, and the extended construction hours are not expected to result in increased traffic impacts.

Conditions of Approval

The extended construction hours will be subject to previously approved conditions of approval and mitigation measures, including the approved Construction Management Plan, Pedestrian Protection Plan, Construction Traffic Management Plan, and Noise studies. There are no proposed revisions to the conditions of approval. However, any changes to the Construction Management Plan, Pedestrian Protection Plan, and Construction Traffic Management Plan will require approval by the Public Works Engineering Division, Building Safety Division, and the Current Planning Division. In addition, a condition of approval of the Temporary Use Permit will require the Applicant provide further measures should the City determine it necessary. The City may impose additional measures including

construction signage informing the public of extended constructions hours, increase sound attenuation, and added traffic control construction personnel.

Temporary Use Permit Findings

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 seventeen (17) non-consecutive work days within a seven (7) month period for concrete preparation and pouring, two 3-day consecutive work days for crane tower assembly/disassembly in the public right-of-way both; this work will be 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 limited public right-of-way frontages during construction to accommodate the proposed concrete pours and tower crane assembly/disassembly. It would be impractical to construct the building without use of the right-of-way given the development's zero setbacks along the street facing frontages and adjacent land uses that cannot be accessed for construction staging. 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 consistent with the type of construction activities that would be permissible 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 and entitlement conditions.

- 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 with Project entitlements. The seventeen (17) workdays that will begin one hour before the 8:00 AM start period will be non-consecutive and spread over a seven (7) month period. The tower crane assembly/disassembly will occur on two separate three (3) consecutive weekday events. However, with a 7:00 AM start time,

impacts are expected to be minimal especially with compliance to construction related Project conditions. The Project site will be restored to a commercial use allowed in the site's zoning after construction is completed.

- 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.*

Project construction workers are required to park on site or at approved off site locations. This construction parking related condition will be followed during extended 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 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 such as noise and traffic impacts to adjacent properties were considered and the increase construction hours were determined not to adversely impact surrounding areas. The Project conditions apply to the extended hours and the Public Works Department determined the approved Construction Management Plan, Pedestrian Protection Plan, and Construction Traffic Management Plan adequately address potential impacts from the increased hours. Any proposed revisions to these construction plans will require Public Works Engineering Division and the Current Planning Division approval. The City may impose additional measures including construction signage informing the public of extended construction hours, increased sound attenuation, and added traffic control construction personnel. The sensitive receptors identified in the noise analysis, Southern California Hospital of Culver City north of the Project site and the residential use east of the Project site have not submitted written comments, and as of March 2, 2020, the Hospital indicated that they do not oppose the TUP request.

Community Development Director Authority

In the event of construction delays, it is recommended the Community Development Director have the authority to extend the expiration date of the TUP (i.e. beyond the seven-month period requested), provided there are no new impacts that were not considered and mitigated prior to approval of the TUP.

Notice

Pursuant to CCMC Section 9.07.035, approximately 1,600 notices were mailed to all property owners and occupants within one thousand feet of the Project site. 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, the Planning Commission on June 27, 2018 adopted a Mitigated Negative Declaration (MND) determining the Project will not have a significant adverse impact on the environment. This finding was reached after review of various technical studies including a noise analysis that identified potential impacts and mitigation measures that were incorporated into the conditions of approval. Updated noise and traffic analyses determined that existing noise mitigation measures are adequate to lessen potential impacts resulting from the extended hours and potential traffic impacts from extended hours are less than significant. Temporary Use Permit, P2019-0304-TUP 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. The Applicant paid 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. 20-03-09_ATT - October 22, 2019, Applicant TUP Request Letter
2. 20-03-09_ATT - January 2020, Updated Noise Analysis Report Prepared ESA
3. 20-03-09_ATT - January 2020 Traffic Study Memorandum Prepared by Crain and Associates
4. 20-03-09_ATT - Construction Site Map

MOTION

That the City Council:

1. Approve a Temporary Use Permit to permit extended construction hours at the Brick and Machine office development; and
2. Authorize the Community Development Director to prepare and issue a Temporary Use Permit Decision Letter on behalf of the City Council; and
3. Authorize the Community Development Director have the authority to extend the expiration date of the TUP (i.e. beyond the seven-month period requested), provided there are no new impacts that were not considered and mitigated prior to approval of the TUP.