

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURBANK CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) FOR THE 2021-2029 (6th CYCLE) HOUSING ELEMENT, SAFETY ELEMENT, AND ENVIRONMENTAL JUSTICE GENERAL PLAN UPDATES AND ADOPTION OF THE MITIGATION MONITORING & REPORTING PROGRAM (MMRP) WITH A STATEMENT OF OVERRIDING CONSIDERATIONS AND FINDINGS OF FACT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

THE COUNCIL OF THE CITY OF BURBANK FINDS:

- A. The Housing Element is a required element of the Burbank2035 General Plan per Government Code Section 65302. Additionally, California Government Code Sections 65580-65589.9 requires local jurisdictions like Burbank to update their housing element on a schedule set forth in the law to evaluate the appropriateness of housing element goals and policies as well as assess the progress made in meeting their share of regional housing needs in Southern California.
- B. The 6th cycle Regional Housing Needs Assessment (“RHNA”) allocation for the City of Burbank, as determined by the State of California and the Southern California Association of Governments (“SCAG”) and the Council of Government, is 8,772 new housing units throughout the planning period of October 2021 through October 2029.
- C. The City prepared updates to its Housing Element for the 2021-2029 planning period, as well as updates to its Safety Element and incorporated Environmental Justice policies into the Burbank2035 General Plan pursuant to California Government Code Sections 65580-65589.9. The 2021-2029 Housing Element Update provides policies and housing programs to facilitate housing development to meet the City’s fair share of housing, identify potential opportunity sites for accommodating future housing growth, accommodate a diversity of housing affordable to all economic segments of the community, and remove regulatory constraints in development of housing by streamlining the processing of residential building permits.
- D. The City determined that the Housing Element Update, Safety Element Update, and incorporation of Environmental Justice policies into the Burbank2035 General Plan, is a project requiring review pursuant to the California Environmental Quality Act of 1970 (“CEQA”), Public Resources Code 21000 et seq. and that an Environmental Impact Report (“EIR”) shall be prepared to evaluate the potential significant environmental effects of the Project.
- E. The City has evaluated potential environmental effects of the 2021-2029 Housing Element, Safety Element, and Environmental Justice updates to Burbank2035 General Plan (the “Project”) through the preparation and circulation of an EIR and consideration of all

comments and responses (attached as Attachment 11 to the September 27, 2022, Staff Report to the City Council). This process included the following actions:

- F. Pursuant to CEQA Guidelines Section 15082, as amended, the City released a Notice of Preparation (“NOP”), which was circulated on February 22, 2021, and recirculated on March 17, 2021, notifying the community and relevant agencies that an EIR is being prepared for the project. The staff hosted a community scoping meeting to receive public input during the public review period on the project description on February 27, 2021, and March 31, 2021.
- G. The City released a Notice of Availability (“NOA”) for the Project Draft EIR for a 65-day review period on January 26, 2022 to receive public comments, which started a 65-day public review period that ended on March 31, 2022.
- H. The Planning Board held a duly noticed public meeting to receive public input on the Draft EIR within the 65-day public review period on March 14, 2022, and an additional meeting on April 11, 2022, to provide an additional opportunity to receive public comments.
- I. The City released a Recirculated Draft EIR for a 47-day public review period on July 22, 2022, after revising some of the sections in the DEIR to address issues raised in the comments received on DEIR. Specifically, the recirculated DEIR provided an opportunity for public comment on significant new information added to the following sections of the Draft EIR: Section 4.2, Project Description; Section 4.2, Biological Resources; and Section 4.12, Utilities/Service Systems.
- J. The Planning Board held a duly noticed public meeting to receive public input on the Recirculated Draft EIR within the 47-day public review period on August 22, 2022.
- K. A Final EIR consisting of the Burbank Housing and Safety Element Update Draft EIR dated January 2022; the Recirculated Draft EIR date July 2022; written comments received during the Draft EIR and Recirculated Draft EIR public review periods; written responses to those comments; a Mitigation Monitoring and Reporting Program (“MMRP”); and an Errata (hereinafter referred to collectively as the Final EIR), has been prepared for the Project. The Final EIR was posted on the City’s website at <https://www.burbankhousingelement.com/> on or about September 16, 2022, at least ten (10) days prior to the City Council’s consideration of the Final EIR and the Project in accordance with CEQA (Public Resources Code Section 21000 e. seq.), the State CEQA Guidelines (14 Code of California Regulations Section 15000, et. seq.), and the City’s CEQA procedures for the Project.
- L. On September 27, 2022, the City Council at its regular meeting, held a public hearing on the 2021-2029 Housing Element, Safety Element, and Environmental Justice General Plan updates, to consider certification of the Final EIR and approval of the Project as required by the State law.

- M. Said hearing was properly noticed in accordance with the provisions of Burbank Municipal Code, which establishes procedure that meets or exceeds the public noticing requirements for adoption of such updates as set forth in Government Code section 65353.
- N. The City Council concurred with the City staff's assessment that the Project requires an Environmental Impact Report (EIR) in order to assess the impacts of the Project pursuant to Section 15081 of the CEQA Guidelines.
- O. The City Council considered the report and recommendations of the City Planner, the action and recommendations of the Planning Board, the Final EIR, the MMRP and the Statement of Overriding Considerations with Findings of Fact, as well as the evidence presented at such hearing.
- P. The City Council, subsequent to deliberation, made its decision to certify the Final EIR for the Project in light of the record as a whole as set forth in these findings.
- Q. The City Council, in certifying the Final EIR for this Project, of which these findings are a part, did so through the exercise of their independent judgment and review after finding substantial evidence, in light of the record as a whole, to support the certification of the Final EIR.
- R. The City Council has made its decision to certify the EIR in the light of all the testimony and evidence presented at or prior to the close of the noticed public hearing, including letters, reports, comments, analyses, etc. that the Planning Board after review and comment by its staff critically reviewed, corrected, and augmented where necessary, as set forth in the record and procedural findings on this Project.

THE COUNCIL OF THE CITY OF BURBANK RESOLVES:

- CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS. The City Council incorporates the findings set forth in the Paragraphs A through R above as if restated herein in their entirety.
- CITY COUNCIL INDEPENDENT JUDGMENT AND REVIEW. The City Council further certifies that the Final EIR was presented to the Council, which reviewed and considered the information contained in said Final EIR prior to deciding whether to approve the proposed Project. The Final EIR has been thoroughly reviewed and analyzed by the City's Staff and the City Council, which is the final decision-making body on the Project. The Project-related documents circulated for public review reflect the City's own independent judgment and the EIR as certified by this Resolution also reflects the independent judgment of the City Council.

- **CEQA - ENVIRONMENTAL IMPACT REPORT (EIR) CERTIFICATION.** Based on the findings set forth above, and on the record of the public hearing, the City Council hereby certifies the Final EIR for the 2021-2029 Housing Element, the Safety Element, and the state-mandated Environmental Justice updates to Burbank2035 General Plan, as presented to the City Council and set forth in the staff report and certifies that the Final EIR is an adequate and complete document prepared in compliance with CEQA, as amended, and the State and local Guidelines promulgated there under.
- **CEQA FINDINGS.** The City Council hereby adopts the findings required by California Public Resources Code Section 21081 and CEQA Guidelines Section 15091 that are set forth in Section 2 of that document entitled "CEQA Findings of Fact and Statement of Overriding Considerations" attached hereto as Exhibit A and incorporated herein by this reference.
- **MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) ADOPTED.** The City Council hereby adopts the MMRP set forth in the Final EIR and attached hereto as Exhibit B and incorporated herein by this reference, as the Mitigation Monitoring and Reporting Program for the 2021-2029 Housing Element, Safety Element, and Environmental Justice updates to Burbank2035 General Plan. The City Council finds that the MMRP has been prepared in accordance with CEQA and the CEQA Guidelines and directs the Community Development Director or his/her designee to oversee the implementation of the MMRP.
- **STATEMENT OF OVERRIDING CONSIDERATIONS.** The City Council hereby adopts the Statement of Overriding Considerations ("SOC") attached hereto as Exhibit A and incorporated herein by this reference, as the Statement of Overriding Considerations for the 2021-2029 Housing Element, Safety Element, and Environmental Justice updates to Burbank2035 General Plan. The City Council finds that the SOC and Findings of Fact are supported by substantial evidence and have been prepared in accordance with CEQA and the CEQA Guidelines.
- **FILING OF NOTICE OF DETERMINATION.** The City Council hereby directs the Community Development Director or his/her designee to file a Notice of Determination within five (5) working days after approval of the Project.
- **AVAILABILITY OF PROJECT APPROVALS AND ENVIRONMENTAL IMPACT REPORT.** The Community Development Director or his/her designee shall make the Project-related documents that constitute the record of the proceedings upon which its decision is based available at City Hall, 275 E. Olive Avenue and the Community Services Building, 150 N. Third Street in the City of Burbank, California, and in other locations the Director deems appropriate to facilitate public access to these documents.

- REPORT OF THE CITY COUNCIL DECISION. The City Clerk shall attest to the passage and adoption of this Resolution.

PASSED AND ADOPTED this ____ day of _____, 2022.

Jess A. Talamantes
Mayor

Attest:

Approved as to Form:
Joseph H. McDougall
City Attorney

By: _____
Zizette Mullins, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Zizette Mullins, City Clerk of the City of Burbank, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the this _____ of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

EXHIBIT A

CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE HOUSING AND SAFETY ELEMENT UPDATE

State Clearinghouse No. 2021020393

I. BACKGROUND

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of a project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA and the specific reasons for considering the Housing and Safety Element Update (Project) acceptable even though the EIR identified significant impacts that are infeasible to mitigate.

The lead agency is responsible for the adequacy and objectivity of the EIR. The City of Burbank (City), as lead agency, has subjected the Draft EIR and Final EIR to the agency's own review and analysis.

A. PROJECT SUMMARY

Project Location

The City of Burbank is located in the County of Los Angeles (County) approximately 12 miles north of downtown Los Angeles. The Golden State Freeway (Interstate 5 [I-5]) bisects the city in a northwest-southeast orientation, and the Ventura Freeway (State Route 134 [SR-134]) traverses the city's southern extent in an east/west orientation.

The Project area encompasses the entire geographic area located within the boundaries of the City of Burbank, which encompasses 17.1 square miles.

Project Description

The proposed Project involves a state-mandated update to the Housing Element for the 2021-2029 planning period, along with updates to the Safety, Land Use, Open Space and Conservation, Air Quality and Climate Change, Noise, and Mobility Elements, and the incorporation of state-required environmental justice policies into the City's Burbank2035 General Plan.

The Housing and Safety Element Update establishes programs, policies, and actions to further the goal of meeting the existing and projected housing needs of all household income levels of the community and addressing the city's 3 to 1 jobs to housing imbalance, provides evidence of the City's ability to accommodate the Regional Housing Needs Assessment (RHNA) allocation through the year 2029 that is established by the Southern California Association of Governments (SCAG), and identifies any rezoning program needed to reach the required housing capacity. Additionally, the Housing Element update for the 2021-2029 planning period includes an assessment of fair housing that is consistent with the federal Affirmatively Furthering Fair

Housing (AFFH) Final Rule. The AFFH component of the Housing Element analyses the impediments to fair housing within the City and establishes quantifiable action items to address the factors that create impediments to fair housing.

Housing Element Update

The Housing Element is comprised of the following major components:

- Review of effectiveness of existing Housing Element
- Assessment of existing and projected housing needs
- Identification of resources – financial, land, administrative
- Evaluation of constraints to the development of housing
- Housing Plan – goals, policies, and programs including Programs 10 and 11 that provide for updates to local density bonus and inclusionary housing regulations that require an economic feasibility analysis to evaluate the potential impact of adding workforce training and prevailing wage requirements to new housing developments
- Affirmatively Furthering Fair Housing

The Housing Element Update would provide a framework for accommodating new housing within the eight-year planning period (Oct. 2021-Oct. 2029) at all levels of affordability that has access to the City’s major transit and employment centers and benefits from neighborhood serving services and increased access to public and private open space opportunities. New housing units may occur anywhere in the city where residential uses are permitted, in areas identified as part of the Project’s housing opportunity sites inventory, as well as in areas that may be rezoned in the future to allow for multi-family residential and mixed-use residential of adequate density to meet State-required housing production and affordability targets.

Safety Element Update

The Project also includes necessary updates to the Safety Element triggered under State law by an update to the Housing Element. The Safety Element Update will ensure consistency with the Housing Element Update and will comply with recent State legislation and guidelines (including Assembly Bill 162, Senate Bill 1241, Senate Bill 99, Assembly Bill 747, Senate Bill 1035, and Senate Bill 379). Amendments incorporate data and maps, address vulnerability to climate change, incorporate policies and programs from the City’s Hazard Mitigation Plan and the Greenhouse Gas Reduction Plan, as well as partial or full integration of other City documents and programs (including but not limited to: Ready Burbank and the Emergency Survival Program). Key areas of the Burbank Safety Element Update include updated flooding and fire hazard maps, emergency response and preparedness, especially as they relate to the City’s projected climate change exposure, and vulnerability. The Safety Element amendments have been submitted to the California State Board of Forestry and Fire Protection (CalFire) for review as required by State law.

Environmental Justice Update

Senate Bill (SB) 1000 states that revisions to or adoption of two or more elements of a general plan on or after January 1, 2018, trigger a requirement to “adopt or review the Environmental Justice Element, or the environmental justice goals, policies, and objectives in other elements.” Environmental justice goals, policies, and objectives must aim to reduce health risks to disadvantaged communities (DACs), promote civic engagement, and prioritize the needs of these communities. The Project also includes updates to policies and implementation measures for the Safety, Land Use, Open Space and Conservation, Air Quality and

Climate Change, Noise, and Mobility Elements of the Burbank2035 General Plan. These updates focus on the inclusion of disadvantaged communities in decision making procedures as well as increasing protections for these communities. There designated DACs are identified in central, northwest, and southeast portions of Burbank. These seven census tracts (i.e., census tract # 6037310701, 6037310703, 6037310601, 6037310501, 6037310800, 6037311802, 6037311801) have overall scores that meet or exceed the minimum criteria for DAC designation based on pollution burden and population characteristics.

Required Approvals

The Project would require the following discretionary approvals:

- Certification of Project Final EIR and adoption of the MMRP, Statement of Overriding Considerations and Findings of Fact
- Adoption of the Housing Element Update for the 2021-2029 planning period
- Adoption of the Safety Element Update
- Adoption of updates to other Burbank2035 General Plan elements to incorporate the state-mandated environmental justice policies
- Adoption of the Housing Plan and associated programs, which include amongst other things, rezoning of opportunity sites within the proposed Golden State Specific Plan (GSSP) and Downtown Transit Oriented Development (TOD) Specific Plan areas

After adoption by the City Council, the updated Housing Element will be submitted to the California Department of Housing and Community Development for certification. The Safety Element updates has been submitted to CalFire for review and approval.

B. GOALS AND OBJECTIVES

Pursuant to *CEQA Guidelines* Section 15124(b), the EIR project description must include “[a] statement of objectives sought by the proposed project... The statement of objectives should include the underlying purpose of the project.” The goals and objectives established for the Project are as follows:

- Meet the City’s fair share, plus a reasonable buffer, of the regional housing need to accommodate projected population growth within the City and region consistent with the Regional Housing Needs Assessment (RHNA) allocation
- Conserve and enhance the quality of existing housing and neighborhoods
- Provide housing sites that accommodate a range of housing types to meet the diverse needs of existing and future residents
- Continue to facilitate the development of housing affordable for all economic segments of the community and make inroads in addressing the City’s jobs-to-housing imbalance
- Focus on removing governmental constraints to the maintenance, improvement, and development of housing
- Promote non-discrimination and fair and equal housing opportunities for all persons

C. ENVIRONMENTAL REVIEW PROCESS

The Final EIR includes the Burbank Housing and Safety Element Update Draft EIR dated January 2022; the Recirculated Draft EIR date July 2022; written comments received during the Draft EIR and Recirculated Draft EIR public review periods; written responses to those comments; a Mitigation Monitoring and Reporting

Program; and an Errata (hereinafter referred to collectively as the Final EIR). In conformance with CEQA and the *CEQA Guidelines*, the City of Burbank conducted an extensive environmental review of the proposed Project. The following is a summary of the City's environmental review process of this Project:

- Pursuant to *CEQA Guidelines* Section 15082, as amended, the City of Burbank circulated a Notice of Preparation (NOP) and Initial Study to public agencies, special districts, and members of the public who had requested such notice for a 30-day period. The NOP was submitted to the State Clearinghouse via the online CEQAnet database and posted at the Los Angeles County Clerk's office on February 22, 2021, and concluding on March 23, 2021. The City of Burbank recirculated the NOP on March 17, 2021, for an additional 30 days. The public comment period concluded on April 15, 2021. The original NOP stated that the EIR would analyze the addition of 8,772 units under the RHNA that was conducted for the Housing Element Update. However, it was determined that the EIR would analyze 10,456 units to account for the 2029 interpolated housing growth assumed under the Golden State and Downtown TOD specific plans along with the City's RHNA allocation. Copies of the NOP and Initial Study were made available for public review at the City of Burbank.
- To afford interested individuals, groups, and public agencies a forum in which to orally present input directly to the Lead Agency in an effort to assist in further refining the intended scope and focus of the EIR, as described in the NOP, the City held a joint community meeting and public scoping meeting on February 27, 2021. The meeting, held from 11:00 AM to 12:30 PM. Due to the COVID-19 pandemic and in the interest of public health and safety, the meeting was held virtually via Zoom.
- A Draft EIR was prepared and distributed for public review beginning January 26, 2022, and ending March 31, 2022. A Notice of Availability (NOA) and Notice of Completion (NOC) was filed with the State Clearinghouse via the online CEQAnet database on January 26, 2022. The scope of the Draft EIR was determined based on the preliminary environmental review in the Initial Study and comments received in response to the NOP; refer to Draft EIR Section 1.1, *Environmental Impact Report Background*. The NOA was sent to interested persons, organizations, and the State Clearinghouse in Sacramento for distribution to public agencies, and posted at the City of Burbank on January 26, 2022. The NOA was filed at the Los Angeles County Clerk's office on January 26, 2022. Copies of the Draft EIR were made available for public review at the City of Burbank, Burbank Central Library, Buena Vista Branch Library, Northwest Branch Library, and on the City's website.
- Based on comments received on the Draft EIR, the Biological Resources and Utilities/Service Systems sections of the Draft EIR were revised and recirculated for public review beginning July 22, 2022 and ending September 6, 2022. A NOA and NOC were filed with the State Clearinghouse via the online CEQAnet database on July 22, 2022. The NOA was sent to interested persons, organizations, and the State Clearinghouse in Sacramento for distribution to public agencies, and posted at the City of Burbank on July 22, 2022. The NOA was filed with the Los Angeles County Clerk's office on July 22, 2022. Copies of the Recirculated Draft EIR were made available for public review at the City of Burbank, Burbank Central Library, Buena Vista Branch Library, Northwest Branch Library, and on the City's website.
- A Final EIR was prepared, which included comments on the Draft EIR, responses to those comments, a Mitigation Monitoring and Reporting Program, and an Errata/Final EIR. The Final

EIR was released for a 10- day agency review period prior to certification of the Final EIR and also posted on the City's website.

