



Legislation Details (With Text)

**File #:** 21-0018      **Version:** 1

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

**In control:** City Council Regular Meeting

**On agenda:** 1/5/2021      **Final action:**

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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. MBMC Section 5.48.140 - Noise Disturbances

Date	Ver.	Action By	Action	Result
1/5/2021	1	City Council Regular Meeting		

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

**THROUGH:**  
Bruce Moe, City Manager

**FROM:**  
Carrie Tai, AICP, Community Development Director  
Ryan Heise, P.E., Building Official

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

**RECOMMENDATION:**  
Staff recommends that the City Council approve the request to allow construction on Martin Luther King Day and Presidents Day at 330 South Sepulveda Boulevard.

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

**BACKGROUND:**  
Skechers is constructing the expansion of their 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. Construction commenced on the 20,000 square-foot addition in April of 2019 and is currently occurring at the main levels of the office building.

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.

In 2020, the City Council approved McCarty Building Companies Inc. to work on three City-recognized holidays (Martin Luther King Day, observed on January 20, 2020, Presidents Day, observed on February 17, 2020, and Columbus Day, observed on Monday October 12, 2020). The work consisted of subterranean concrete deck work and rough installation of the mechanical, electrical, and plumbing systems. There were forklifts, cranes, and trucks required for the material movement and lowering the materials into the work site. No public complaints were received by Code Enforcement during these days.

### **DISCUSSION:**

The applicant, McCarty Building Companies Inc., is requesting to work on Martin Luther King Day, observed on Monday, January 18, 2021, and Presidents Day, observed on Monday, February 25, 2021, which are City-recognized holidays per the Construction Rules section 9.44.030(B) of the MBMC. The exterior work will include planter finishes and street work along Duncan Avenue and Kuhn Drive. Forklifts, trucks, and tools will be used throughout the day to perform the construction activities. The interior work will consist of general work associated with interior finishes, final cleaning, and start-up/testing for mechanical, electrical, and plumbing systems.

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) (attached) and detail aspects that may be used to evaluate noise.

The description of requested construction activities on the holiday is consistent with ongoing construction on the commercial building, with no new or unusual noise levels, noise characteristics, or equipment (Section 5.48.140 1 to 4, 10, 11). There is no change in the location of construction or proximity to residential sleeping facilities (Section 5.48.140 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 (Section 5.48.140 8 and 9). The City Council must consider when the noise is generated, such as on a weekday, weekend, or holiday. While this request only pertains to Martin Luther King Day and Presidents Day, staff does not anticipate additional noise disturbances, as no public complaints for construction-related noise have been received since the start of construction (Section 5.48.140 12). The dearth of complaints indicates the applicant'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 feet 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. However, the applicant has notified the surrounding properties of the request to allow construction on Martin Luther King Day and Presidents Day, as well as the City Council Meeting date and time for the agenda item to discuss the request. As mentioned earlier, the applicant also is required to notify the surrounding properties 72 hours prior to the Martin Luther King Day and Presidents Day 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. MBMC Section 5.48.140 - Noise Disturbances