

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURBANK CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT (FINAL EIR) FOR THE MEDIA DISTRICT SPECIFIC PLAN UPDATE, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM WITH A STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING FINDINGS OF FACT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) THAT INCLUDES THE SUSTAINABLE INFRASTRUCTURE ALTERNATIVE (SIA) AS THE PREFERRED PROJECT.

(PROJECT NO. 22-0003509, MEDIA DISTRICT SPECIFIC PLAN UPDATE)

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. The Media District Specific Plan was originally adopted by the Burbank City Council ("Council") and became effective on February 16, 1991. The Media District Specific Plan has been in effect without significant changes since its adoption over 30 years ago.

B. Since 1991, the statewide regulatory framework applicable to housing development has significantly changed. The City of Burbank ("City") is required to comply with state laws that mandate the ministerial approval of certain housing, and more expedited reviews of other housing.

C. In compliance with State law, on September 27, 2022, the City Council adopted the 2021-2029 Housing Element ("Housing Element"), which sets forth housing development goals and policies as well as assesses the City's prior progress made in meeting its share of regional housing needs in Southern California.

D. The Housing Element includes policies and housing programs intended to facilitate housing development to meet the City's fair share of housing by identifying potential opportunity sites for accommodating future housing growth, accommodating diverse housing options affordable to all economic segments of the community, and removing regulatory constraints to development of housing by streamlining the processing of residential building permits.

E. The Housing Element includes a Housing Plan, which establishes 27 implementation programs to further the goals and policies outlined in the Housing Element. The State holds the City accountable for implementing the Housing Element by requiring the City to submit annual progress reports towards completing the Housing Plan. Program No. 5 of the Housing Plan requires, among other actions, the completion of the Media District Specific Plan Update.

F. To fulfill its obligations pursuant to the adopted Housing Element and Housing Plan, the City prepared a comprehensive update to the Media District Specific Plan pursuant to California Government Code Sections 65450 through 65457.

G. City staff determined that the Media District Specific Plan Update is a project (“Project”) requiring review pursuant to the California Environmental Quality Act (“CEQA”) (Public Resources Code §§ 21000 *et seq.*) and the CEQA Guidelines (14 California Code of Regulations §§ 15000 *et seq.*) and a Program Environmental Impact Report (“EIR”) was prepared to evaluate the potential significant environmental effects of the Project.

H. The City has evaluated potential environmental effects of the Project through the preparation and circulation of an EIR and consideration of all comments and responses as noted in Attachment 5 to the November 10, 2026, Staff Report to the City Council, and incorporated herein by reference.

I. Pursuant to CEQA Guidelines Section 15082, the City released a Notice of Preparation (“NOP”), which was circulated on November 1, 2023, notifying the community and relevant agencies that an EIR was being prepared for the Project. The staff hosted a joint community meeting and public scoping meeting to receive public input during the public review period on the project description on November 16, 2023.

J. The City released a Notice of Availability (“NOA”) for the Project Draft EIR for a minimum 45-day review period on February 7, 2026, to receive public comments, that ended on March 23, 2026.

K. The Planning Commission held a duly noticed public meeting to receive public input on the Draft EIR within the 45-day public review period on March 9, 2026.

L. In response to comments received during the public review period for the Draft EIR, the City prepared a Recirculated Draft EIR to provide additional environmental analysis, including analysis of a new Project alternative, Alternative 3, the Sustainable Infrastructure Alternative, developed in response to concerns regarding the Project's significant and unavoidable impacts related to wastewater conveyance and treatment capacity and cumulatively significant impacts associated with water supply, wastewater facilities, and electricity. The Recirculated Draft EIR evaluated the Sustainable Infrastructure Alternative to determine the level of development within the Specific Plan Area that could be accommodated by existing and planned utility infrastructure and capacity. The City circulated the Recirculated Draft EIR for a 45-day public review and comment period beginning July 11, 2026, and ending August 24, 2026. The public review period for the Recirculated Draft EIR provided an opportunity for public comments with respect to the following sections of the Draft EIR: Section 1 (Introduction); and Section 6 (Alternatives).

M. A Final EIR consisting of the Project Draft EIR dated February 2026; the Recirculated Draft EIR dated July 2026; 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”); appendices, revisions and an Errata included in Chapter 4 of the Final EIR (collectively, the “Final EIR”), has been prepared for the Project. The Final EIR was posted on the City's website at <https://www.burbankmediadistrictsp.com/> on or about September 15, 2026, at least ten (10) days prior to the City Council's consideration of the Final EIR and the Project in accordance with CEQA and the CEQA Guidelines.

N. On September 28, 2026, the Commission held a duly noticed public hearing on the Project. The Commission considered all evidence presented, both written and oral, and at such hearing adopted Resolution No. 3492 recommending that the City Council of the City of Burbank (“Council”) approve the Project, including but not limited to certification of the Final EIR and adoption of the proposed Statement of Overriding Considerations and Findings of Fact as presented in Exhibit A to this Resolution. As part of this recommendation, the Commission found that the Sustainable Infrastructure Alternative outlined in the Final EIR avoids or substantially lessens several significant environmental effects while continuing to meet all Project objectives, represents the environmentally superior alternative, and therefore should be adopted as the recommended Project.

O. On October 27, 2026, the City Council at its regular meeting, held a public hearing on the Project, to consider certification of the Final EIR and approval of the Project as required by the State law.