- A Planning Board public hearing on the proposed Project was held on August 22, 2022 at which the Board made a recommendation to the City Council to approve the Project.

D. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed Project includes, but is not limited to, the following documents and other evidence:

- The NOP, Recirculated NOP, NOA, Recirculated NOA, and all other public notices issued by the City in conjunction with the proposed Project;
- The Initial Study, Draft EIR, Recirculated Draft EIR, and Final EIR for the proposed Project;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR and Recirculated Draft EIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR and Recirculated Draft EIR;
- All written and verbal public testimony presented during a noticed public hearing for the proposed Project;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Final EIR;
- The Resolutions adopted by the Planning Board in connection with the proposed Project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto;
- Matters of common knowledge to the City, including but not limited to Federal, State, and local laws and regulations; and
- Any documents expressly cited in these Findings

E. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the administrative record for the City's actions related to the Project are at the City of Burbank Community Development Department, Planning Division, 150 North Third Street, Burbank, CA 91510. The City's Community Development Director is the custodian of the administrative record for the Project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the Planning Division.

This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and *CEQA Guidelines* Section 15091(e).

F. INDEPENDENT JUDGMENT AND FINDING

The City selected and retained Rincon Consultants, Inc. (Rincon) to prepare the Housing and Safety Element Update EIR. Rincon prepared the EIR under the supervision and direction of the City of Burbank. All findings set forth herein are based on substantial evidence in the record, as indicated, with respect to each specific finding.

Finding:

The EIR for the Project reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant and directing the consultant in the preparation of the EIR. The City has independently reviewed and analyzed the EIR and finds that the report reflects the independent judgment of the City.

The Burbank City Council has considered all the evidence presented in its consideration of the Project and the EIR, including, but not limited to, the Draft EIR and Responses to Comments on the Draft EIR, the Recirculated Draft EIR, Responses to Comments on the Recirculated Draft EIR, written and oral evidence presented at hearings on the Project, and written evidence submitted to the City by individuals, organizations, regulatory agencies, and other entities. On the basis of such evidence, the City Council finds that with respect to each environmental impact identified in the review process, the impact (1) is less than significant and would not require mitigation; (2) is potentially significant but would be avoided or reduced to less than a significant level by implementation of identified mitigation measures; or (3) would be significant and not fully mitigatable but would be, to the extent feasible, lessened by implementation of identified mitigation measures as noted in the MMRP.

The EIR also identifies certain significant adverse environmental effects of the proposed Project that cannot be avoided or substantially lessened. Prior to approving this Project, the City Council also adopts a Statement of Overriding Considerations that finds, based on specific reasons and substantial evidence in the record (as specified in Section III, *Statement of Overriding Considerations*), that certain identified economic, social, or other benefits of the proposed Project approval and implementation outweigh such unavoidable adverse environmental effects.

II. FINDINGS AND FACTS

The City of Burbank, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the Draft EIR and Final EIR.

Specifically, regarding findings, *CEQA Guidelines* Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in *CEQA Guidelines* Section 15091(a)(1) may include a wide variety of measures or actions as set forth in *CEQA Guidelines* Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

A. FORMAT

This section summarizes the significant environmental impacts of the Project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed Project, which were developed in an effort to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

This remainder of this section is divided into the following subsections:

- **Section B, Findings on Impacts Determined to Be Less Than Significant or No Impact**, presents the impacts of the proposed Project that were determined in the EIR to have no impact or be less than significant without the addition of mitigation measures and presents the rationales for these determinations.
- **Section C, Findings on Impacts Mitigated to Less Than Significant**, presents significant impacts of the proposed Project that were identified in the Final EIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program, and the rationales for the findings.
- **Section D, Findings on Significant Unavoidable Impacts**, presents significant impacts of the proposed Project that were identified in the Final EIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program, the findings for significant impacts, and the rationales for the findings.
- **Section E, Findings on Recirculation**, presents the reasoning as to why recirculation is not required under *CEQA Guidelines* Section 15088.5.
- **Section F, Findings on Project Alternatives**, presents alternatives to the Project and evaluates them in relation to the findings set forth in *CEQA Guidelines* Section 15091(a)(3), which allows a public agency to approve a Project that would result in one or more significant environmental effects if the Project alternatives are found to be infeasible because of specific economic, legal, social, technological, or other considerations. This section also identifies the environmentally superior alternative.

B. FINDINGS ON IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT OR NO IMPACT

Consistent with *CEQA Guidelines* Sections 15162.2 and 15128, the EIR focused its analysis on potentially significant impacts and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental effects. *CEQA Guidelines* Section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or as a “less than significant impact.”

Finding:

The Burbank City Council finds that based on substantial evidence in the record, the following impacts, to the extent they result from the Project, would be less than significant.

1. Aesthetics

Project implementation would not have a substantial adverse effect on a scenic vista.

Project implementation would not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

Project implementation is in an urbanized area and would not substantially conflict with applicable zoning and other regulations governing scenic quality.

Implementation of the proposed Project would not adversely affect day or nighttime views in the area from new sources of light and glare.

2. Agriculture and Forestry Resources

Project development would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

Project implementation would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

Project implementation would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

Project implementation would not result in the loss of forest land or conversion of forest land to non-forest use.

Project implementation would not involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

3. Air Quality

Project implementation would not result in other emissions, including odors, that adversely affect a substantial number of people.

4. Biological Resources

Development under the Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Project implementation would not have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Project implementation would not have a substantial adverse effect on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Project implementation would not have a substantial adverse effect on local policies or ordinances protecting biological resources such as tree preservation policy or ordinance.

Project implementation would not conflict with the adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, State habitat conservation plan.

5. Energy

Project implementation would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Project implementation would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency

6. Geology and Soils

Project implementation would not cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.

Housing development under the Project would not cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

Project implementation would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

Housing development under the Project would not result in substantial soil erosion or loss of topsoil.

Potential impacts associated with locating development projects on sites with expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), would not result in substantial risks to life or property.

Project implementation would not adversely impact soils due to the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

7. Greenhouse Gas Emission

Implementation of the Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, including the State's 2017 Scoping Plan, SCAG's 2020 Regional Transportation Plan/Sustainable Communities Strategy, and the Burbank2035 Greenhouse Gas Reduction Plan.

8. Hazards and Hazardous Materials

Implementation of the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Potential impacts associated with hazardous emissions or the handling of hazardous, substances, or waste within 0.25 mile of an existing or proposed school would not be significant.

Implementation of the Project would not result in a safety hazard or excessive noise for people residing or working in the project area located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

Implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Implementation of the Project would not cause significant hazard to the public or routine transport, use, or disposal of materials.

Implementation of the Project would not expose people or structures, either directly or indirectly to a significant risk of loss, injury, or death involving wildland fires.

9. Hydrology and Water Quality

Implementation of the Project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Project implementation would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.

Project implementation would not substantially alter the existing drainage pattern of a site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

Project implementation would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Project implementation would not substantially alter the existing drainage pattern of a site or area in a manner that would impede or redirect flood flows.

Project implementation would not result in the release of pollutants due to inundation in flood hazard, tsunami, or seiche zones.

The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

10. Land Use and Planning

Implementation of the Project would not divide an established community.

The Project would not cause significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

11. Mineral Resources

Project implementation would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.

Implementation of the Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

12. Noise

For a development project under the Housing Element that is located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, implementation of the Project would not expose people residing or working in a project area to excessive noise levels.

13. Population and Housing

Implementation of the Project would not induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure).

The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

14. Public Services

Implementation of the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire and police protection services, schools, parks, and other public facilities.

15. Recreation

Project implementation would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Potential impacts associated with recreational facilities or the construction or expansion of recreational facilities under the Project would not result in a substantial adverse physical effect on the environment.

16. Transportation

The Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Potential impacts associated with hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses under the Project would not result in a significant environmental impact.

Implementation of the Project would not result in inadequate emergency access.

17. Utilities/Service Systems

The City would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.

Implementation of the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Development under the Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

18. Wildfire

Implementation of the Project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

Due to slope, prevailing winds, or other factors, Project implementation would not exacerbate wildfire risks and expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Implementation of the Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

Implementation of the Project would not expose people or structures to significant risk, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

C. FINDINGS ON IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

The following summary describes impacts of the proposed Project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the Draft EIR, these impacts would be considered less than significant.

1. Air Quality

Impact AQ-2: Construction activities and operation of housing development under the Housing Element Update could not result in a cumulatively considerable net increase of any criteria pollutant for which the region is a non-attainment area under applicable federal or state ambient air quality standards. Air quality studies and project-specific emissions reduction measures would be required for large projects proposed under the Housing Element Update. Impacts would be less than significant with mitigation.

Support for this environmental impact conclusion is included in Draft EIR Section 4.1, *Air Quality*, and in particular, starting on page 4.1-27 of the Draft EIR.

As discussed in Section 4.1, *Air Quality*, of the Draft EIR, construction activities associated with housing development under the Housing Element Update that may include large amounts of equipment, large number of hauling truck trips, or other unusual circumstances could generate criteria pollutant emissions that exceed the SCAQMD LST thresholds. Therefore, construction-related impacts associated with the Housing Element Update are considered potentially significant. Mitigation Measure AQ-1 would require air quality analysis and appropriate air pollutant emissions reduction measures for projects with construction that exceeds screening criteria for projects with large grading or demolition quantities or large areas of soil disturbance are generally based on SCAQMD Rule 403. Additionally, projects with large amounts of heavy-duty construction equipment would require air quality analysis and appropriate mitigation. The criterion for the maximum number of pieces of heavy-duty construction equipment conservatively correlates to the applicable SCAQMD threshold. As subsequent analysis and mitigation would be required for any project with reasonable potential to generate criteria pollutant emissions that exceed SCAQMD thresholds, impacts from construction emissions would be reduced to less than significant. During the operation period, the build out of the RHNA accommodated under Housing Element Update would generate criteria pollutants that exceed the SCAQMD operational daily emission thresholds. Modeling was performed to determine the largest individual project sizes that would typically be anticipated to result in emissions that do not exceed SCAQMD thresholds. Through iterative modeling it was determined that operation of a 553 single-family unit project or a 710 multi-family unit project (multi-family or mixed use) would typically result in emissions that approach but remain less than SCAQMD thresholds. Therefore, operation-related impacts associated with the Housing Element Update are considered potentially significant. Mitigation Measure AQ-2 requires air quality analysis and appropriate air pollutant emissions reduction measures for projects that exceed screening criteria for operational emissions. With implementation of Mitigation Measure AQ-2, air emissions associated with housing development accommodated under Housing Element Update would be reduced to less than SCAQMD significance thresholds.

Mitigation Measures:

The following mitigation measures are included in the Draft EIR and the Final EIR and are applicable to the proposed Project.

AQ-1**Construction Emissions Reduction**

For projects that would include any of the following: demolition of more 13,500 square feet of building area, greater than 5,000 cubic yards of soil cut/fill, greater than 5-acres of graded area, or use of more than ten pieces of heavy-duty construction equipment and 150 truck trips on any given day during demolition, site clearing, or grading, prior to issuance of a permit to construct and at the expense of the project applicant, the City shall retain a qualified air quality analyst to prepare an Air Quality Impact Analysis to analyze construction emissions. The air quality analysis shall demonstrate that project emissions are less than applicable SCAQMD regional and LST thresholds, and as applicable may include, but is not limited to, the following mitigations:

- Off-road diesel-powered construction equipment greater than 50 horsepower shall meet the USEPA Tier 4 emission standards, where available. In the event that Tier 4 engines are not available for any off-road equipment larger than 100 horsepower, that equipment shall be equipped with a Tier 3 engine or an engine that is equipped with retrofit controls to reduce exhaust emissions of NO_x and DPM to no more than Tier 3 levels unless certified by engine manufacturers or the onsite air quality construction mitigation manager that the use of such devices is not practical for specific engine types.
- All construction equipment shall be outfitted with best available control technology (BACT) devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- Consistent with SCAQMD Rule 403, construction contractors shall identify and implement best available dust control measures during active construction operations capable of generating dust.

AQ-2**Operations Emissions Reduction**

For any project that would include more than 553 single-family residential units, 710 multi-family residential units, or any equivalent combination thereof, prior to issuance of a permit to construct, and at the expense of the project applicant, the City shall retain a qualified air quality analyst to prepare an Air Quality Impact Analysis to analyze operational emissions. The air quality analysis shall demonstrate that project emissions are less than applicable SCAQMD regional and LST thresholds, and as applicable may include, but is not limited to, the following mitigation:

- Implementation of a Transportation Demand Management Plan.
 - Installation of additional electric vehicle charging stations
 - Public infrastructure improvements (e.g., bus stop shelter improvements)
 - Carpool or ridesharing programs
 - Subsidized transit costs
 - Unbundled parking costs
 - Bicycle amenities (storage, showers, lockers, etc.)
- Use of all-electric appliances (i.e., elimination of natural gas service)

- Use solar or low emission water heaters that exceed Title 24 requirements
- Increased walls and attic insulation beyond Title 24 requirements
- Required use of electric lawnmowers, leaf-blowers, and chainsaws

Finding:

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Burbank hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

2. Biological Resources

Impact BIO-1: The Project could result in direct or indirect impacts to biological resources through vegetation removal and construction activities. Impacts would be less than significant with mitigation incorporated.

Support for this environmental impact conclusion is included in Recirculated Draft EIR Section 4.2, *Biological Resources*, and in particular, starting on page 4.2-5 of the Recirculated Draft EIR.

As discussed in Section 4.2, *Biological Resources*, of the Recirculated Draft EIR, reasonably foreseeable development under the Housing Element Update would be primarily concentrated on underutilized sites that have been previously developed and disturbed, but that may still contain vegetation or structures suitable to support nesting birds. As such, potential construction impacts resulting in vegetation trimming or removal during the nesting season would have the potential to disturb active nests, either directly (e.g., injury, mortality, or disruption of normal nesting behaviors) or indirectly (e.g., construction noise, dust, and vibration from equipment). In addition, based on comments provided by the CDFW on the Draft EIR, development under the proposed Project may result in adverse impacts to the following biological resources: least Bell’s vireo (*Vireo bellii pusillus*), a federally and State-listed Endangered species, by causing nest abandonment, reproductive suppression, or incidental loss of fertile eggs or nestlings if development occurs during the breeding and nesting season; bat species, such as pallid bat (*Antrozous pallidus*), big free tailed bat (*Nyctinomops macrotis*), and hoary bat (*Lasiurus cinereus*), which are designated as Species of Special Concern (SSC), by removal of trees, vegetation and/or structures that may provide roosting habitats; and monarch butterflies (*Danaus plexippus*) and monarch butterfly overwintering habitat through vegetation and tree removal. Therefore, construction activities have the potential to disturb biological resources, which would be a potentially significant impact. Implementation of Mitigation Measure BIO-1 would reduce potential impacts to biological resources to a less-than-significant level by ensuring biological resources are identified and avoided prior to the start of construction activities.

Mitigation Measure:

The following mitigation measure is included in the Recirculated Draft EIR and the Final EIR and is applicable to the proposed Project.

BIO-1: Biological Resources Avoidance

For individual housing developments that will include disturbance of vegetation, trees, structures, or other areas where biological resources could be present, a qualified biologist shall be retained by the applicant to conduct an initial site assessment that will include

review of the California Natural Diversity Database (CNDDDB) and iNaturalist maps to determine where sightings have occurred or habitats for the least Bell's vireo, bat species, or monarch butterflies have previously been identified.

If construction activities or other disturbances occur in areas within 500 feet of a previously identified habitat or observation according to CNDDDB or iNaturalist, the following measures shall be implemented:

- Prior to the issuance of a grading permit, a qualified biologist shall be retained by the project applicant to conduct a biological resources reconnaissance of the site. The qualified biologist shall thoroughly report on the biological resources present on a project site.
- If the biologist determines that special-status species may occur, focused surveys for special-status plants shall be completed in accordance with *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (California Department of Fish and Wildlife [CDFW], March 20, 2018) and *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants* (USFWS, September 23, 1996). If it is determined that the project site has suitable habitat for special-status wildlife, focused surveys shall be conducted to determine presence/absence including species-specific surveys in accordance with CDFW or United States Fish and Wildlife Service (USFWS) protocols for State or federally listed species, respectively, that may occur.
- If it is determined that a special-status species may be impacted by a specific project, consultation with USFWS and/or CDFW shall occur prior to issuance of a development permit from the City to determine measures to address impacts, such as avoidance, minimization, or take authorization and mitigation. The report shall include a list of special-status plants and wildlife that may occur on the project site and/or adjacent area.

If construction activities or other disturbances occur during the bird nesting season (February 1 through August 31). Prior to issuance of grading permits for individual housing developments that will include disturbance of vegetation, structures, or other areas where bird nests could be present, implementation of the following requirements shall be required:

- Applicant shall submit a pre-construction nesting bird survey shall be conducted no more than seven days prior to initiation of grading or construction activities. The nesting bird pre-construction survey shall be conducted on foot on the construction site, including a 100-foot buffer, and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in southern California and a copy of the study shall be submitted to the Community Development Department and Building and Safety Division. The cost to hire a qualified biologist shall be borne entirely by the developer/project applicant.
- If nests are found, an avoidance buffer shall be demarcated by a qualified biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No parking,

storage of materials, or construction activities shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

- A survey report shall be prepared by the qualified biologist documenting and verifying compliance with the above requirements and applicable State and Federal regulations protecting birds that shall be submitted to the City of Burbank. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests would occur.

Finding:

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Recirculated Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

3. Cultural Resources/Tribal Cultural Resources

Impact CUL-1: Development accommodated by the Housing Element Update could adversely affect known and previously unidentified historic-period resources. Impacts to historic-period resources would be less than significant after mitigation.

Support for this environmental impact conclusion is included in Draft EIR Section 4.3, *Cultural Resources/Tribal Cultural Resources*, and in particular, starting on page 4.3-12 of the Draft EIR.

