



Legislation Details (With Text)

File #: 17-0131 **Version:** 1

Type: New Bus. - Staff Report **Status:** Agenda Ready

In control: City Council Regular Meeting

On agenda: 3/21/2017 **Final action:** 3/21/2017

Title: Request from Manhattan Village Shopping Center for Nighttime Construction Hours (Interim Community Development Director McIntosh).
DISCUSS AND PROVIDE DIRECTION

Sponsors:

Indexes:

Code sections:

Attachments: 1. Letter from Manhattan Village Shopping Center, 2. Ordinance No. 16-0020

Date	Ver.	Action By	Action	Result
3/21/2017	1	City Council Regular Meeting	approved	Pass

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Mark Danaj, City Manager

FROM:
Anne McIntosh, Interim Community Development Director

SUBJECT:
Request from Manhattan Village Shopping Center for Nighttime Construction Hours (Interim Community Development Director McIntosh).
DISCUSS AND PROVIDE DIRECTION

RECOMMENDATION:
Staff recommends that the City Council consider the request by the Manhattan Village Mall to approve nighttime construction hours for the Center Court refresh construction, in addition to authorizing the Director of Community Development to approve additional requests for nighttime work for a period of six months. At the end of six months, the City Council could extend the Director's authority for an additional six months.

FISCAL IMPLICATIONS:
No fiscal implications of this action.

BACKGROUND:
In October 2016, City Council adopted Ordinance No. 16-0020 amending the Municipal Code to allow modified construction hours. Section 9.44.030F allows the City Council to modify hours of construction activity. The Director may also modify construction hours, but only for commercial interior construction. This request includes exterior and interior construction activity.

DISCUSSION:

The property developer for the Manhattan Village Mall Refresh and Expansion, JLL PDS Los Angeles, is requesting nighttime work to be performed Monday through Saturday, between the hours of 9:00 p.m. and 7:30 a.m., for the demolition required and subsequent installation of the high bay roof structure over the center court, and other work related to that portion of the Interior remodel. The request letter is accompanied by a Noise Assessment Report which includes noise mitigation measures that would be imposed on the nighttime construction activity.

Performing this large-scale renovation work during mall operating hours would be prohibitive as it would expose customers to the hazardous nature of construction, as well as, negatively affecting store accessibility and sales.

Council shall consider the request in light of the criteria listed in Section 5.48.140 of the Municipal Code as follows:

1. The level of the noise;
2. Whether the nature of the noise is usual or unusual;
3. Whether the origin of the noise is natural or unnatural;
4. The level and intensity of the background noise if any;
5. The proximity of the noise to residential sleeping facilities;
6. The nature and zoning of the area within which the noise emanates;
7. The density of the inhabitation of the area within which the noise emanates;
8. The time of the day and night the noise occurs;
9. The duration of the noise;
10. Whether the noise is recurrent, intermittent or constant;
11. Whether the noise is produced by a commercial or noncommercial entity;
12. Whether the noise occurs on a weekday, weekend, or holiday

The Council may also impose conditions to mitigate or eliminate any adverse impacts arising from the activity.

POLICY ALTERNATIVES:

ALTERNATIVE #1: Council may consider limiting the days and/or hours of the proposed request.

PROS:

May limit nighttime impact of the construction.

CONS:

Could lead to drop in revenue for businesses at the shopping center who may have to close or limit daytime commercial activity to perform construction that could otherwise be performed at night.
Could impact sales tax revenues.

ALTERNATIVE #2: Deny Request.

PROS:

Conduct construction during normal business hours.

CONS:

Could lead to drop in revenue for businesses at the shopping center who may have to close or limit daytime commercial activity to perform construction that could otherwise be performed at night.
Could impact sales tax revenues.

PUBLIC OUTREACH/INTEREST:

After analysis, staff determined that public outreach was not required for this issue.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. Thus, no further environmental review is necessary.

LEGAL REVIEW

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

Attachments:

1. Letter from Manhattan Village Shopping Center
2. Ordinance No. 16-0020