



Legislation Details (With Text)

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**Type:** \*Consent - Staff Report      **Status:** Agenda Ready

**In control:** City Council Regular Meeting

**On agenda:** 1/7/2020      **Final action:**

**Title:** Consider Allowing Construction at 330 South Sepulveda Boulevard on Two City Recognized Holidays (Martin Luther King Jr.'s Day and Presidents' Day) (Community Development Director Tai).  
APPROVE

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. After-Hours Work Request (November 25, 2019), 2. MBMC Section 5.48.140 - Noise Disturbances

| Date     | Ver. | Action By                    | Action | Result |
|----------|------|------------------------------|--------|--------|
| 1/7/2020 | 1    | City Council Regular Meeting |        |        |
| 1/7/2020 | 1    | City Council Regular Meeting | accept | Pass   |

**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Bruce Moe, City Manager

**FROM:**  
Carrie Tai, Community Development Director  
Ryan Heise, Building Official

**SUBJECT:**  
Consider Allowing Construction at 330 South Sepulveda Boulevard on Two City Recognized Holidays (Martin Luther King Jr.'s Day and Presidents' Day) (Community Development Director Tai).  
**APPROVE**

**RECOMMENDATION:**  
Staff recommends that the City Council approve the request to modify construction hours for 330 South Sepulveda Boulevard.

**FISCAL IMPLICATIONS:**  
There are no fiscal implications associated with the recommended action.

**BACKGROUND:**  
Skechers is expanding their existing two-story commercial building and subterranean parking garage at 330 South Sepulveda Boulevard which will extend an entire block length from Duncan Avenue to Longfellow Drive when completed. The block previously consisted of the Skechers' existing 55,000 square-foot office building, and land that previously contained a 14,000 square-foot car wash. Construction has commenced on the 20,000 square-foot addition and is currently occurring at the

lower levels of the underground parking garage, the bottom of which is located four levels below grade.

The Manhattan Beach Municipal Code (MBMC) allows construction activity to occur between 7:30 a.m. and 6:00 p.m. on weekdays, and between 9:00 a.m. to 6:00 p.m. on Saturdays. The MBMC also prohibits construction activity on Sundays and City-recognized holidays. MBMC section 9.44.030(F) allows the City Council to modify the hours for construction activity under limited circumstances.

#### **DISCUSSION:**

The contractor, McCarty Building Companies Inc., has requested to work on two Mondays that are City-recognized holidays per the Construction Rules section 9.44.030(B) of the MBMC. The two holidays are Martin Luther King Jr.'s Day, observed on Monday, January 20, 2020, and Presidents' Day, observed on Monday, February 17, 2020. The work will consist of subterranean concrete deck work and rough installation of the mechanical, electrical, and plumbing systems. There will be forklifts, cranes, and trucks required for the material movement and lowering the materials into the work site.

Upon request, the City Council may modify the hours for construction activity under limited circumstances. While MBMC Section 5.48.250 deems construction noise during permitted hours to be exempt from noise standards, requests for construction outside of those hours must be evaluated for potential noise disturbances. MBMC Section 9.44.030 states that the City Council shall consider the noise disturbance criteria in MBMC Section 5.48.140 to determine whether to modify the hours. MBMC Sections 5.48.140(1) through (12) are included as Attachment 2 and detail aspects that may be used to evaluate noise.

The description of requested construction activities on the two holidays is consistent with ongoing construction on the underground parking garage, with no new or unusual noise levels, noise characteristics, or equipment (1 to 4, 10, 11). There is no change in the location of construction or proximity to residential sleeping facilities (5 to 8). The requested hours are commensurate with other weekdays, from 7:30 a.m. to 6:00 p.m., with no change in duration (8 and 9). The City Council must consider when the noise is generated, such as on a weekday, weekend, or holiday. While construction would occur on two holidays if this request were approved, staff does not anticipate additional noise disturbances, as no public complaints for construction-related noise have been received since the start of construction earlier this year (12). This indicates the contractor's ability to minimize impacts to the surrounding neighborhood on an ongoing basis.

The Council may impose conditions to mitigate or eliminate any potential adverse impacts arising from the activities and shall provide prior notice to persons and businesses in the vicinity, at the owner's expense. Upon the City Council's action to approve the request, staff would send an approval letter that includes requirements for construction performed outside of City-designated hours. One requirement is that the applicant must notify affected neighboring properties within 150' of each side of the subject property at least 72 hours prior to commencing work. The notice must include the location, duration, and description of the project, as well as the non-emergency Manhattan Beach Police Department phone number. A copy of the notice must also be provided to the City. Additional restrictions may also be imposed by the City Council. Some examples of additional limitations are to limit the hours beyond the standard 7:30 a.m. to 6:00 p.m., or limit the type of work allowed.

**PUBLIC OUTREACH:**

After analysis, staff determined that public outreach was not required for this issue. The public will be notified by the contractor prior to the modified construction hours taking effect if approved by the City Council.

**ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the proposed project was adequately covered in previously adopted Final Environmental Impact Report, SCH#2015041081. Thus, no further environmental review or documentation is necessary.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**ATTACHMENT:**

1. After-Hours Work Request (November 25, 2019)
2. MBMC Section 5.48.140 - Noise disturbances