As discussed in Section 4.3, *Cultural Resources/Tribal Cultural Resources*, of the Draft EIR, none of the proposed Project sites were identified as known historic resources in the City's Historic Preservation Plan (1999) or Context Report (2009), however, a review of the developmental history and property status of the proposed rezone properties identified 68 parcels in the Housing Element Update inventory properties that possesses potential historic-period buildings and/or structures. All projects that would be permitted under the proposed update to the Housing Element and the associated zone changes would be subject to additional CEQA review during the Development Review and/or any other applicable permitting process. Therefore, adherence to the requirements of the Historic Resource Management Ordinance, Program LU-4: Historic Preservation, LU-4 would ensure that all properties are surveyed to determine if they are eligible for listing as a historic resource. However, impacts could still arise if a Permit to Alter a Historic Resource was issued allowing for the alteration or demolition of an eligible resource. Therefore, impacts to historic-related period resources associated with the Housing Element Update are considered potentially significant and Mitigation Measure CUL-1 is required. Potential impacts to historic resources would be less than significant with implementation of Mitigation Measure CUL-1.

Mitigation Measure:

The following mitigation measure is included in the Draft EIR and the Final EIR and is applicable to the proposed Project.

CUL-1 Historic Resource Protection

The project proponent shall either:

- a) Demonstrate to the satisfaction of the City of Burbank Community Development Department that the project does not contain any historic resources either due to the site being vacant, age of the structures on the site, or due to the result of the Program LU-4 Historic Preservation Plan determination; or
- b) For any structure determined to be eligible for listing on a federal, State, or local registry, or currently listed, as a historic resource (typically determined as a result of the Program LU-4 Historic Preservation Plan process), project activities shall comply with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Standards). During the project planning phase (prior to any construction activities), input shall be sought from a qualified architectural historian or historic architect meeting the *Secretary of the Interior's Professional Qualifications Standards* to ensure project compliance with the Standards for Rehabilitation. The cost of this assessment shall be borne entirely by the project applicant. This input will ensure the avoidance of any direct/indirect physical changes to historical resources. The findings and recommendations of the architectural historian or historic architect shall be documented in a Standards Project Review Memorandum at the schematic design phase. This memorandum shall analyze all

project components for compliance with the Standards for Rehabilitation. Project components to be analyzed shall include direct and indirect changes to historical resources and their setting. Should design modifications be necessary to bring projects into compliance with the Standards for Rehabilitation, the memorandum will document those recommendations, which will then become conditions of project approval. The report will be submitted to the City for review and approval.

Finding:

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Impact CUL-2: Development accommodated by the Housing Element Update could adversely affect identified and previously unidentified prehistoric cultural resources. Impacts would be less than significant with the implementation of mitigation, as well as the policies outlined in the Historic Resource Management Ordinance, Program LU-4: Historic Preservation Plan.

Support for this environmental impact conclusion is included in Draft EIR Section 4.3, *Cultural Resources/Tribal Cultural Resources*, and in particular, starting on page 4.3-16 of the Draft EIR.

According to Section 4.3, *Cultural Resources/Tribal Cultural Resources*, of the Draft EIR, the City has not listed identified archaeological sites in the city. However, it is known that prehistoric populations were present in Burbank and the surrounding areas. Therefore, the potential to encounter unidentified resources in the City and on residential opportunity sites noted in the Housing Element Update properties is considered moderate. Undeveloped properties in the Housing Element Update inventory have a higher probability of containing previously unidentified archaeological resources given the probable lack of previous ground-disturbing activities on those properties. Additionally, ground-disturbance into undisturbed soils on any Housing Element Update property could contain previously unknown prehistoric or historic-period resources. As described in Program LU-4, all development projects under the Housing Element Update that require ground-disturbing activities on previously undisturbed lands must be assessed by a qualified archaeologist before construction commences. Therefore, impacts to prehistoric cultural resources associated with the Housing Element Update are considered potentially significant and Mitigation Measures CUL-2(a) and CUL-2(b) are required.

Mitigation Measures:

The following mitigation measures are included in the Draft EIR and the Final EIR and are applicable to the proposed Project.

CUL-2(a) Unanticipated Discovery of Archaeological Resources

Prior to the commencement of any ground-disturbing activities, a qualified archaeologist shall be retained to conduct a Worker’s Environmental Awareness Program (WEAP) training on archaeological sensitivity for all construction personnel. The training shall be conducted by an archaeologist who meets or exceeds the Secretary of Interior’s Professional Qualification Standards for archaeology. Archaeological sensitivity training will include a description of the types of cultural material that may be encountered, cultural sensitivity

issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.

In the event of the unanticipated discovery of archaeological materials, the project applicant shall immediately cease all work activities in the area (within approximately 100 feet) of the discovery until it can be evaluated by a qualified archaeologist. Construction shall not resume until the qualified archaeologist has conferred with the City on the significance of the resource. If it is determined that the discovered archaeological resource constitutes a historical resource or unique archaeological resource pursuant to CEQA, avoidance and preservation in place shall be the preferred manner of mitigation. Preservation in place maintains the important relationship between artifacts and their archaeological context and also serves to avoid conflict with traditional and religious values of groups who may ascribe meaning to the resource. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is determined to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Treatment Plan shall be prepared and implemented by the qualified archaeologist in consultation with the City that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource. The City shall consult with appropriate Native American representatives in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource, beyond that which is scientifically important, are considered.

CUL-2(b) Archeological and Native Monitors

During initial ground disturbing activities related to the proposed project, both a qualified archaeologist and a locally affiliated Native American monitor shall monitor construction activities within the project site in accordance with City of Burbank Historic Resource Management Ordinance, Program LU-4: Historic Preservation Plan. Initial ground disturbance is defined as disturbance within previously undisturbed native soils. If, during initial ground disturbance, the qualified archaeologist determines that the construction activities have little or no potential to impact cultural resources (e.g., excavations are within previously disturbed, non-native soils, or within soil formation not expected to yield cultural resources deposits), the qualified archaeologist may recommend that monitoring be reduced or eliminated, in consultation with the Native American monitor.

Finding:

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Burbank hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Impact CUL-3: Ground-disturbing activities associated with development under the Housing Element Update could result in damage to or destruction of human burials. Impacts would be less than significant with the implementation of mitigation, as well as the policies outlined in the Historic Resource Management Ordinance, Program LU-4: Historic Preservation Plan.

Support for this environmental impact conclusion is included in Draft EIR Section 4.3, *Cultural Resources/Tribal Cultural Resources*, and in particular, starting on page 4.3-18 of the Draft EIR.

According to Section 4.3, *Cultural Resources/Tribal Cultural Resources*, of the Draft EIR known burial sites that have been identified in the city, excavations during construction activities could have the potential to disturb these resources, which could include Native American burial sites. Although it is unlikely that human remains are present, all Housing Element Update properties have at least the possibility of containing previously unidentified human remains. The policies outlined in Program LU-4 (see Impact CUL-2) ensures that a plan will be in place to properly mitigate any potential unanticipated discovery of human remains on a Housing Element Update property. Additionally, all development projects are subject to State of California Health and Safety Code Section 7050.5 that states that no further disturbance shall occur until the county coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98 Therefore, ground-disturbing activities associated with the development of the Housing Element Update are considered potentially significant and Mitigation Measures CUL-2(a) and CUL-2(b) are required.

Mitigation Measures:

Mitigation Measures CUL-2(a) and CUL-2(b), above, would address potential impacts to human remains.

Finding:

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Burbank hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Impact CUL-4: Development accommodated by the Housing Element Update could adversely impact tribal cultural resources. Impacts would be less than significant with implementation of mitigation and through consultation conducted pursuant to the requirements of AB 52.

Support for this environmental impact conclusion is included in Draft EIR Section 4.3, *Cultural Resources/Tribal Cultural Resources*, and starting on page 4.3-19 of the Draft EIR.

According to Section 4.3, *Cultural Resources/Tribal Cultural Resources*, of the Draft EIR, ground-disturbing activities associated with individual development projects under the Housing Element Update could expose previously unidentified subsurface archaeological resources that may qualify as Tribal cultural resources and could be adversely affected by the project construction. As part of its Tribal cultural resource identification process under AB 52, the City of Burbank sent letters via certified mail to nine Native American Tribes that had previously requested to be informed through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the Tribes. Due to the programmatic nature of the proposed program, it is not possible to fully determine impacts, however, no Tribal cultural resources were identified during consultation and no resources eligible for the California Register of Historical Resources or local register were identified as being impacted by the proposed program. Project-specific Tribal cultural resource consultation will occur when specific projects are implemented, and consultation conducted

pursuant to the requirements of AB 52. Therefore, impacts to tribal cultural resources associated with the development of the Housing Element Update are considered potentially significant and Mitigation Measures CUL-2(a) and CUL-2(b) are required.

Mitigation Measures:

Mitigation Measures CUL-2(a) and CUL-2(b), above, would address potential impacts to Tribal cultural resources.

Finding:

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Burbank hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

4. Geology and Soils

Impact GEO-1: Development accommodated under the Housing Element Update could adversely affect previously unidentified paleontological resources. Impacts to paleontological resources would be less than significant with mitigation incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 4.4, *Geology and Soils*, and in particular, starting on page 4.4-8 of the Draft EIR.

According to Section 4.4, *Geology and Soils*, of the Draft EIR, the proposed Safety Element Update does not include any language regarding paleontological resources and therefore no impact would occur as a result of the update. The only potential impacts to paleontological resources would occur as a result of new residential and commercial construction that would be accommodated under the Housing Element Update. Most foreseeable development under the Housing Element Update and rezoning would be unlikely to involve impacts to paleontological resources, due to the locations in infill areas where previous disturbance has occurred. However, given that most of the proposed housing opportunity sites are mapped within areas of high paleontological sensitivity at depths greater than five feet, substantial adverse change in or a disturbance to known or unknown resources is possible; therefore, impacts to paleontological resources would be potentially significant.

Mitigation Measures:

The following mitigation measures are included in the Draft EIR and the Final EIR and are applicable to the proposed Project.

GEO-1(a) Paleontological Resources Management

Housing development projects that require ground disturbance (grading, trenching, foundation work, and other excavations) beyond five feet below ground surface (bgs) on a site located in an area mapped as Quaternary young (Holocene) alluvial fan deposits (Qyf, Qf) where it was not previously excavated beyond five feet bgs, shall comply with the following requirements prior to the commencement of any construction activities:

- The Developer shall retain a qualified professional paleontologist to review project plans to determine if underlying paleontologically sensitive units (i.e., early Holocene to

Pleistocene age deposits [Qoa]) could be impacted. If potentially significant impacts are identified, the qualified professional paleontologist shall prepare and implement a Paleontological Resources Mitigation Plan (PRMP). The PRMP shall describe mitigation recommendations, including paleontological monitoring procedures; communication protocols to be followed in the event that an unanticipated fossil discovery is made during project development; and preparation, curation, and reporting requirements.

- As part of a PRMP, require the Qualified Paleontologist or his or her designee to conduct Worker Environmental Awareness Program (WEAP) training for the general contractor, subcontractor(s), and all construction workers participating in earth disturbing activities, regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by on-site personnel. The WEAP shall be fulfilled at the time of a preconstruction meeting. A training acknowledgment form must be signed by all workers who receive the training and retained by the City. In the event a fossil is discovered by construction personnel, all work in the immediate vicinity of the find shall cease and the qualified paleontologist shall be contacted to evaluate the find before re-starting work in the area. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the mitigation outlined below (GEO-1[b]) to mitigate impacts to significant fossil resources.
- Conduct monitoring during ground construction activities (i.e., grading, trenching, foundation work, and other excavations). Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who meets the minimum qualifications per standards set forth by the SVP (2010), which includes a B.S. or B.A. degree in geology or paleontology with one year of monitoring experience and knowledge of collection and salvage of paleontological resources. The duration and timing of the monitoring shall be determined by the Qualified Paleontologist and the location and extent of proposed ground disturbance. If the Qualified Paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, the Qualified Paleontologist may recommend that monitoring be limited to periodic spot-checking or cease entirely.

GEO-1(b) Fossil Discovery, Preparation, and Curation

If a paleontological resource is discovered at any time during earthmoving activities, the construction contractor shall ensure that all construction activities in the immediate area of the find are halted and diverted, and the City is contacted. A qualified paleontologist shall be retained (if not done so already) to evaluate the discovery. The paleontologist shall have the authority to temporarily direct, divert or halt construction activity around the find until it is assessed for scientific significance and collected to ensure that the fossil(s) can be removed in a safe and timely manner.

Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection (such as the Natural History Museum of Los Angeles County [NHMLAC]) along with all pertinent field notes, photos, data, and maps.

Finding:

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Burbank hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

5. Hazards and Hazardous Materials

Impact HAZ-2: Implementation of the Housing and Safety Element Update would accommodate development on or near hazardous materials sites. However, compliance with applicable regulations relating to site cleanup would minimize hazards from development on contaminated sites. Impacts would be less than significant.

Support for this environmental impact conclusion is included in Draft EIR Section 4.6, *Hazards and Hazardous Materials*, and in particular, starting on page 4.6-15 of the Draft EIR.

As discussed in Section 4.6, *Hazards and Hazardous Materials*, of the Draft EIR, the Housing Element Update would not directly result in project development, since it is a policy document. However, new development facilitated by the Housing Element Update could expose construction workforce as well as future occupants to hazardous materials if the project site is listed for hazardous materials. If groundwater contamination is identified during Phase I or II ESA, characterization of the vertical and lateral extent of the contamination and remediation activities would be required by the RWQCB prior to the commencement of any new construction activities that would disturb the subsurface. If contamination exceeds regulatory action levels, the developer would be required to undertake remediation procedures prior to grading and development under the supervision of the RWQCB, depending upon the nature of any identified contamination. Compliance with existing State and local regulations as well as implementation of the Burbank2035 General Plan policies would reduce impacts to less than significant. In addition, Mitigation Measure HAZ-2 requires that any development that requires more than five feet of excavation would require a Phase I ESA, and a Phase II ESA if environmental concerns are discovered through the Phase I ESA. Additionally, this measure ensures that any potential development site location listed on DTSC or SWRCB (Appendix F) conducts a Phase II ESA for soil sampling and environmental professional recommendations for remediation, as needed. Implementation of Mitigation Measure HAZ-2 would reduce potential impacts to a less than significant level.

Mitigation Measure:

The following mitigation measure is included in the Draft EIR and the Final EIR and is applicable to the proposed Project.

HAZ-2

Property Assessment – Phase I and II ESAs

Prior to the start of construction (demolition or grading), the project applicant will retain a qualified environmental professional (EP), as defined by ASTM E-1527, to complete one of the following:

If the project is not listed in Appendix F, DTSC (GeoTracker) or SWRCB (EnviroStor) resources, then the proponent will retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase I ESA. If the Phase I ESA identifies recognized environmental conditions or potential concern areas, a Phase II ESA will be prepared.

If the project is listed in Appendix F, DTSC (GeoTracker) or SWRCB (EnviroStor) resources, then the project proponent will retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase II ESA to determine whether the soil, groundwater, and/or soil vapor has been impacted at concentrations exceeding regulatory screening levels for commercial/industrial land uses. Any and all recommended actions included in the Phase II ESA will be followed. This may include the preparation of a Soil Management Plan (SMP) for Impacted Soils (see below) prior to project construction and/or completion of remediation at the proposed project prior to onsite construction.

The completed ESAs will be submitted to the lead agency for review and approval prior to issuance of building or grading permits.

Soil Management Plan Requirements: The SMP, or equivalent document, will be prepared to address on-site handling and management of impacted soils or other impacted wastes, and reduce hazards to construction workers and offsite receptors during construction. The plan will be submitted to the lead agency, and must establish remedial measures and/or soil management practices to ensure construction worker safety, the health of future workers and visitors, and the off-site migration of contaminants from the site. These measures and practices may include, but are not limited to:

- Stockpile management including stormwater pollution prevention and the installation of BMPs
- Proper disposal procedures of contaminated materials
- Monitoring and reporting
- A health and safety plan for contractors working at the site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection
- The health and safety plan will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.

The lead agency will review and approve the development site Soil Management Plan for Impacted Soils prior to demolition and grading (construction).

Soil Remediation Requirements: If soil present within the construction envelope at the development site contains chemicals at concentrations exceeding hazardous waste screening thresholds for contaminants in soil (California Code of Regulations [CCR] Title 22, Section 66261.24), the project proponent will retain a qualified environmental consultant (PG or PE), to conduct additional analytical testing and recommend soil disposal recommendations, or consider other remedial engineering controls, as necessary.

The qualified environmental consultant will utilize the development site analytical results for waste characterization purposes prior to offsite transportation or disposal of potentially impacted soils or other impacted wastes. The qualified environmental consultant will provide disposal recommendations and arrange for proper disposal of the waste soils or other impacted wastes (as necessary), and/or provide recommendations for remedial engineering controls, if appropriate.

The project applicant will review and approve the disposal recommendations prior to transportation of waste soils offsite, and review and approve remedial engineering controls, prior to construction.

Remediation of impacted soils and/or implementation of remedial engineering controls, may require additional delineation of impacts; additional analytical testing per landfill or recycling facility requirements; soil excavation; and offsite disposal or recycling.

The lead agency will review and approve the development site disposal recommendations prior to transportation of waste soils offsite and review and approve remedial engineering controls, prior to construction.

Finding:

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

6. Noise

Impact NOI-1: Construction associated with housing development accommodated under the Housing Element Update would be required to comply with the allowed daytime construction hours regulated by the Burbank Municipal Code and, therefore, would not occur during nighttime hours when people are more sensitive to noise. While larger developments could involve construction with lengthy durations, substantial soil movement, use of large, heavy-duty equipment, and/or pile driving near noise-sensitive land uses that would exceed the applicable FTA daytime noise limits, implementation of Mitigation Measures NOI-1(a) through NOI-1(j) would reduce construction noise levels to below thresholds. Therefore, impacts generated by temporary construction noise would be less than significant with mitigation.

Support for this environmental impact conclusion is included in Draft EIR Section 4.7, *Noise*, and in particular, starting on page 4.7-21 of the Draft EIR.

According to Section 4.7, *Noise*, of the Draft EIR, housing development accommodated under the Housing Element Update that could result in construction noise would tend to include relatively lengthy construction

durations (i.e., longer than 18 months), two or more subterranean levels, use of multiple pieces of heavier equipment (i.e., cranes, excavators, dozers), simultaneous use of multiple pieces of equipment, and generally noisier activities, such as the potential for pile driving. The type of construction equipment, proximity of sensitive receivers to the site, and the overall duration of construction are key factors in determining whether construction-related noise would be significant at the project-level as opposed to determining construction noise impacts at the programmatic level. Based on typical construction equipment noise levels, the anticipated duration of construction activities, and type of equipment used for larger housing developments, the Housing Element Update could result in potentially significant construction noise impacts on a project-specific basis at nearby sensitive receivers.

It is anticipated that, with implementation of Mitigation Measures NOI-1a through NOI-1i, construction noise levels associated with smaller housing development could be reduced below the eight-hour 80 dBA L_{eq} daytime residential noise limit per FTA guidelines. However, noise generated by larger housing development may still exceed the FTA noise limit. This would most commonly occur when a development project requiring larger equipment generates high noise levels (e.g., pile driving) on a property abutting a sensitive receiver. Nonetheless, for such larger housing developments, Mitigation Measure NOI-1j would reduce construction noise impacts whenever a development project is located within 500 feet of a noise-sensitive land use. It is anticipated that, with implementation of Mitigation Measure NOI-1j, reasonably available noise reduction devices or techniques would be identified to reduce noise levels to acceptable levels and/or durations including through reliance on any relevant federal, state or local standards or guidelines or accepted industry practices. Therefore, noise impacts from construction activities related to the Housing Element Update would be less than significant with mitigation.

Mitigation Measures:

The following mitigation measures are included in the Draft EIR and the Final EIR and are applicable to the proposed Project.

NOI-1(a) Shielding and Silencing

Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and silencing devices consistent with manufacturer's standards or the Best Available Control Technology. Equipment shall be properly maintained, and the project applicant or owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.

NOI-1(b) Enclosures and Screening

All outdoor fixed mechanical equipment shall be enclosed or screened from off-site noise-sensitive uses. The equipment enclosure or screen shall be impermeable (i.e., solid material with minimum weight of 2 pounds per square feet) and break the line-of-sight from the equipment and off-site noise-sensitive uses

NOI-1(c) Construction Staging Areas

Construction staging areas shall be located as far from noise-sensitive uses as reasonably possible and feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints.

- NOI-1(d) Smart Back-Up Alarms**
- Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.
- NOI-1(e) Equipment Idling**
- Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.
- NOI-1(f) Workers' Radios**
- All noise from workers' radios, including any on-site music, shall be controlled to a point that they are not audible at off-site noise-sensitive uses.
- NOI-1(g) Use of Driven Pile Systems**
- Driven (impact), sonic, or vibratory pile drivers shall not be used, except in locations where the underlying geology renders alternative methods infeasible, as determined by a soils or geotechnical engineer and documented in a soils report.
- NOI-1(h) Temporary Sound Barriers**
- Temporary sound barriers, such as walls or sound blankets, shall be positioned between construction activities and noise-sensitive uses when construction equipment are located within a line-of-sight to and within 500 feet of off-site noise-sensitive uses. Sound barriers shall break the line-of-sight between the construction noise source and the receiver where modeled levels exceed applicable standards. Placement, orientation, size, and density of acoustical barriers shall be specified by a qualified acoustical consultant.
- NOI-1(i) Noise Complaint Response**
- Project applicants shall designate an on-site construction project manager who shall be responsible for responding to any complaints about construction noise. This person shall be responsible for responding to concerns of neighboring properties about construction noise disturbance and shall be available for responding to any construction noise complaints during the hours that construction is to take place. They shall also be responsible for determining the cause of the noise complaint (e.g., bad silencer) and shall require that reasonable measures be implemented to correct the problem. A toll-free telephone number and email address shall be posted in a highly visible manner on the construction site at all times and provided in all notices (mailed, online website, and construction site postings) for receiving questions or complaints during construction and shall also include procedures requiring that the on-site construction manager to respond to callers and email messages. The on-site construction project manager shall be required to track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction and shall notify the City's Community Development Director of each complaint occurrence.

NOI-1(j) Project-Specific Construction Noise Study

A Construction Noise Study, prepared by a qualified noise expert to meet the requirements herein, shall be required for housing development projects located within 500 feet of noise-sensitive land uses identified in the Burbank 2036 General Plan Noise Element (i.e., residences, parks, motels, hotels, movies studios, school, and hospitals), and that have one or more of the following characteristics:

- Two subterranean levels or more (generally more than 20,000 cubic yards of excavated soil material);
- Construction durations of 18 months or more (excluding interior finishing);
- Use of large, heavy-duty equipment rated 300 horsepower or greater;
- The potential for pile driving; or
- Located within 1,000 feet of other construction projects with overlapping construction schedules.

The Construction Noise Study shall characterize sources of construction noise, quantify noise levels at noise-sensitive uses (e.g., residences, parks, motels, hotels, movies studios, school, and hospitals) and identify measures to reduce noise exposure. The Construction Noise Study shall identify reasonably available noise reduction devices or techniques to reduce noise levels to acceptable levels and/or durations including through reliance on any relevant federal, state or local standards or guidelines or accepted industry practices. Noise reduction devices or techniques may include but not be limited to silencers, enclosures, sound barriers, and/or placement of restrictions on equipment or construction techniques (e.g., alternative installation methods to pile driving such as cast-in-place systems or pile cushioning). Each measure in the Construction Noise Study shall identify anticipated noise reductions at noise-sensitive land uses.

Project applicants shall be required to comply with all requirements of Mitigation Measures NOI-1a through NOI-1f in addition to any additional requirements identified and recommended by the Construction Noise Study and shall maintain proof that notice of, as well as compliance with, the identified measures have been included in contractor agreements.

Finding:

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Burbank hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Impact NOI-3: Housing development accommodated under the Housing Element Update is not anticipated to involve operational activities that would result in substantial vibration levels (e.g., use of heavy equipment). However, construction activities under the Housing Element Update, specifically pile driving, could potentially generate vibration exceeding thresholds for buildings or structures susceptible to damage (e.g., historic structures). However, temporary-construction related vibration impacts would be less than significant with mitigation.

Support for this environmental impact conclusion is included in Draft EIR Section 4.7, *Noise*, and in particular, starting on page 4.7-29 of the Draft EIR.

According to Section 4.7, *Noise*, of the Draft EIR, it is not anticipated that operation of housing development would involve activities that would result in substantial vibration levels, such as the use of heavy equipment. Operational groundborne vibration in the vicinity of development associated with the Housing Element Update would be primarily generated by vehicular travel on the local roadways. Therefore, traffic vibration levels associated with the expected additional trips from the Housing Element Update would not be perceptible by sensitive receivers. Impacts related to operational groundborne vibration would be less than significant.

Construction activities associated with housing development accommodated by the Housing Element Update would result in varying degrees of groundborne vibration depending on the equipment and methods employed. Although all buildings would be subject to potential impacts from construction vibration, buildings with historic significance would each have varying degrees of susceptibility to groundborne vibration damage depending on the structural integrity of said buildings. Therefore, new residential development accommodated under the Housing Element Update could result in a potentially significant impact related to construction vibration without implementation of the following mitigation measure.

Although most construction activities located in the city are not anticipated to have significant vibration impacts, it is possible that some development projects under the Housing Element Update could have significant vibration impacts during construction. This would most commonly occur when a development project using equipment that generates high vibration levels (e.g., pile driving or vibratory roller) would be located next to a historical resource constructed of fragile building materials, which is more sensitive to vibration damage, than structures that were built based on more recent building codes. However, Mitigation Measure NOI-3 would reduce vibration impacts associated with construction activities involving vibratory rollers within 50 feet of a structure or pile drivers (impact or sonic) within 140 feet of a structure. It is anticipated that Mitigation Measure NOI-3 would substantially reduce/control construction such that vibration levels would not exceed the Caltrans vibration criteria for building damage. Therefore, the vibration impacts from construction activities related to the Housing Element Update would be less than significant with mitigation

Mitigation Measure:

The following mitigation measure is included in the Draft EIR and the Final EIR and is applicable to the proposed Project.

NOI-3 Vibration Control Plan

For construction activities involving vibratory rollers within 50 feet of a structure or pile drivers (impact or sonic) within 140 feet of a structure, the applicant shall prepare a Vibration Control Plan prior to the commencement of construction activities. The Vibration Control Plan shall be prepared by a licensed structural engineer and shall include methods required to minimize vibration, including, but not limited to:

- Alternative installation methods for pile driving (e.g., pile cushioning, drilled piles, cast-in-place systems) within 140 feet of a building to reduce impacts associated with seating the pile

- Vibration monitoring prior to and during pile driving operations occurring within 140 feet of a building
- Use of rubber-tired equipment rather than metal-tracked equipment
- Avoiding the use of vibrating equipment when allowed by best engineering practices

The Vibration Control Plan shall include a pre-construction survey letter establishing baseline conditions at potentially affected extremely fragile buildings/historical resources and/or residential structures. The survey letter shall determine conditions that exist prior to the commencement of construction activities for use in evaluating potential damages caused by construction. Fixtures and finishes susceptible to damage shall be documented photographically and in writing prior to construction. The survey letter shall provide a shoring design to protect such buildings and structures from potential damage. At the conclusion of vibration causing activities, the qualified structural engineer shall issue a follow-up letter describing damage, if any, to impacted buildings and structures. The letter shall include recommendations for any repair, as may be necessary, in conformance with the Secretary of the Interior Standards. Repairs shall be undertaken and completed by the contractor and monitored by a qualified structural engineer in conformance with all applicable codes including the California Historical Building Code (Part 8 of Title 24).

A Statement of Compliance signed by the applicant and owner shall be submitted to the City' Building and Safety Division at plan check and prior to the issuance of any permit. The Vibration Control Plan, prepared as outlined above shall be documented by a qualified structural engineer, and shall be provided to the City upon request.

Finding:

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

7. Utilities/Service Systems

Impact UTIL-1: Reasonably foreseeable development under the proposed Project would require utility service and connections for water supply, wastewater conveyance, and stormwater conveyance, as well as telecommunications, electricity, and natural gas. Existing utility systems for water, electric power, natural gas, and telecommunications facilities in Burbank have sufficient capacity to serve reasonably foreseeable development. However, new connections to existing or expanded wastewater service systems would be required, and such connections could result in potentially significant environmental effects. Nonetheless, impacts would be less than significant with mitigation.

Support for this environmental impact conclusion is included in Recirculated Draft EIR Section 4.12, *Utilities/Service Systems*, and in particular, starting on page 4.12-22 of the Recirculated Draft EIR.

According to Section 4.12, *Utilities/Service Systems*, of the Recirculated Draft EIR, reasonably foreseeable development under the Housing Element Update would involve up to 10,456 new housing units by 2029. The Safety Element Update would not involve new development so would not affect utilities or service systems. The development of the City's Housing Element Update would require new services and for water supply, wastewater conveyance, and stormwater conveyance, as well as telecommunications, electricity, and natural gas. Therefore, the potential impact of the relocation, construction, or development of new and expanded facilities for various utility services in association with the Housing Element Update would be less than significant. Mitigation Measure UTIL-1 would require a sewer service constraints analysis that would be developed by the Public Works Department. The subsequent analysis would provide the necessary information to allow the Public Works Department to initiate work on preparing a fee study to identify a wastewater connection fee that facilitates the recovery of City's costs of future upgrades necessary to address identified constraints that are attributed to the type of development being proposed and proportional to the individual project's impact to the City's wastewater system. The development of a sewer service constraints analysis as designed and developed the Public Works Department (the plan for addressing existing and future demands), and the resulting wastewater connection fee, would be further bolstered by the City's establishment of a process to allow reimbursement agreements (approved as to form by the City Attorney and approved by the City Council), between the City and the developer for projects that must construct improvements to serve the project ahead of the City's implementation. The noted plan, cost recovery fee, and reimbursement agreement process collectively result in Mitigation Measure UTIL-1 would reduce the noted potential significant impacts to the City's wastewater conveyance system to less than significant.

Mitigation Measure:

The following mitigation measure is included in the Final EIR and is applicable to the proposed Project. In addition, the Recirculated Draft EIR includes Mitigation Measures UTIL-3a and 3b to reduce short-term impacts associated with the City's wastewater conveyance system, and Mitigation Measures UTIL-3c and 3d require the preparation of plans, and the implementation of infrastructure capacity and conveyance expansion and upgrades as needed by the infrastructure plans for long-term solutions. Refer to the findings under Section D.2, below.

UTIL-1 Sewer Service Constraints Analysis

The City will conduct an analysis to identify any sewer service constraints to determine if there are any sewer capacity issues and any constraints in the City's wastewater system including assessment of system capacity relative to the locations of opportunity sites identified in the Housing Element Update. The analysis will identify upgrades necessary to mitigate the constraints in the system to ensure that individual housing development projects implemented under the Housing Element can be completed and that sufficient capacity and conveyance in the wastewater system exists. However, if a proposed development has a construction schedule that the City cannot accommodate, the developer may be responsible for performing the necessary sewer infrastructure upgrades per Burbank Municipal Code (BMC) 8-1-304.

Based on the constraints identified in the analysis, the City's Public Works Department will prepare a nexus fee study to develop a fair share requirement in the form of a wastewater connection or similar project impact fee, which helps to pay for implementation of upgrades necessary to accommodate future development, including development of the opportunity

sites where deficiencies in the system are identified to exist. Through the fee study, subsequent cost recovery fees applied to individual housing development projects will be based on a rough proportionality related to demands on the system reasonably attributed to the development project.

In the event it is determined that necessary upgrades to serve a project cannot be completed by the City prior to project completion, the City may require the developer to perform the necessary sewer infrastructure upgrades (Per BMC 8-1-304) at cost to the developer, or may choose to enter into a reimbursement agreement so that a developer may fund and construct the improvements within the necessary timeframe with subsequent partial reimbursement. If the City and Developer mutually agree to enter into reimbursement agreement (approved as to form by the City Attorney and approved by the City Council), it would be administered by the City's Public Works Director on behalf of the City.

Finding:

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Recirculated Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

D. FINDINGS ON SIGNIFICANT AND UNAVOIDABLE IMPACTS

The following significant environmental impacts of the Project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact. Analysis of the proposed Project in the Draft EIR identified one significant and unavoidable impact, with regard to the issue of traffic congestion. Notwithstanding the disclosure of these impacts, the City Council elects to approve the Project due to overriding considerations as set forth below in Section 3, *Statement of Overriding Considerations*.

1. Transportation

Impact TRA-2. The Housing Element Update would reduce VMT in the three target populations. However, it would not reduce VMT more than the required 15 percent. Therefore, Project impacts and cumulative impacts related to VMT would be significant and unavoidable.

Support for this environmental impact conclusion is included in Draft EIR Section 4.11, *Transportation*, and in particular, starting on page 4.11-15 of the Draft EIR.

According to Section 4.11, *Transportation*, of the Draft EIR, a full buildout of the 2029 Housing Element Update would result in 39 percent less average VMT per capita, 3 percent less average total VMT per service population, and 7 percent less average VMT per employee compared to the 2021 SCAG region baseline. This result does not exceed the threshold of significance for average VMT per capita, but does exceed the thresholds of significance for average total VMT per service population and average VMT per employee. The analysis shows that the addition of new housing to the City in conformance with the goals and policies of the Housing Element provides a large reduction in VMT per capita because the Project improves the jobs-to-housing balance in Burbank, allowing more residents to live closer to their work location. The goals and policies of the Housing Element also reduce VMT per employee. However, since a large proportion of employees who work in Burbank live outside of Burbank, the reduction in VMT per employee due to the Project is not as large as the reduction in VMT per capita. In other words, adding housing supply affects resident travel behavior more so than employee travel behavior. Similarly, the Project provides a reduction

in total VMT per service population, but to a lesser extent than VMT per capita. This is because total VMT per service population includes non-home-based trips, such as heavy truck delivery trips (i.e., adding housing supply does not directly affect freight/logistics operations in the City). Therefore, while the Housing Element Update would reduce VMT for all three metrics, it would not reduce two of the metrics beyond the threshold of 15 percent. Since the Housing Element Update would exceed two of the three thresholds of significance, the project impacts would be significant and unavoidable.

The Housing Element Update envisions full buildout of the housing by 2029, with cumulative impacts being evaluated on full implementation. The significance thresholds used to assess the Housing Element's potential project-level VMT impacts (15% below baseline VMT per capita, VMT per employee, and total VMT per service population) were developed based on OPR guidance and were designed to support the State's long-term environmental goals. Since the project-level significance thresholds were designed to support long-term environmental goals, they inherently also address potential cumulative VMT impacts. Therefore, since the Housing Element has two significant and unavoidable project-level VMT impacts, these are also significant and unavoidable cumulative VMT impacts.

Potential Mitigation Measures:

Potential mitigation measures that would reduce the average total VMT per service population and average VMT per employee are generally project specific mitigation measures such as:

- Provide bicycle parking at employer locations
- Provide parking cash-out programs
- Provide car-sharing, bike sharing, and ride-sharing programs at employer locations
- Provide transit passes to employees
- Improve or increase transit accessibility to employer locations
- Improve pedestrian or bicycle networks, or transit service
- Provide traffic calming features on City roadways

These mitigation measures can be applied at the project specific level but are not feasible at the program level for a housing element as they are beyond the scope of the document. Therefore, there is no feasible mitigation available to reduce the impacts.

Finding:

The potential mitigation measures listed above are not feasible at the program level under the Housing Element Update. The measures are only feasible at an individual project level; therefore, the City of Burbank finds that there are no mitigation measures that are feasible to reduce the significant transportation impacts, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and, further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the EIR, as discussed in Section G of these Findings (Public Resources Code Sections 21081(a)(1) and (3); *CEQA Guidelines* Sections 15091(a)(1) and (3)). As described in the Statement of Overriding Considerations, the City has determined that this significant and unavoidable impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or Statewide environmental benefits, of the proposed Project outweigh its significant effects on the environment.

2. Utilities/Service Systems

Impact UTIL-3: Wastewater generated in the City of Burbank is conveyed to and treated at the Burbank Water Reclamation Plant (BWRP). Reasonably foreseeable development under the proposed project would increase wastewater generation commensurate with the increased population. Significant treatment capacity is currently available at the BWRP to treat increased wastewater generated as a result of the Project. However, based on the sewer generation rates that were calculated for the proposed Project, along with constraints within the City's treatment system, potentially significant impacts could result on a project-specific bases with no feasible mitigation at the current plan level. Therefore, Project impacts and (?) cumulative impacts would be significant and unavoidable.

Support for this environmental impact conclusion is included in Recirculated Draft EIR Section 4.12, *Utilities/Service Systems*, and in particular, starting on page 4.12-35 of the Recirculated Draft EIR.

According to Section 4.12, *Utilities/Service Systems*, of the Draft EIR, all wastewater generated in the City of Burbank is conveyed via sewer laterals to the sewer mainline, which conveys wastewater to the BWRP for treatment and reuse as applicable. The BWRP has a design capacity of 12.5 million gallons per day (mgd) and currently treats approximately 8.5 mgd (BWP 2021a), leaving approximately 4 mgd of available capacity. The BWRP produces a disinfected tertiary effluent that is discharged to either the Burbank Western Channel or the City's recycled water distribution system for non-potable use, which is conducted in compliance with an existing NPDES permit issued by the Los Angeles RWQCB. The City has substantially expanded its recycled water program through petitions filed with and approved by the SWRCB, to change the place of use and purpose of use for treated wastewater from the BWRP to the Burbank Western Channel, which flows to the Los Angeles River (SWRCB 2018). Further, average daily flow rates to BWRP have decreased in recent years due to the successful implementation of water conservation measures that have resulted in less wastewater generated per capita. Water usage is projected to increase to 150 gallons per capita per day (gpcd) for 2025, and then gradually increase by 2045 to 170 gpcd (BWP 2021a). Wastewater generation would be reduced by water reuse efforts and programs, which are currently being expanded by BWP, such as reusing graywater for landscaping and other non-potable purposes.

The proposed Housing Element Update would increase wastewater generation and the amount of wastewater conveyed to the BWRP for treatment.

The estimated wastewater generated by the Project was calculated using the City's Department of Public Works sewage generation rates, including a 2.5 peaking factor, to determine if the existing sewer system has the adequate capacity to convey sewage from the existing properties and the proposed developments.¹ As discussed in Section 2, *Project Description*, of the Recirculated Draft EIR, the estimated growth for the purpose of the EIR analysis is 10,456 housing units to account for the 2029 interpolated housing growth assumed under the two Specific Plans along with the City's RHNA allocation. Furthermore, the City projects approximately 1.4 million square feet of new commercial space (with an allowance of up 10 percent of that to be restaurant space) as part of the Housing Element Update. Based on the City's wastewater generation rates (and including a peaking factor of 2.5), the Project would generate an estimated 6.3 million gallons per day (mgd) (Burbank, N.d).² As previously stated, the BWRP's current available treatment capacity is

¹ City of Burbank Public Works Department sewage generation rates available at:

<https://www.burbankca.gov/documents/174714/1196790/Sewage+Generation+Rates.pdf/5a6181e4-4f22-906e-bc32-9c29b18cb417?t=1618365964641>.

² Per the City's wastewater generation rates, multi-family apartment units generate 183 gallons per day (gpd) per unit, single-family residences generate 215 gpd per unit, restaurants generate 2,272.65 gpd per 1,000 sf, and commercial/retail uses generate 85.39 gpd per 1,000 sf. It is

approximately 4 mgd, which would not be sufficient to accommodate the estimate of 6.3 mgd of wastewater generated by a full buildout of the proposed Housing Element Update.

The City of Burbank Public Works Department is responsible for maintaining, replacing, and upgrading the City's sewer collection and treatment system. The Public Works Department conducts repairs and upgrades as necessary to accommodate the wastewater conveyance and treatment demands throughout the City. As specific development projects are proposed and evaluated, General Plan Land Use Element Policy 2.3 would require developers to pay their fair share for infrastructure improvements as needed to serve their project, and ensure that needed infrastructure and services are available prior to or at project completion, this may include the requirement that the developer pays for and performs the necessary sewer infrastructure upgrades, per Burbank Municipal Code (BMC) section 8-1-304. In addition, the projected wastewater generation rates identified herein do not account for the effectiveness of ongoing and future conservation programs at reducing water use rates and associated wastewater generation rates. Wastewater generation rates will likely be less than projected herein as water use efficiencies reduce water use rates and corresponding wastewater generation rates. However, as discussed in Impact UTIL-1, based on the City's most recent analysis of the sewer system, constraints within the system could result from subsequent build out of housing development projects under the Project depending on location, timing, and size/scale of the project, and it cannot be assumed that necessary upgrades can always be completed prior to project completion based on the constraints. As a result, measures under Mitigation Measure UTIL-1 provide for an updated sewer service constraints analysis that identifies any such constraints and necessary mitigations relative to each opportunity site identified in the Project. The measure also requires an assessment of the need to prepare a cost of service and rate study to determine the updated sewer service charges and sewer facilities charges for the recovery of development fees for implementation of the upgrades necessary to address project impacts and the identified constraints. This may also result in the creation of a process for reimbursement agreement (approved as to form by the City Attorney and approved by the City Council) for projects that must construct improvements to serve the project ahead of the City's implementation. To reiterate, the developer may also be required to pay for and build improvements to the wastewater system as of result of their project impacts.

Although significant treatment capacity is currently available at the BWRP to treat wastewater generated because of the Project, the BWRP's capacity is 4 mgd, which would not be sufficient to accommodate a conservative estimate of 6.3 mgd of wastewater generated by a full buildout of the Housing Element Update. Therefore, the Housing Element Update would result in potential significant impacts to wastewater treatment capacity, and the proposed Project would contribute to a cumulatively significant impact associated with wastewater generation.

Mitigation Measures UTIL-1 and UTIL-3a through UTIL-3d would address potential impacts related to the City's wastewater conveyance system but would not reduce potential impacts to a level of less than significant due to the exceedance of the available wastewater treatment capacity at BWRP associated with full buildout of the Housing Element Update. Mitigation Measures UTIL-3a and 3b would reduce short-term impacts, and Mitigation Measures UTIL-3c and 3d require the preparation of plans, and the implementation

assumed that 10% of the mixed-use area is allocated to restaurants and 90% is allocated to retail. Therefore, based on these rates and a 2.5 peak factor, the Project will generate 6,275,625.16 gpd:

$2.5 * [(5,385 \text{ multi-family units} * 183 \text{ gpd/unit}) + (5,071 \text{ single-family units} * 215 \text{ gpd/unit}) + (1,285,947 \text{ sf of commercial/retail use} * 0.08539 \text{ gpd/sf}) + (142,883 \text{ sf of restaurant use} * 2.27265 \text{ gpd/sf})]$

$2.5 * [985,455 \text{ gpd} + 1,090,265 \text{ gpd} + 109,807.01 \text{ gpd} + 324,723.05 \text{ gpd}]$

$2.5 * 2,510,250.06 \text{ gpd} = 6,275,625 \text{ gpd}$

of infrastructure capacity and conveyance expansion and upgrades as needed by the infrastructure plans for long-term solutions.

Mitigation Measures:

The following mitigation measures are included in the Recirculated Draft EIR and the Final EIR and are applicable to the proposed Project.

UTIL-3a Sewer System Upgrades by Developers

A Sewer Capacity Analysis (SCA) shall be required for individual housing projects of five (5) or more multi-family units, so the City may identify sewer infrastructure upgrades that can be implemented by developers when a nexus and rough proportionality is established between proposed project(s) impact to City sewer infrastructure. The SCA must be completed as part of the City's development review process or prior to the submittal of plan check documents, whichever occurs first.

UTIL-3b Sewage Diversion

Per the City's Public Works Department there are several locations throughout the City of Burbank where sewage can potentially be diverted away from the BWRP and conveyed to the City of Los Angeles' Hyperion wastewater treatment system. As a short-term measure, diversion of sewage may be used to alleviate capacity concerns for certain sewage conveyance pipelines (but not all pipelines) as well as temporarily lowering the influent flows to the BWRP. Diverting flows to the Los Angeles system would result in an increase in one-time Sewer Facility Charges (SFCs) and other recurring annual charges (capital improvement and operation & maintenance fees) that shall be paid to the City of Los Angeles. Therefore, if the sewage analysis determines that diversion is feasible, the applicant will be required to contribute a fair share fee, which shall be estimated based on the preliminary billing estimates received from the City of Los Angeles, to offset to the cost of diversion to the City of Los Angeles.

UTIL-3c Sewer System Master Plan

The City shall prepare a new Sewer System Master Plan in 2023 to evaluate the City's sewer conveyance and treatment system over the next twenty years, which is inclusive of the proposed Housing Element update planning and implementation period, as well as developing the appropriate sewer facility impact fees to ensure that developers pay their fair share of the cost to expand and upgrade the capacity of the BWRP treatment facilities.

UTIL-3d Expansion and Upgrades to BWRP Treatment Facilities

The City shall expand and upgrade the BWRP treatment facilities as needed consistent with the City's Sewer System Master Plan including but not limited to, the acquisition of land adjacent to the BWRP facilities, the addition of new primary clarifiers, increased capacity in the equalization basins, and upgrades to other parts of the sewage treatment process.

Finding:

The full implementation of the potential mitigation measures listed above, which includes upgrades to the City's existing infrastructure, will be a prolonged process that would occur post the approval of the Project

and are not feasible at the time of approval of the Project. Additionally some of the mitigation measures are only feasible at the individual project level; therefore, the City of Burbank finds that there are no mitigation measures that are feasible to reduce the significant transportation impacts, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and, further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the EIR, as discussed in Section G of these Findings (Public Resources Code Sections 21081(a)(1) and (3); CEQA Guidelines Sections 15091(a)(1) and (3)). As described in the Statement of Overriding Considerations, the City has determined that this significant and unavoidable impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or Statewide environmental benefits, of the proposed Project outweigh its significant effects on the environment.

E. Findings on Recirculation

CEQA Guidelines Section 15088.5 requires a lead agency to “recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification. As used in this section, the term ‘information’ can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

Comment letters received on the Draft EIR and responses to those comments provided in the Final EIR identified new mitigation measures that required recirculation. As such, the Biological Resources and Utilities/Service Systems sections of the Draft EIR were revised to include additional mitigation measures. The Recirculated Draft EIR was available for public review starting July 22, 2022 and concluded on September 6, 2022. The Findings above the Biological Resources and Utilities/Service Systems impacts reflect that of the Recirculated Draft EIR.

F. Findings on Project Alternatives

Pursuant to Section 15126.6(a) of the *CEQA Guidelines*, an EIR shall describe a range of reasonable alternatives to the Project that would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project and evaluate the comparative merits of the alternatives. Only those impacts found significant and unavoidable are relevant in making the final determination of whether an alternative is environmentally superior or inferior to the proposed Project.

Alternatives Considered but Rejected

In accordance with *CEQA Guidelines* Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis, but rejected as infeasible and briefly explain the reasons for their rejection. According to *CEQA Guidelines*, among the factors that may be used to eliminate alternatives from detailed consideration are the alternative’s failures to meet most of the basic Project objectives, the alternative’s infeasibility, or the alternative’s inability to avoid significant environmental impacts. The following possible alternatives were considered, but not carried forward for additional analysis, since they would not accomplish most of the basic objectives of the Project or were considered infeasible.

- Relocating housing units to the undeveloped mountain area in the northeastern portion of the city was considered as an alternative. This alternative would have placed residences in the high fire area, which would be in conflict with the Safety Element of the Burbank2035 General Plan. Therefore, this scenario was rejected from further consideration.
- Increasing density in the single-family residential neighborhoods and away from freeway corridors was considered. This would not reduce any significant and unavoidable impacts of the proposed Project as it would increase VMT. Additionally, this would require revisions to Land Use Policy 8.1 of the City's General Plan, which aims to limit development in the Low-Density Residential land use designation to detached single-family homes, with the exception of areas with R-2 zoning where development is limited to single-family homes and duplexes.
- The Project includes up to a 14 percent buffer to the RHNA so including a reduced RHNA buffer was considered as an alternative as it could reduce significant VMT impacts. However, in order to comply with State requirements, a sufficient buffer to the RHNA is needed therefore this alternative would not be feasible and was rejected from further consideration.

Alternatives Considered for Further Analysis

Alternative 1: No Project Alternative

In accordance with the *CEQA Guidelines* Section 15126.6(e)(2), "the no project analysis shall discuss the existing conditions ..., as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." The *CEQA Guidelines* Section 15126.6(e)(3)(B) continue to state that "in certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained." In essence, the No Project Alternative is described and analyzed in order to enable the decision-makers to compare the impacts of approving the Project with the impacts of not approving the Project.

The No Project Alternative involves continued implementation of the existing 2013-2021 Housing Element and a continued growth rate predicted by SCAG to yield 3,591 units by 2029. The No Project Alternative assumes that the City's existing plan and policies would continue to accommodate development in accordance with existing land use designations. Ultimately, this alternative would not fulfill the State requirements regarding updates to the Housing Element including SCAG's RHNA allocation.

Due to the limitation placed on development in the City under existing plans and policies, the No Project Alternative would not be consistent with Objective 1, which aims to accommodate employment, housing, and population growth projections forecasted through the planning horizon year of 2029 and Objective 4, which aims to facilitate affordable housing options throughout the City.

Conclusion:

The No Project Alternative would result in less impacts to air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, noise, population and housing, public services, recreation, and utilities and service systems due to the decrease in residential units developed. However, impacts relating to transportation and traffic would be greater than under the Project as the VMT for the City would not be reduced by the 15 percent required for each of the three service populations because there would not be sufficient population added to the area surrounding the transit corridors and employment areas to reduce driving distances. Furthermore, the No Project Alternative would not fulfill Project Objective 1 because the continued implementation of the existing 2013-2021 Housing Element would result in the development of fewer residential units and therefore, would be unable to

accommodate employment, housing, and population growth projections forecasted through the planning horizon year of 2029. In addition, the No Project Alternative would not fulfill Project Objective 4 because continued implementation of the existing 2013-2021 Housing Element would limit additional affordable housing options throughout the City.

Finding:

The findings of the proposed Project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed Project and the elimination of the No Project Alternative from further consideration

Alternative 2: City Build-Out

The City Build-Out Alternative would involve the buildout of 18,600 units, which would bring the City residential units up to the limit established by Measure One. This would be 8,144 units over the proposed 2021-2029 update to the Housing Element. These units would be placed in the Medium Density, High Density and Various Commercial zone districts. No units would be proposed in the Low-Density Residential district. The following table shows the distribution of units throughout these zone districts and the conformity to the maximum allowed under City’s adopted Measure One.

Alternative 2 – Measure One Unit Distribution and Conformity

	Alternative 2 Proposed Units	Measure One Maximum Build-Out
Low Density Residential	0	22,225
Medium Density Residential	2,000	11,502
High Density Residential	8,000	15,910
Various Commercial	8,600	12,010
Total	18,600	61,647

Measure One Build-Out is from LU-3 on page 3-26 of the Burbank2035 General Plan

The City Build-Out Alternative would increase density throughout the city and in order to accommodate this increase in density, housing would be located within the commercial corridors.

Conclusion:

The City Build-Out Alternative would increase density throughout the City by accommodating the additional units in the Medium Density, High Density and Various Commercial zone districts. This alternative would result in less impacts to transportation and traffic as the reduction in VMT over the SCAG region would be greater than that of the proposed Project. However, impacts relating to air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, noise, population and housing, public services, and recreation would be higher than under the Project due to the 78 percent increase in residential units developed. In addition, the increase in residential units would require new connections for water supply, wastewater conveyance and sufficient capacity for wastewater treatment, electricity use, solid waste disposal, and telecommunications and would likely result in the construction of new water, wastewater, electricity, solid waste and telecommunications facilities to serve the expanded population. Therefore, impacts relating to utilities and service systems under this alternative would be significant and unavoidable, resulting in greater impacts than under the Project. Furthermore, the

City Build-Out Alternative would not fulfill Objective 2 as it would change the character of existing neighborhoods by increasing the density.

Finding:

The findings of the proposed Project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed Project and the elimination of the City Build-Out Alternative from further consideration.

Environmentally Superior Alternative

Draft EIR Table 6-3, *Impact Comparison of Alternatives*, summarizes the comparative analysis presented above (i.e., alternatives compared to the proposed Project), and indicates whether each alternative's environmental impact is greater than, less than, or similar to that of the proposed Project for each of the issue areas studied. Based on the alternatives analysis, Alternative 1 would be the environmentally superior alternative.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and *CEQA Guidelines* Section 15093, the City of Burbank has balanced the benefits of the proposed Project against the following significance and unavoidable adverse impacts associated with the proposed Project and has adopted all feasible mitigation measures with respect to transportation and utilities. The City also has examined alternatives to the proposed Project. None of the alternatives analyzed in the EIR concurrently meet the Project objectives and is environmentally preferable to the Project.

Regarding a Statement of Overriding Considerations, *CEQA Guidelines* Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (b) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

A. BACKGROUND

CEQA requires decision makers to balance the benefits of the proposed Project against its significant unavoidable environmental risks when determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse effects, those effects may be considered “acceptable” (*CEQA Guidelines* Section 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (*CEQA Guidelines* Section 15093[b]). The agency’s statement is referred to as a Statement of Overriding Considerations.

The following sections provide a description of each of the Project’s significant and unavoidable adverse impacts and the justification for adopting a statement of overriding considerations.

B. SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

The following adverse impacts of the proposed Project are considered significant, unavoidable, and adverse based on the Draft EIR, Recirculated Draft EIR, Final EIR, Mitigation Monitoring and Reporting Program, and the findings discussed in Section II, *Findings and Facts*, of this document.

- *Impact to Transportation (VMT)*. According to Section 4.11, *Transportation*, of the Draft EIR, a full buildout of the 2029 Housing Element Update would result in 39 percent less average VMT per capita, 3 percent less average total VMT per service population, and 7 percent less average VMT per employee compared to the 2021 SCAG region baseline. This result does not exceed the threshold of significance for average VMT per capita, but does exceed the thresholds of significance for average total VMT per service population and average VMT per employee. The

analysis shows that the addition of new housing to the City in conformance with the goals and policies of the state-mandated Housing Element provides a large reduction in VMT per capita because the Project improves the jobs-to-housing balance in Burbank, allowing more residents to live closer to their work location. The goals and policies of the Housing Element also reduce VMT per employee. However, since a large proportion of employees who work in Burbank live outside of Burbank, the reduction in VMT per employee due to the Project is not as large as the reduction in VMT per capita. In other words, adding housing supply affects resident travel behavior more so than employee travel behavior. Similarly, the Project provides a reduction in total VMT per service population, but to a lesser extent than VMT per capita. This is because total VMT per service population includes non-home-based trips, such as heavy truck delivery trips (i.e., adding housing supply does not directly affect freight/logistics operations in the City). Therefore, while the Housing Element would reduce VMT for all three metrics, it would not reduce them beyond the threshold of 15 percent for two of the metrics. Potential mitigation measures that would reduce the average total VMT per service population and average VMT per employee are generally project specific mitigation measures (e.g., provision of bicycle parking, parking cash-out programs, traffic calming measures) but are not feasible at the program level for a housing element as they are beyond the scope of the document. Therefore, there is no feasible mitigation available to reduce the impacts. Since the Housing Element Update would exceed two of the three thresholds of significance with no feasible mitigation, Project impacts would be significant and unavoidable.

- *Impact to Utilities/Service Systems (Wastewater Treatment Capacity)*. Wastewater generated in the City of Burbank is conveyed to and treated at the Burbank Water Reclamation Plant (BWRP). Reasonably foreseeable development under the proposed Project would increase wastewater generation commensurate with the increased population. Significant treatment capacity is currently available at the BWRP to treat increased wastewater generated as a result of the Project. However, the BWRP's capacity is approximately 4 mgd, which would not be sufficient to accommodate a conservative estimate of 6.3 mgd of wastewater generated by a full buildout of the Housing Element Update. Therefore, the Housing Element Update would result in potentially significant impacts to wastewater treatment capacity.

Mitigation Measures UTIL-1 and UTIL-3a through UTIL-3d would address potential impacts related to the City's wastewater conveyance system, but would not reduce potential impacts to a level of less than significant due to the exceedance of the available wastewater treatment capacity at BWRP associated with full buildout of the Housing Element Update. Mitigation Measures UTIL-3a and 3b would reduce short-term impacts, and Mitigation Measures UTIL-3c and 3d require the preparation of plans, and the implementation of infrastructure capacity and conveyance expansion and upgrades as needed by the infrastructure plans for long-term solutions. Nonetheless, based on the sewer generation rates that were calculated for the proposed Project, along with constraints within the City's treatment system, potentially significant impacts could result on a project-specific bases with no feasible mitigation at the current plan level. Therefore, impacts would be significant and unavoidable.

C. CONSIDERATIONS IN SUPPORT OF THE STATEMENT OF OVERRIDING CONSIDERATIONS

After balancing the specific economic, legal, social, technological, and other benefits of the proposed Project, the City of Burbank has determined that the unavoidable, adverse environmental impacts identified above are considered “acceptable” due to the following specific considerations (i.e., objectives), which outweigh the unavoidable, adverse environmental impacts of the proposed Project.

- **Meets the City’s fair share of the regional housing need to accommodate projected population growth within the City and region**

As established by SCAG, the City’s RHNA allocation for the 2021-2029 planning period (6th RHNA cycle) is 8,772 units, which is distributed among four income categories. The Project includes goals, policies and programs with specific timeframes for implementation that are proof of the City’s commitment facilitate new affordable, workforce, and market rate housing units consistent with Burbank’s RHNA allocation through the year 2029, and identifies any rezoning program needed to reach the required housing capacity. Additionally, the City is required to provide a sufficient buffer beyond that required by the RHNA to ensure that adequate site capacity exists throughout the eight-year planning period. To accommodate the RHNA allocation plus an additional buffer, the Housing Element includes a housing program to rezone additional opportunity sites through adoption of two specific plan projects: the Downtown Transit-Oriented-Development Specific Plan (Downtown TOD) and the Golden State Specific Plan (GSSP). City Council consideration of the adoption of these Specific Plans at a future date will provide the necessary zoning, objective development and design standards, and streamlining of processing procedures to facilitate the production of the shortfall of housing units required to accommodate the City’s RHNA during the Housing Element planning period. The zone changes required by these Specific Plans will be considered for adoption by the City Council in 2022-2023, or within three years of the start of the planning period as required by State law. With the additional rezone sites the City would exceed the RHNA requirement by 1,239 units with an additional 2,442 units accommodated.

- **Supports the affordable housing strategy adopted by the City Council to build 12000 new housing units by 2035**

In 2019 the City Council adopted the affordable housing strategy to facilitate the building of 12,000 new housing units by 2035 to provide new affordable housing and workforce housing opportunities to help address the three-to-one jobs to housing imbalance in the City. Consistent with the goals of the affordable housing strategy, the Project provides policies and programs to facilitate accommodation of the City’s RHNA allocation of 8,772 units, and identifies housing opportunity sites to accommodate the projected housing development for the Project’s 2021-2029 planning period. The Project incorporates several programs as a part of 2021-2029 Housing Element Housing Plan to ensure provision of different types of housing for all economic segments of community, including the *Public/Private Partnerships on City Land* program to facilitate collaboration with private developers to provide housing on publicly owned land, the *Employer Assisted Housing* program to engage major employers in the City for establishing employer assisted housing programs for local workforce, and *Homeless Housing and Services* program to implement strategies identified in Burbank Homelessness Plan and update the Plan for the 2022-2027 time period with measurable outcomes, funding and time frames for implementation.

▪ **Preservation of local control**

Approval and adoption of the Project is essential to the City's long-term goals of preserving local control in land uses planning and facilitate the production of affordable, workforce and market rate housing tailored to the needs of the community. In absence of a compliant 6th cycle Housing Element, the City will be subject to a range of penalties, including potential litigation from housing rights' organizations, developers, and enforcement actions from HCD. Based on a legal challenge, the Courts will also have the authority to take away the City's permitting authority for all other building permits aside from housing related permits and can impose fines of up to \$100,000 per month until the Housing Element is brought into compliance. Additionally, in absence of an HCD approved Housing Element, the City will be required to provide ministerial review and approval for any new housing project, which includes affordable housing on any site that is zoned (or will be zoned in future) for multi-family residential development.

▪ **Maintain eligibility for State grants and fundings**

Approval and adoption of the Project is essential for maintaining eligibility for State grants and fundings. In absence of a compliant 6th cycle Housing Element, the City will no longer be eligible for any housing grants or other State administered grant and loan programs. State grants and loan programs that the City has participated previously include State LEAP and REAP grants totaling more than \$800,000 dollars to pay for the development of the Golden State and Downtown Transit Oriented Development specific plans, the Media District Specific Plan Update, the Housing Element Update, and grant funds of over three million dollars including Federal HOME funds, Permanent Local Housing Allocation Fund (PLHA), federal funds for Rental Assistance Vouchers program and restricted housing funds to facilitate the Committed Assistance program.

▪ **Enhances housing opportunities for disabled people**

Over ten percent of Burbank's population is identified by the Census as having one or more disabilities. The 2021-2029 Housing Element Housing Plan and the AFFH component of the Project includes programs and policies to enhance housing opportunities for disabled members of community. Specifically, Program No. 26 *Housing for Persons with Disabilities* focuses on provision of housing for persons with disabilities, including persons with developmental disabilities, by encouraging developers to incorporate Home Universal Design features, which ensures housing can be used by people throughout their lifespan and expediting permit processing for housing developments that include home universal design features for disabled people beyond the minimum requirements of State building codes and Americans with Disabilities Act (ADA). Moreover, as a part of the Downtown TOD Specific Plan, the City will incentivize streamlined land use entitlement procedures for accessible units beyond the State required minimums and incorporate home universal design features in new developments.

▪ **Conserves and enhances the quality of existing housing and neighborhoods**

The Project identifies state-mandated housing opportunity sites to accommodate the City's RHNA allocation for the 2021-2029 planning period within the Downtown TOD and Golden State specific plan areas. The opportunity sites were selected due to their proximity to major transit stations, which enables higher density residential development away from the existing single-family residential neighborhoods and facilitates gradual transition in height between existing residential neighborhoods and proposed development. Additionally, the Project incorporates the 2021-2029 Housing Element Housing Plan that includes a series of housing programs with specific actions for addressing the City's diverse housing needs. Specifically, Program No. 2 *Community Preservation Program* is targeted towards preserving and protecting the City's existing residential neighborhoods. Therefore, the Project will promote housing development to address the diverse

needs of the community, while continue to focus on preserving the existing residential neighborhoods within the City.

Furthermore, the proposed Project would also include minor updates to the Safety, Land Use, Open Space and Conservation, Air Quality and Climate Change, Noise, and Mobility Elements, and the incorporation of environmental justice policies into the Burbank2035 General Plan as required by State law that would contribute to an enhanced living environment. Specifically, the Safety Element Update is triggered by various new provisions of State law, and the environmental justice policies would be added pursuant to the requirements of SB 1000, which requires that revisions or adoption of two or more elements of a general plan on or after January 1, 2018, “adopt or review the Environmental Justice Element, or the environmental justice goals, policies, and objectives in other elements” to focus on the inclusion of disadvantaged communities (“DACs”) in the public input and decision making process as well as increasing protections for these communities. Amendments incorporate data and maps, address vulnerability to climate change, incorporate policies and programs from the City’s Hazard Mitigation Plan and the Greenhouse Gas Reduction Plan, as well as partial or full integration of other City documents and programs (including but not limited to: Ready Burbank and the Emergency Survival Program). Key areas of the Burbank Safety Element Update include updated flooding and fire hazard maps, emergency response and preparedness, especially as they relate to the City’s projected climate change exposure, and vulnerability.

Additionally, as discussed in Section 4.3, Cultural Resources, of the Draft EIR, none of the proposed Project sites were identified as known historic resources in the City’s Historic Preservation Plan (1999) or Context Report (2009). However, a review of the developmental history and property status of the proposed rezone properties identified 68 parcels in the Housing Element Update inventory properties that possesses potential historic-period buildings and/or structures, which include housing buildings. All projects that would be permitted under the proposed update to the Housing Element and the associated zone changes would be subject to additional CEQA review during the Development Review and/or any other applicable permitting process. Therefore, adherence to the requirements of the Historic Resource Management Ordinance, Plan Realization, Program LU-4: Historic Preservation would ensure that all properties are surveyed to determine if they are eligible for listing as a historic resource. However, impacts could still arise if a Permit to Alter a Historic Resource was issued allowing for the alteration or demolition of an eligible resource. Therefore, Mitigation Measure CUL-1 has been included in the Draft EIR to reduce any potential impacts to historic-related period resources associated with the Housing Element Update.

▪ **Improves the three -to-one jobs to housing imbalance in the City**

The proposed housing growth under the Project will address the existing three-to-one jobs to housing imbalance within the City. The Downtown TOD and Golden State specific plans will include rezoning of identified opportunity sites and establishment of objective design standards that will facilitate development of high-density transit-oriented residential neighborhoods near the existing job centers within the City. The Project will facilitate mixed-use and infill development on existing parcels, providing affordable housing for existing and future workforce within the City.

▪ **Provides housing sites that accommodate a range of housing types to meet the diverse needs of existing and future residents**

The 2021-2029 Housing Element Housing Plan includes programs that will facilitate development of housing for all economic segments of the community. As previously mentioned, the housing opportunity sites are located with the proposed Downtown TOD and Golden State specific plan areas, which will include rezoning

of existing opportunity sites to allow development of adequate housing and establish objective design standards to incentivize development of housing on the identified opportunity sites. Consistent with Burbank2035 General Plan Land Use Element Goal 5 Policies 5.1, 5.2 and 5.3, the 2021-2029 Housing Element Housing Plan includes programs such as *Housing Opportunity Sites and Rezone Program*; *Promotion and Monitoring of Accessory Dwelling Units (ADUs)*; *Monitoring No Net Loss and development on sites from prior planning period*; and *Public-Private Partnerships on the City land*, to ensure provision of a variety of housing types that include new workforce and affordable housing opportunities for all economic segments of the community. Additionally, Program No. 21 *Zone Text Amendment for Special Needs Housing* focuses on facilitating provision of a variety of housing types for persons with special needs including group homes, Low Barrier Navigation Centers, and affordable homes for large families.

- **Continues to facilitate the development of housing affordable for all economic segments of the community**

The Project includes policies and programs to facilitate provision of a variety of housing for all economic segments of the community. The 2021-2029 Housing Element Housing Plan programs that facilitates development of affordable and mixed income housing include *Facilitate Development of Affordable Housing on Non-Vacant Sites*; *Inclusionary Housing Ordinance*; *Density Bonus Ordinance*; *Affordable Homeownership Program*; *Employer Assisted Housing*; *Development Impact Fees for Affordable Housing*; and *Transitional and Supportive Housing* program. These programs incentivize affordable housing for workforce population, large families, and special needs population as well as promote home ownership opportunities for low and extremely-low-income households by streamlining permit processing, establishing objective design standards, and waiving development impact fees for affordable housing units.

Overall, the proposed Project would provide a framework for accommodating new housing at all levels of affordability during the 8-year planning period (Oct. 2021- Oct. 2029) that is within access to major transit and employment centers and near neighborhood serving uses and public and private open space amenities. New housing units may occur anywhere in the City where residential uses are permitted, as well as in areas that may be rezoned in the future to allow for multi-family residential and mixed-use residential of adequate density to meet State-required housing production and affordability targets.

- **Promote alternate modes of transportation**

The housing opportunity sites for the 2021-2029 Housing Element planning period are focused within the proposed Downtown TOD and Golden State specific plan areas to encourage workforce and affordable housing development near the City's job centers and major transit stations and corridors. The proposed specific plans are envisioned to include objective development standards to promote mixed-use and infill development that integrate with the existing transit nodes and connections and pedestrian spaces to make alternative modes of transit more convenient and accessible and encourage the use of alternative modes of transit such as public transit, biking and walking, consistent with Burbank3035 Mobility Element Goal No. 8 Policies No. 8.3 and Goal No. 9 and Policy No. 9.3. Moreover, increase in the use of alternate modes of transportation will reduce total Vehicle Miles Traveled or "VMT" (per capita, per service population, and per employee) across several trips.

▪ **Focuses on removing governmental constraints to the maintenance, improvement, and development of housing**

The Project will facilitate housing by establishing objective design and development standards and streamlined approval process for new housing development. Specifically, the 2021-2029 Housing Element Housing Plan programs including *Objective Development Standards* and *Updated Multi-family Development Standards* will focus on establishing clear and objective development standards that create greater certainty for developers. Moreover, as a part of these programs, the specific plan updates will include ministerial approval for certain eligible projects that comply with applicable City Density Bonus and Inclusionary Housing regulations. Furthermore, the Project will incentivize development of affordable and mixed-income housing by waiving development fees for qualifying housing projects (*Development Fee Waivers*), by facilitating creation of larger development sites (*Lot Consolidation Program*), by establishing ministerial approval for special needs housing (*Zone Text Amendment for Special Needs Housing*), and by streamlining the project review and approval process (*Updated Project Appeal Procedures*) for housing developments.

▪ **Promotes infrastructure upgrades and efficient use of land**

The housing opportunity sites identified under the Project and the proposed specific plan updates that include the rezone of opportunity sites to promote high density infill development will facilitate higher economic use on the sites that are currently economically and/or physically underutilized. Moreover, the Project will facilitate infrastructure upgrades, inclusive of upgrades to the City's wastewater infrastructure and improvements to pedestrian and bicycle networks that are included as a part of mitigation measures in the Draft EIR to support the projected housing growth, which includes the implementation of short and long-term solutions that will increase the long-term sustainability of existing infrastructure within the City.

▪ **Promotes non-discrimination and ensures fair and equal housing opportunities for all persons**

The 2021-2029 Housing Element Housing Plan incorporates programs such as *Fair Housing/Affirmatively Furthering Fair Housing (AFFH)* and *Landlord-Tenant Services and Mediation* that promotes fair housing by creating awareness about fair housing practices and prevents potential displacements and homelessness. Furthermore, the AFFH component of the Project identifies the impediments to fair housing and provides quantifiable measures to address them including, incentivizing housing for disabled persons, establishing streamlined review process as a part of specific plan updates, developing ADU prototypes for streamlining ADU review process, adopting regulatory tools to incentivize small lot consolidation, and updating local inclusionary housing and density bonus ordinance to promote affordable homeownership.

▪ **Incorporates Mitigation Measures and Alternatives Analysis and Meets All Project Objectives**

The City finds that all feasible mitigation measures have been imposed to lessen Project impacts to less than significant levels; and furthermore, that alternatives to the Project are infeasible because while they have similar or less environmental impacts, do not provide all the benefits of the Project, or are otherwise socially or economically infeasible when compared to the Project. Further, the Project would meet all the Project objectives identified in the EIR and discussed above:

- Meet the City's fair share, plus a reasonable buffer, of the regional housing need to accommodate projected population growth within the City and region consistent with the Regional Housing Needs Assessment (RHNA) allocation
- Conserve and enhance the quality of existing housing and neighborhoods
- Provide housing sites that accommodate a range of housing types to meet the diverse needs of existing and future residents

- Continue to facilitate the development of housing affordable for all economic segments of the community and make inroads in addressing the City's jobs-to-housing imbalance
- Focus on removing governmental constraints to the maintenance, improvement, and development of housing
- Promote non-discrimination and fair and equal housing opportunities for all persons including the disadvantage communities

▪ **Contributes Towards the City's Economic Base**

The Project would provide a positive contribution to the maintenance and expansion of the City's economic base. The adoption of the Project would lead to new housing developments under the Project resulting in the redevelopment of underutilized properties which will produce new property taxes, new building permit fees, and development impact fees that help support the upgrade to community facilities and City infrastructure to support the needs of existing and future residents. As part of this effort, the City will prepare a new Sewer System Master Plan to evaluate the City's sewer conveyance and treatment system over the next twenty years and develop the appropriate sewer facility impact fee to ensure that developers pay their fair share of the cost for development while also assisting the City with needed upgrades to the City's infrastructure. Moreover, Housing Plan Program No. 17 (Objective Development Standards) will establish new objective development and design standards to facilitate housing that provide for the inclusion of green building design features to promote conservation and efficient use of resources and renewable building materials, as well as identification of new infrastructure to support the housing development, which will in turn aid in identification of any needed future updates to the City's Development Impact Fee Program required to facilitate new housing consistent with the City's Housing Element and applicable State laws.

Additionally, provision of a variety of housing opportunities will not only create opportunities to attract and support other commercial and service-based uses in the City, which would generate additional tax revenue for the City from living and shopping in Burbank, but it would also create new opportunities to house existing employees that currently commute into the community to work at the City's major employment centers, which includes the major entertainment studios. Create new opportunities for people to live, work and play in the community through this Project will add the City's economic and tax base by allowing employees to live and buy services locally, pay local sales and property taxes, which in turn support local businesses while also providing funding in the form of City general fund revenue to support more high-quality services to the benefit of the entire community.

D. CONCLUSION

The Burbank City Council has balanced the Project's economic, social, and environmental benefits against the significant unavoidable impacts related to transportation and utilities. The City Council finds that the Project's benefits of implementing the proposed Housing and Safety Element Update Project consistent with Project Objectives, applicable zoning regulations and the forwarding of Burbank2035 goals, policies and programs, outweigh the Project's significant unavoidable impacts, and those impacts, therefore, are considered acceptable considering the Project's benefits. The City Council finds that each of the benefits described above is an overriding consideration, independent of the other benefits, that warrants approval of the Project notwithstanding the Project's significant unavoidable impact.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires adoption of a reporting or monitoring program for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code Section 21081.6). This mitigation monitoring and reporting program is intended to track and ensure compliance with adopted mitigation measures during the Burbank Housing and Safety Element Update implementation phase. For each mitigation measure recommended in the Final EIR for the Project, specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

As a programmatic EIR, the mitigation measures included herein apply to individual projects, and as such, the cost for any studies and/or monitoring to implement the project-level mitigation measure shall be borne by the developer.

5	Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
						Initial	Date	Comments
Air Quality								
AQ-1 Construction Emissions Reduction								
	<p>For projects that would include any of the following: demolition of more 13,500 square feet of building area, greater than 5,000 cubic yards of soil cut/fill, greater than 5-acres of graded area, or use of more than ten pieces of heavy-duty construction equipment and 150 truck trips on any given day during demolition, site clearing, or grading, prior to issuance of a permit to construct and at the expense of the project applicant, the City shall retain a qualified air quality analyst to prepare an Air Quality Impact Analysis to analyze construction emissions. The air quality analysis shall demonstrate that project emissions are less than applicable SCAQMD regional and LST thresholds, and as applicable may include, but is not limited to, the following mitigations:</p> <ul style="list-style-type: none"> Off-road diesel-powered construction equipment greater than 50 horsepower shall meet the USEPA Tier 4 emission standards, where available. In the event that Tier 4 engines are not available for any off-road equipment larger than 100 horsepower, that equipment shall be equipped with a Tier 3 engine or an engine that is equipped with retrofit controls to reduce exhaust emissions of NO_x and DPM to no more than Tier 3 levels unless certified by engine manufacturers or the onsite air quality construction mitigation manager that the use of such devices is not practical for specific engine types. All construction equipment shall be outfitted with best available control technology (BACT) devices certified by CARB. Any emissions 	<p>Verify retention of a qualified air quality analyst to evaluate project-specific construction emissions in an Air Quality Impact Analysis for projects with construction activities that exceed the screening criteria. Review and approval of the Air Quality Impact Analysis.</p>	<p>Prior to issuance of a construction permit</p>	<p>Once</p>	<p>City of Burbank Community Development Department</p>			

5	Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
						Initial	Date	Comments
	control device used by the contractor shall achieve emissions reductions that are no less							
AQ-1 Construction Emissions Reduction (cont'd)								
	<p>than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.</p> <ul style="list-style-type: none"> ▪ Consistent with SCAQMD Rule 403, construction contractors shall identify and implement best available dust control measures during active construction operations capable of generating dust. 							
AQ-2 Operations Emissions Reduction								
	<p>For any project that would include more than 553 single-family residential units, 710 multi-family residential units, or any equivalent combination thereof, prior to issuance of a permit to construct, and at the expense of the project applicant, the City shall retain a qualified air quality analyst to prepare an Air Quality Impact Analysis to analyze operational emissions. The air quality analysis shall demonstrate that project emissions are less than applicable SCAQMD regional and LST thresholds, and as applicable may include, but is not limited to, the following mitigation:</p> <ul style="list-style-type: none"> ▪ Implementation of a Transportation Demand Management Plan. ▫ Installation of additional electric vehicle charging stations ▫ Public infrastructure improvements (e.g., bus stop shelter improvements) ▫ Carpool or ridesharing programs ▫ Subsidized transit costs 	<p>Verify retention of a qualified air quality analyst to evaluate project-specific operation emissions in an Air Quality Impact Analysis for projects with a residential unit count that exceeds the screening criteria.</p> <p>Review and approval of the Air Quality Impact Analysis.</p>	<p>Prior to issuance of a construction permit</p>	<p>Once</p>	<p>City of Burbank Community Development Department</p>			

5	Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
						Initial	Date	Comments
	<ul style="list-style-type: none"> ▫ Unbundled parking costs ▫ Bicycle amenities (storage, showers, lockers, etc.) 							

5 Approval	Mitigation Measure/Condition of	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
						Initial	Date	Comments
AQ-2 Operations Emissions Reduction (cont')								
	<ul style="list-style-type: none"> Use of all-electric appliances (i.e., elimination of natural gas service) Use solar or low emission water heaters that exceed Title 24 requirements Increased walls and attic insulation beyond Title 24 requirements Required use of electric lawnmowers, leaf-blowers, and chainsaws 							
Biological Resources								
BIO-1 Biological Resources Avoidance								
	<p>For individual housing developments that will include disturbance of vegetation, trees, structures, or other areas where biological resources could be present, a qualified biologist shall be retained by the applicant to conduct an initial site assessment that will include review of the California Natural Diversity Database (CNDDDB) and iNaturalist maps to determine where sightings have occurred or habitats for the least Bell's vireo, bat species, or monarch butterflies have previously been identified.</p> <p>If construction activities or other disturbances occur in areas within 500 feet of a previously identified habitat or observation according to CNDDDB or iNaturalist, the following measures shall be implemented:</p> <ul style="list-style-type: none"> Prior to the issuance of a grading permit, a qualified biologist shall be retained by the project applicant to conduct a biological resources reconnaissance of the site. The qualified biologist shall thoroughly report on the biological resources present on a project site and submitted to the City. 	<p>Verification that the project applicant has retained a qualified biologist to prepare an initial site assessment.</p> <p>If project construction/ disturbances occur within 500 feet of an identified resource, verification that the project applicant has retained a qualified biologist to report on the site.</p> <p>If qualified biologist identifies the potential for special-status species or habitat for special-status wildlife, verification that focused surveys are completed in accordance with applicable protocols.</p>	Prior to the issuance of a grading permit	Once	City of Burbank Community Development Department			

5 Approval	Mitigation Measure/Condition of	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
						Initial	Date	Comments
		Review and approval of the biological resources report.						
BIO-1 Biological Resources Avoidance (cont'd)								
	<ul style="list-style-type: none"> If the biologist determines that special-status species may occur, focused surveys for special-status plants shall be completed in accordance with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (California Department of Fish and Wildlife [CDFW], March 20, 2018) and Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants (USFWS, September 23, 1996). If it is determined that the project site has suitable habitat for special-status wildlife, focused surveys shall be conducted to determine presence/absence including species-specific surveys in accordance with CDFW or United States Fish and Wildlife Service (USFWS) protocols for State or federally listed species, respectively, that may occur. If it is determined that a special-status species may be impacted by a specific project, consultation with USFWS and/or CDFW shall occur prior to issuance of a development permit from the City to determine measures to address impacts, such as avoidance, minimization, or take authorization and mitigation. The report shall include a list of special-status plants and wildlife that may occur on the project site and/or adjacent area. 	If project will impact special-status species, verification that the USFWS and CDFW is consulted immediately to address impacts.						
		Verification that the project applicant has retained a qualified biologist to prepare a pre-construction bird survey if project construction/disturbances occur within bird nesting season (February 1 – August 31).	At latest, seven days prior to initiation of grading or construction activities	Once	Same as above			
		Review and approval of pre-construction bird survey.	Prior to initiation of grading or construction activities	Once	Same as above			
		If nests are found, field verification that avoidance buffers are demarcated and enforced.	Upon discovery of active nests	Continuous; throughout construction activities near active nests	Same as above			
		Review and approval of survey report prepared by qualified biologist.	Upon compliance with requirements and applicable State	Once	Same as above			

5	Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
						Initial	Date	Comments
	If construction activities or other disturbances occur during the bird nesting season (February 1 through August 31), prior to issuance of grading permits for individual housing developments that will include disturbance of vegetation, structures, or other areas where bird nests could be present, the following requirements shall be implemented		and Federal regulations					

BIO-1 Biological Resources Avoidance (cont'd)

- Applicant shall submit a pre-construction nesting bird survey shall be conducted no more than seven days prior to initiation of grading or construction activities. The nesting bird pre-construction survey shall be conducted on foot on the construction site, including a 100-foot buffer, and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in southern California and a copy of the study shall be submitted to the Community Development Department and Building and Safety Division. The cost to hire a qualified biologist shall be borne entirely by the developer/project applicant.
- If nests are found, an avoidance buffer shall be demarcated by a qualified biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No parking, storage of materials, or construction activities

5	Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
						Initial	Date	Comments

shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

- A survey report shall be prepared by the qualified biologist documenting and verifying compliance with the above requirements and applicable State and Federal regulations protecting birds that shall be submitted to the City of Burbank. The qualified biologist shall

BIO-1 Biological Resources Avoidance (cont'd)

serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests would occur.

Cultural Resources

CUL-1 Historic Resource Protection

The project proponent shall either:	Verification that the project applicant has adequately demonstrated the project does not contain historic resources.	Prior to project design approval	Once	City of Burbank			
a) Demonstrate to the satisfaction of the City of Burbank Community Development Department that the project does not contain any historic resources either due to the site being vacant, age of the structures on the site, or due to the result of the Program LU-4 Historic Preservation Plan determination; or	If project contains eligible or currently listed historic structure, verification that the project applicant has retained a qualified architectural historian or historic architect (meeting the Secretary of the			Community Development Department			
b) For any structure determined to be eligible for listing on a federal, State, or local registry, or currently listed, as a historic resource (typically determined as a result of the Program LU-4 Historic Preservation Plan							

5	Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
						Initial	Date	Comments
	process), project activities shall comply with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i> (Standards). During the project planning phase (prior to any construction activities), input shall be sought from a qualified architectural historian or historic architect meeting the <i>Secretary of the Interior's Professional Qualifications Standards</i> to ensure project compliance with the Standards for Rehabilitation. The cost of this assessment shall be borne entirely by the project applicant. This input will ensure the avoidance of any direct/indirect physical changes to historical resources. The findings	Interior's Professional Qualifications Standards) to assess the project. Review and approval of Standards Project Review Memorandum and recommendations.						
CUL-1 Historic Resource Protection (cont'd)								
	and recommendations of the architectural historian or historic architect shall be documented in a Standards Project Review Memorandum at the schematic design phase. This memorandum shall analyze all project components for compliance with the Standards for Rehabilitation. Project components to be analyzed shall include direct and indirect changes to historical resources and their setting. should design modifications be necessary to bring projects into compliance with the Standards for Rehabilitation, the memorandum will document those recommendations, which will then become conditions of project approval. The report will be submitted to the City for review and approval.							
CUL-2(a) Unanticipated Discovery of Archaeological Resources								
	Prior to the commencement of any ground-disturbing activities, a qualified archaeologist shall be retained to conduct a Worker's	Verification that the project applicant has retained a qualified	Prior to the start of construction activities and during	Continuous; throughout ground-	City of Burbank Community			

5 Approval	Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
						Initial	Date	Comments
	Environmental Awareness Program (WEAP) training on archaeological sensitivity for all construction personnel. The training shall be conducted by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualification Standards for archaeology.	archaeologist (meeting the Secretary of the Interior's Professional Qualifications Standards) to conduct WEAP training.	ground-disturbing activities, as needed	disturbing activities	Development Department			
	Archaeological sensitivity training will include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find. In the event of the unanticipated discovery of archaeological materials, the project applicant shall immediately cease all work activities in the area (within approximately 100 feet) of the	If archaeological materials are found, field verification that all work activities within 100 feet have ceased.	Upon discovery of archaeological materials	Continuous; throughout ground-disturbing activities	Same as above			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
CUL-2(a) Unanticipated Discovery of Archaeological Resources (cont'd)							
discovery until it can be evaluated by a qualified archaeologist. Construction shall not resume until the qualified archaeologist has conferred with the City on the significance of the resource. If it is determined that the discovered archaeological resource constitutes a historical resource or unique archaeological resource pursuant to CEQA, avoidance and preservation in place shall be the preferred manner of mitigation. Preservation in place maintains the important relationship between artifacts and their archaeological context and also serves to avoid conflict with traditional and religious values of groups who may ascribe meaning to the resource. Preservation in place may be accomplished by, but is not limited to,	If archaeological materials are found, consultation with retained qualified archaeologist to determine treatment of resource. If archaeological materials of Native American origin are found, consultation with Native American representatives to determine treatment of resource.	Upon discovery of archaeological materials	Continuous; until consultation is complete	Same as above			
	If data recovery through excavation is the only	Upon completion of consultation	Once	Same as above			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is determined to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Treatment Plan shall be prepared and implemented by the qualified archaeologist in consultation with the City that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource. The City shall consult with appropriate Native American representatives in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource, beyond that which is scientifically important, are considered.	feasible mitigation available, review and approval of Archaeological Resources Treatment Plan.						

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
CUL-2(b) Archaeological and Native Monitors							
During initial ground disturbing activities related to the proposed project, both a qualified archaeologist and a locally affiliated Native American monitor shall monitor construction activities within the project site in accordance with City of Burbank Historic Resource Management Ordinance, Program LU-4: Historic Preservation Plan. Initial ground disturbance is defined as disturbance within previously undisturbed native soils. If, during initial ground disturbance, the qualified archaeologist determines that the construction activities have little or no potential to impact cultural resources	Verification that a qualified archaeologist and a locally affiliated Native American monitor have been retained to monitor construction activities.	Prior to the start of construction activities	Once	City of Burbank Community Development Department			
	If qualified archaeologist confirms little or no potential to impact resources, review and approval of	During initial ground disturbance	Once	Same as above			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
(e.g., excavations are within previously disturbed, non-native soils, or within soil formation not expected to yield cultural resources deposits), the qualified archaeologist may recommend that monitoring be reduced or eliminated, in consultation with the Native American monitor.	recommendation that monitoring be reduced or eliminated.						

Geology/Soils

GEO-1(a) Paleontological Resources Management

Housing development projects that require ground disturbance (grading, trenching, foundation work, and other excavations) beyond five feet below ground surface (bgs) on a site located in an area mapped as Quaternary young (Holocene) alluvial fan deposits (Qyf, Qf) where it was not previously excavated beyond five feet bgs, shall comply with the following requirements prior to the commencement of any construction activities:	Verification that project applicant has retained a qualified paleontologist to review plans and determine underlying sensitivity for projects requiring ground disturbance beyond five feet below surface in Qyf and Qf areas.	Prior to the start of construction activities	Once	City of Burbank Community Development Department			
<ol style="list-style-type: none"> The Developer shall retain a qualified professional paleontologist to review project plans to determine if underlying paleontologically sensitive units (i.e., early Holocene to Pleistocene age deposits [Qoa]) 	If potential impacts are identified, review and approval of a PRMP that includes WEAP training.						

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
GEO-1(a) Paleontological Resources Management (cont'd)							
could be impacted. If potentially significant impacts are identified, the qualified professional paleontologist shall prepare	Review and retention of WEAP training	Prior to the start of construction activities and during	Continuous; throughout ground-	Same as above			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<p>and implement a Paleontological Resources Mitigation Plan (PRMP). The PRMP shall describe mitigation recommendations, including paleontological monitoring procedures; communication protocols to be followed in the event that an unanticipated fossil discovery is made during project development; and preparation, curation, and reporting requirements.</p> <p>2. As part of a PRMP, require the Qualified Paleontologist or his or her designee to conduct Worker Environmental Awareness Program (WEAP) training for the general contractor, subcontractor(s), and all construction workers participating in earth disturbing activities, regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by on-site personnel. The WEAP shall be fulfilled at the time of a preconstruction meeting. A training acknowledgment form must be signed by all workers who receive the training and retained by the City. In the event a fossil is discovered by construction personnel, all work in the immediate vicinity of the find shall cease and the qualified paleontologist shall be contacted to evaluate the find before re-starting work in the area. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the mitigation outlined below (GEO-1[b]) to mitigate impacts to significant fossil resources.</p>	<p>acknowledgement form signed by all trainees.</p>	<p>ground-disturbing activities, as needed</p>	<p>disturbing activities</p>				
	<p>Verification that the project applicant has retained a qualified paleontologist to conduct monitoring during ground-disturbing activities</p>	<p>Prior to the start of construction activities</p>	<p>Once</p>	<p>Same as above</p>			
	<p>If a fossil is discovered, field verification that all work in the immediate vicinity of the find is ceased and qualified paleontologist evaluates the find.</p>	<p>Upon discovery of fossil(s)</p>	<p>Continuous; throughout ground-disturbing activities</p>	<p>Same as above</p>			
	<p>If qualified paleontologist confirms full-time monitoring is not warranted, review and approval of recommendation that monitoring be limited.</p>	<p>During initial ground disturbance</p>	<p>Once</p>	<p>Same as above</p>			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
GEO-1(a) Paleontological Resources Management (cont'd)							
3. Conduct monitoring during ground construction activities (i.e., grading, trenching, foundation work, and other excavations). Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who meets the minimum qualifications per standards set forth by the SVP (2010), which includes a B.S. or B.A. degree in geology or paleontology with one year of monitoring experience and knowledge of collection and salvage of paleontological resources. The duration and timing of the monitoring shall be determined by the Qualified Paleontologist and the location and extent of proposed ground disturbance. If the Qualified Paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, the Qualified Paleontologist may recommend that monitoring be limited to periodic spot-checking or cease entirely.							
GEO-1(b) Fossil Discovery, Preparation and Curation							
If a paleontological resource is discovered at any time during earthmoving activities, the construction contractor shall ensure that all construction activities in the immediate area of the find are halted and diverted, and the City is contacted. A qualified paleontologist shall be retained (if not done so already) to evaluate the	If a paleontological resource is discovered, field verification that all work in the immediate vicinity of the find is ceased and/or diverted and qualified	Upon discovery of paleontological resource	Continuous; throughout ground-disturbing activities	City of Burbank Community Development Department			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
discovery. The paleontologist shall have the authority to temporarily direct, divert or halt construction activity around the find until it is assessed for scientific significance and collected to ensure that the fossil(s) can be removed in a safe and timely manner. Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to	paleontologist evaluates the find. Coordination with qualified paleontologist to assess, collect, and remove resource.	Upon discovery of paleontological resource	Continuous; until coordination is complete	Same as above			

GEO-1(b) Fossil Discovery, Preparation and Curation (cont'd)

a curation-ready condition and curated in a scientific institution with a permanent paleontological collection (such as the Natural History Museum of Los Angeles County [NHMLAC]) along with all pertinent field notes, photos, data, and maps.

Hazards and Hazardous Materials

HAZ-2 Property Assessment – Phase I and II ESAs

Prior to the start of construction (demolition or grading), the project applicant will retain a qualified environmental professional (EP), as defined by ASTM E-1527, to complete one of the following: If the project is not listed in Appendix F, DTSC (GeoTracker) or SWRCB (EnviroStor) resources, then the proponent will retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase I ESA. If the Phase I ESA identifies recognized environmental conditions or potential concern areas, a Phase II ESA will be prepared. If the project is listed in Appendix F, DTSC (GeoTracker) or SWRCB (EnviroStor) resources,	Verification that the project applicant has retained a qualified EP for submittal of either a Phase I ESA or Phase II ESA. Review and approval of the Phase I ESA or Phase II ESA. Review and approval of the SMP, if recommended in the Phase II ESA. If soils contain chemical concentrations exceeding hazardous waste screening thresholds,	Prior to the start of construction activities	Once	City of Burbank Community Development Department			
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Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
then the project proponent will retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase II ESA to determine whether the soil, groundwater, and/or soil vapor has been impacted at concentrations exceeding regulatory screening levels for commercial/ industrial land uses. Any and all recommended actions included in the Phase II ESA will be followed. This may include the preparation of a Soil Management Plan (SMP) for Impacted Soils (see	review and approve recommendations for waste disposal, impacted wastes, and remedial engineering controls.						

HAZ-2 Property Assessment – Phase I and II ESAs (cont'd)

below) prior to project construction and/or completion of remediation at the proposed project prior to onsite construction. The completed ESAs will be submitted to the lead agency for review and approval prior to issuance of building or grading permits.

Soil Management Plan Requirements: The SMP, or equivalent document, will be prepared to address on-site handling and management of impacted soils or other impacted wastes, and reduce hazards to construction workers and offsite receptors during construction. The plan will be submitted to the lead agency, and must establish remedial measures and/or soil management practices to ensure construction worker safety, the health of future workers and visitors, and the off-site migration of contaminants from the site. These measures and practices may include, but are not limited to:

- Stockpile management including stormwater pollution prevention and the installation of BMPs

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<ul style="list-style-type: none"> ▪ Proper disposal procedures of contaminated materials ▪ Monitoring and reporting ▪ A health and safety plan for contractors working at the site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection ▪ The health and safety plan will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction. <p>The lead agency will review and approve the development site Soil Management Plan for</p>							

HAZ-2 Property Assessment – Phase I and II ESAs (cont'd)

Impacted Soils prior to demolition and grading (construction).

Soil Remediation Requirements: If soil present within the construction envelope at the development site contains chemicals at concentrations exceeding hazardous waste screening thresholds for contaminants in soil (California Code of Regulations [CCR] Title 22, Section 66261.24), the project proponent will retain a qualified environmental consultant (PG or PE), to conduct additional analytical testing and recommend soil disposal recommendations, or consider other remedial engineering controls, as necessary.

The qualified environmental consultant will utilize the development site analytical results for waste characterization purposes prior to offsite transportation or disposal of potentially impacted soils or other impacted wastes. The qualified environmental consultant will provide

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<p>disposal recommendations and arrange for proper disposal of the waste soils or other impacted wastes (as necessary), and/or provide recommendations for remedial engineering controls, if appropriate.</p> <p>The project applicant will review and approve the disposal recommendations prior to transportation of waste soils offsite, and review and approve remedial engineering controls, prior to construction.</p> <p>Remediation of impacted soils and/or implementation of remedial engineering controls, may require additional delineation of impacts; additional analytical testing per landfill or recycling facility requirements; soil excavation; and offsite disposal or recycling.</p>							

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
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HAZ-2 Property Assessment – Phase I and II ESAs (cont'd)							
The lead agency will review and approve the development site disposal recommendations prior to transportation of waste soils offsite and review and approve remedial engineering controls, prior to construction.							
Noise							
NOI-1(a) Shielding and Silencing							
Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and silencing devices consistent with manufacturer's standards or the Best Available Control Technology. Equipment shall be properly maintained, and the project applicant or owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.	Review and verification that construction plans note all equipment to be used.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
	Review and verification of documentation demonstrating power construction equipment is equipped with noise shielding and silencing devices and is maintained in accordance with manufacturer specifications.	Prior to start of construction activities and during construction	Continuous; throughout construction	Same as above			
NOI-1(b) Enclosures and Screening							
All outdoor fixed mechanical equipment shall be enclosed or screened from off-site noise-sensitive uses. The equipment enclosure or screen shall be impermeable (i.e., solid material with minimum weight of 2 pounds per square	Review and verification that construction plans note enclosure/screening requirements for all mixed mechanical equipment.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
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feet) and break the line-of-sight from the equipment and off-site noise-sensitive uses	Field verification that fixed equipment is enclosed.	During construction activities	Continuous; throughout construction	Same as above			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
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NOI-1(c) Construction Staging Areas							
Construction staging areas shall be located as far from noise-sensitive uses as reasonably possible and feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints.	Review and verification that construction plans note locations of staging areas.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
	Field verification that staging areas are located consistent with plans.	During construction activities	Continuous; throughout construction	Same as above			
NOI-1(d) Smart Back-Up Alarms							
Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.	Review and verification that construction plans note the use of back-up alarms on mobile construction equipment.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
	Field verification that smart back-up alarms are utilized.	During construction activities	Continuous; throughout construction	Same as above			
NOI-1(e) Equipment Idling							
Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.	Review and verification that construction plans note idling requirements.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
	Field verification that construction vehicles are not left idling.	During construction activities	Continuous; throughout construction	Same as above			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
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NOI-1(f) Workers' Radios							
All noise from workers' radios, including any on-site music, shall be controlled to a point that they are not audible at off-site noise-sensitive uses.	Review and verification that construction plans note worker radio requirements.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
	Field verification that radios are not audible off-site.	During construction activities	Continuous; throughout construction	Same as above			
NOI-1(g) Use of Driven Pile Systems							
Driven (impact), sonic, or vibratory pile drivers shall not be used, except in locations where the underlying geology renders alternative methods infeasible, as determined by a soils or geotechnical engineer and documented in a soils report.	Review and verification that construction plans note requirement and necessary assurances have been obtained.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
	Field verification that driven, sonic, or vibratory pile drivers are avoided, unless geotechnically required.	During construction activities	Continuous; throughout construction	Same as above			
NOI-1(h) Temporary Sound Barriers							
Temporary sound barriers, such as walls or sound blankets, shall be positioned between construction activities and noise-sensitive uses when construction equipment are located within a line-of-sight to and within 500 feet of off-site noise-sensitive uses. Sound barriers shall break the line-of-sight between the construction noise source and the receiver where modeled levels exceed applicable standards. Placement, orientation, size, and	Review and verification that construction plans note locations of temporary sound barriers as specified by a qualified acoustical consultant.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
	Field verification that sound barriers are implemented and positioned accordingly.	During construction activities	Continuous; throughout construction	Same as above			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
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density of acoustical barriers shall be specified by a qualified acoustical consultant.							
NOI-1(i) Noise Complaint Response							
Project applicants shall designate an on-site construction project manager who shall be responsible for responding to any complaints about construction noise. This person shall be responsible for responding to concerns of neighboring properties about construction noise disturbance and shall be available for responding to any construction noise complaints during the hours that construction is to take place. They shall also be responsible for determining the cause of the noise complaint (e.g., bad silencer) and shall require that reasonable measures be implemented to correct the problem. A toll-free telephone number and email address shall be posted in a highly visible manner on the construction site at all times and provided in all notices (mailed, online website, and construction site postings) for receiving questions or complaints during construction and shall also include procedures requiring that the on-site construction manager to respond to callers and email messages. The on-site construction project manager shall be required to track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction and shall notify the City's Community Development Director of each complaint occurrence.	Review and verification that an on-site construction project manager has been identified to implement the mitigation requirement.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
	Field verification that signage is posted on the construction site with a toll-free telephone number and email address that can be called to receive questions or complaints. Coordination with the construction manager to verify that complaints are submitted to the City's Community Development Director and confirm that an appropriate response is carried out to address the complaints.	During construction activities	Continuous; throughout construction	Same as above			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
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NOI-1(j) Project-Specific Construction Noise Study							
<p>A Construction Noise Study, prepared by a qualified noise expert to meet the requirements herein, shall be required for housing development projects located within 500 feet of noise-sensitive land uses identified in the Burbank2035 General Plan Noise Element (i.e., residences, parks, motels, hotels, movies studios, school, and hospitals), and that have one or more of the following characteristics:</p> <ul style="list-style-type: none"> ▪ Two subterranean levels or more (generally more than 20,000 cubic yards of excavated soil material); ▪ Construction durations of 18 months or more (excluding interior finishing); ▪ Use of large, heavy-duty equipment rated 300 horsepower or greater; ▪ The potential for pile driving; or ▪ Located within 1,000 feet of other construction projects with overlapping construction schedules. <p>The Construction Noise Study shall characterize sources of construction noise, quantify noise levels at noise-sensitive uses (e.g., residences, parks, motels, hotels, movies studios, school, and hospitals) and identify measures to reduce noise exposure. The Construction Noise Study shall identify reasonably available noise reduction devices or techniques to reduce noise levels to acceptable levels and/or durations including through reliance on any relevant federal, state or local standards or guidelines or accepted industry practices. Noise reduction devices or techniques may include but not be limited to silencers, enclosures, sound barriers,</p>	<p>Verification that the applicant has retained a qualified noise analyst to evaluate project-specific construction noise in a Construction Noise Study for projects located within 500 feet of a noise-sensitive use and that exceed the one or more of the screening criteria. Review and approval of the Air Quality Impact Analysis.</p> <p>Review and verification that contractor agreements note requirements under Mitigation Measures NOI-1a through NOI-1f in addition to additional requirements identified and recommended by the Construction Noise Study.</p>	<p>Prior to issuance of a construction permit</p>	<p>Once</p>	<p>City of Burbank Community Development Department</p>			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
and/or placement of restrictions on equipment or construction							
NOI-1(j) Project-Specific Construction Noise Study (cont'd)							
techniques (e.g., alternative installation methods to pile driving such as cast-in-place systems or pile cushioning). Each measure in the Construction Noise Study shall identify anticipated noise reductions at noise-sensitive land uses. Project applicants shall be required to comply with all requirements of Mitigation Measures NOI-1a through NOI-1f in addition to any additional requirements identified and recommended by the Construction Noise Study and shall maintain proof that notice of, as well as compliance with, the identified measures have been included in contractor agreements.							
NOI-3 Vibration Control Plan							
For construction activities involving vibratory rollers within 50 feet of a structure or pile drivers (impact or sonic) within 140 feet of a structure, the applicant shall prepare a Vibration Control Plan prior to the commencement of construction activities. The Vibration Control Plan shall be prepared by a licensed structural engineer and shall include methods required to minimize vibration, including, but not limited to: <ul style="list-style-type: none"> Alternative installation methods for pile driving (e.g., pile cushioning, drilled piles, cast-in-place systems) within 140 feet of a building to reduce impacts associated with seating the pile 	Review and verification that the applicant has retained a licensed structural engineer to prepare a Vibration Control Plan for projects involving a vibratory roller within 50 feet of a structure or a pile driver within 140 feet of a structure. Review and approval of Vibration Control Plan. Verification of submittal of Statement of Compliance from the	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<ul style="list-style-type: none"> ▪ Vibration monitoring prior to and during pile driving operations occurring within 140 feet of a building ▪ Use of rubber-tired equipment rather than metal-tracked equipment ▪ Avoiding the use of vibrating equipment when allowed by best engineering practices 	<p>project and applicant and owner to the Building and Safety Division.</p> <p>Coordination and approval from the Building and Safety Division.</p>						

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
NOI-3 Vibration Control Plan (cont'd)							
<p>The Vibration Control Plan shall include a pre-construction survey letter establishing baseline conditions at potentially affected extremely fragile buildings/historical resources and/or residential structures. The survey letter shall determine conditions that exist prior to the commencement of construction activities for use in evaluating potential damages caused by construction. Fixtures and finishes susceptible to damage shall be documented photographically and in writing prior to construction. The survey letter shall provide a shoring design to protect such buildings and structures from potential damage. At the conclusion of vibration causing activities, the qualified structural engineer shall issue a follow-up letter describing damage, if any, to impacted buildings and structures. The letter shall include recommendations for any repair, as may be necessary, in conformance with the Secretary of the Interior Standards. Repairs shall be undertaken and completed by the contractor and monitored by a qualified structural engineer in conformance with all applicable codes including the California Historical Building Code (Part 8 of Title 24).</p> <p>A Statement of Compliance signed by the applicant and owner shall be submitted to the City' Building and Safety Division at plan check and prior to the issuance of any permit. The Vibration Control Plan, prepared as outlined above shall be documented by a qualified structural engineer, and shall be provided to the City upon request.</p>	<p>Review and approval of follow-up letter describing damage and, if applicable, recommendations for repair from licensed structural engineer.</p>	<p>Upon completion of vibration-causing construction activities</p>	<p>Once</p>	<p>Same as above</p>			
	<p>Field verification of structural repairs to damaged buildings.</p>	<p>Upon completion of vibration-causing construction activities</p>	<p>Continuous; throughout repair work</p>	<p>Same as above</p>			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
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NOI-C1 Construction Building Permits							
<p>The City's Community Development Department shall review the locations and anticipated construction timing for housing development projects with respect to the locations of other pending development projects. The City shall stagger the issuance of building permits for development projects with overlapping construction schedules that meet both of the following criteria:</p> <ul style="list-style-type: none"> ▪ The development project is located within 1,000 feet of another separate development project; and ▪ The development project is located 500 feet or less from a sensitive receiver. <p>In these instances, the Community Development Department shall review the findings of any site-specific noise and vibration studies pertaining to future development projects to compare their locations to sensitive receivers identified therein.</p>	<p>Review of location and construction timing of housing projects.</p> <p>Staggering of building permits for development projects with overlapping schedules that meet the criteria.</p> <p>Review and approval of site-specific noise and vibration studies.</p>	<p>Prior to issuance of a construction permit</p>	<p>Continuous; throughout citywide development</p>	<p>City of Burbank Community Development Department</p>			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
Utilities/Service Systems							
UTIL-1 Sewer Service Constraints Analysis							
<p>The City will conduct an analysis to identify any sewer service constraints to determine if there are any sewer capacity issues and any constraints in the City’s wastewater system including assessment of system capacity relative to the locations of opportunity sites identified in the Housing Element Update. The analysis will identify upgrades necessary to mitigate the constraints in the system to ensure that individual housing development projects implemented under the Housing Element can be completed and that sufficient capacity and conveyance in the wastewater system exists. However, if a proposed development has a construction schedule that the City cannot accommodate, the developer may be responsible for performing the necessary sewer infrastructure upgrades per Burbank Municipal Code (BMC) 8-1-304.</p> <p>Based on the constraints identified in the analysis, the City’s Public Works Department will prepare a nexus fee study to develop a fair share requirement in the form of a wastewater connection or similar project impact fee, which helps to pay for implementation of upgrades necessary to accommodate future development, including development of the opportunity sites where deficiencies in the system are identified to exist. Through the fee study, subsequent cost recovery fees applied to individual housing development projects will be based on a rough proportionality related to demands on the system reasonably attributed to the development project.</p>	<p>Conduct a sewer service constraints analysis relative to opportunity sites.</p> <p>Preparation of a nexus fee study to develop a fair share requirement in the form of a wastewater connection or similar project impact fee.</p>	<p>Prior to issuance of a construction permit</p>	<p>Once</p>	<p>City of Burbank Community Development Department</p>			
		<p>Application of subsequent cost recovery fees to projects.</p> <p>If service upgrades cannot be completed by City for a project, require that the project developer perform the necessary sewer infrastructure upgrades (per BMC 8-1-304) or enter into a reimbursement agreement.</p> <p>If the City and project developer mutually agree to enter into reimbursement agreement, coordination with Public Works Department Director to administer agreement.</p>	<p>Prior to issuance of a construction permit</p>	<p>Continuous; throughout citywide development</p>	<p>City of Burbank Community Development Department; City of Burbank Public Works Department</p>		

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
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UTIL-1 Sewer Service Constraints Analysis (cont'd)

In the event it is determined that necessary upgrades to serve a project cannot be completed by the City prior to project completion, the City may require the developer to perform the necessary sewer infrastructure upgrades (Per BMC 8-1-304) at cost to the developer, or may choose to enter into a reimbursement agreement so that a developer may fund and construct the improvements within the necessary timeframe with subsequent partial reimbursement. If the City and Developer mutually agree to enter into reimbursement agreement (approved as to form by the City Attorney and approved by the City Council), it would be administered by the City's Public Works Director on behalf of the City.

UTIL-3a Sewer System Upgrades by Developers

A Sewer Capacity Analysis (SCA) shall be required for individual housing projects of five (5) or more multi-family units, so the City may identify sewer infrastructure upgrades that can be implemented by developers when a nexus and rough proportionality is established between proposed project(s) impact to City sewer infrastructure. The SCA must be completed as part of the City's development review process or prior to the submittal of plan check documents, whichever occurs first.

Review and approve the SCA for projects that meet the criteria. If upgrades are necessary, verify that the appropriate fee is received based on a nexus fee study.

SCA to be completed as part of the City's development review process or prior to the submittal of plan check documents, whichever occurs first. Fees must be received prior to issuance of a construction permit.

Once

City of Burbank Community Development Department; City of Burbank Public Works Department

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
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UTIL-3b Sewage Diversion							
Per the City's Public Works Department there are several locations throughout the City of Burbank where sewage can potentially be diverted away from the BWRP and conveyed to the City of Los Angeles' Hyperion wastewater treatment system. As a short-term measure, diversion of sewage may potentially be used to alleviate capacity concerns for certain sewage conveyance pipelines (but not all pipelines) as well as temporarily lowering the influent flows to the BWRP. Diverting flows to the Los Angeles system would result in an increase in one-time Sewer Facility Charges (SFCs) and other recurring annual charges (capital improvement and operation & maintenance fees) that shall be paid to the City of Los Angeles by the developer.	If the sewage analysis determines that diversion is feasible, the applicant will be required to contribute a fair share fee, which shall be estimated based on the preliminary billing estimates received from the City of Los Angeles, to offset to the cost of diversion to the City of Los Angeles.	To be completed as part of the City's development review process or prior to the submittal of plan check documents, whichever occurs first. Fees must be received prior to issuance of a construction permit.	Ongoing throughout the period of sewage diversion	City of Burbank Community Development Department; City of Burbank Public Works Department			
UTIL-3c Sewer Master Plan							
The City shall prepare a new Sewer System Master Plan in 2023 to evaluate the City's sewer conveyance and treatment system over the next twenty years, which is inclusive of the proposed Housing Element update planning and implementation period, as well as developing the appropriate sewer facility impact fees to ensure that developers pay their fair share of the cost to expand and upgrade the capacity of the BWRP treatment facilities.	Prepare a Sewer System Master Plan that includes requirements for appropriate sewer facility impact fees.	To be approved in 2023	Once	City of Burbank Community Development Department; City of Burbank Public Works Department			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
UTIL-3d Expansion and Upgrades to BWRP Treatment Facilities							
The City shall expand and upgrade the BWRP treatment facilities as needed consistent with the City's Sewer System Master Plan including but not limited to, the acquisition of land adjacent to the BWRP facilities, the addition of new primary clarifiers, increased capacity in the equalization basins, and upgrades to other parts of the sewage treatment process.	Conduct a sewer service constraints analysis relative to opportunity sites. Preparation of a nexus fee study to develop a fair share requirement in the form of a wastewater connection or similar project impact fee.	After approval of Sewer System Master Plan	Continuous; throughout citywide development	City of Burbank Community Development Department; City of Burbank Public Works Department			

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