P. Said hearing was properly noticed in accordance with the provisions of the Burbank Municipal Code, which establishes procedures that meet or exceed the public noticing requirements for adoption of such updates as set forth in Government Code Sections 65090, 65355, and 65453.

Q. The City Council concurred with the City staff’s assessment that the Project requires a Program EIR to assess the impacts of the Project pursuant to Section 15081 of the CEQA Guidelines.

R. The City Council considered the report and recommendations of the City Planner, the action and recommendations of the Planning Commission, the Final EIR, the MMRP and the Statement of Overriding Considerations with Findings of Fact, as well as the evidence presented at such hearing.

S. The City Council, in certifying the Final EIR for this Project, of which these findings are a part, does so through the exercise of its independent judgment and review after finding substantial evidence, considering the record as a whole, to support the certification of the Final EIR.

T. The City Council, has made its decision to certify the Final EIR in consideration of the entire administrative record for the Project, including all written and oral testimony, correspondence, reports, comments, responses to comments, analyses, staff reports, and other evidence presented to the City at or prior to the close of the noticed public hearing, including letters, reports, comments, analyses, etc. that the Planning Commission, 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:

SECTION 1: FINDINGS. The City Council incorporates the findings set forth above as if restated herein in their entirety.

SECTION 2: 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 the 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 Council's own independent judgment and the Final EIR as certified by this Resolution also reflects the independent judgment of the City Council.

SECTION 3: CEQA – CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT. Based on the findings set forth above and on the entire administrative record for the Project, the City Council hereby certifies that: (1) the Final EIR as presented to the City Council and set forth in Attachment 5 to the Staff Report has been completed in compliance with CEQA and the State CEQA Guidelines; (2) the Final EIR was presented to the City Council, and the City Council reviewed and considered the information contained in the Final EIR prior to approving the Project; and (3) the Final EIR reflects the City Council's independent judgment and analysis.

SECTION 4: CEQA FINDINGS. The City Council hereby makes and adopts the findings required by California Public Resources Code Section 21081 and CEQA Guidelines Section 15091 that are set forth in Section II of that document entitled "CEQA Findings of Fact and Statement of Overriding Considerations" attached hereto as Exhibit A and incorporated herein by this reference and that the findings are supported by substantial evidence in the administrative record. As stated further in Exhibit A, the City Council finds and determines that the Sustainable Infrastructure Alternative outlined in the Final EIR avoids or substantially lessens several significant environmental effects while continuing to meet all Project objectives, represents the environmentally superior alternative, and hereby serves as the recommended Project.

SECTION 5: 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 MMRP for the Project as modified by the Sustainable Infrastructure Alternative. 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.

SECTION 6: 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 SOC for the proposed Project as modified by the Sustainable Infrastructure Alternative, and makes the findings stated therein in accordance with applicable law. 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. As more fully stated in the SOC, the City Council finds that the specific economic, legal, social, technological, and other benefits of the proposed Project identified in the SOC outweigh the Project's significant and unavoidable environmental effects and therefore finds those effects acceptable pursuant to Public Resources Code section 21081(b) and CEQA Guidelines section 15093(a).

SECTION 7: FILING OF NOTICE OF DETERMINATION. The City Council hereby directs the Community Development Director or their designee to file a Notice of Determination within five (5) working days after approval of the Project with the Los Angeles County Clerk and electronically with the Governor's Office of Land Use and Climate Innovation, as required by CEQA and the CEQA Guidelines.

SECTION 8: RECIRCULATION NOT REQUIRED. The City Council finds, based upon the entire administrative record, that the comments received on the Draft EIR and Recirculated Draft EIR, the responses to those comments, revisions reflected in the Final EIR, and other information added to the record after circulation of the Draft EIR and Recirculated Draft EIR, do not constitute significant new information requiring further recirculation pursuant to CEQA Guidelines section 15088.5. No new significant environmental impact has been identified, no substantial increase in the severity of a previously identified significant environmental impact has been identified, and no feasible project alternative or mitigation measure considerably different from those previously analyzed has been identified that the City has declined to adopt.

SECTION 9: AVAILABILITY OF PROJECT APPROVALS AND ENVIRONMENTAL IMPACT REPORT. The Community Development Director or their 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.

PASSED AND ADOPTED this ____ day of November, 2026

Tamala Takahashi
Mayor

Approved as to Form:
Office of the City Attorney

Attest:

By: _____
City Clerk

Lisa Kurihara
Senior Assistant City Attorney

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

I, Kimberley Clark, 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 this ____ of November, 2026 by the following vote:

AYES:

NOES:

ABSENT:

City Clerk

EXHIBIT A

**CEQA FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE FINAL ENVIRONMENTAL IMPACT REPORT
FOR MEDIA DISTRICT SPECIFIC PLAN UPDATE**

State Clearinghouse No. 2023110017

CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE BURBANK MEDIA DISTRICT SPECIFIC PLAN UPDATE

State Clearinghouse No. 2023110017

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 proposed updates to the 1991 Burbank Media District Specific Plan (hereafter referred to as “proposed Project”) acceptable even though the Program EIR that was prepared for the proposed Project 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 Program EIR, Recirculated Draft Program EIR and Final Program EIR to the agency’s own review and analysis.

A. PROJECT SUMMARY

Project Location

The City of Burbank (hereafter referred to as “City” or “Burbank”) encompasses 17.1 square miles and is located in the central portion of Los Angeles County, approximately 12 miles northwest of Downtown Los Angeles. The City is generally bounded by the Verdugo Mountains to the northeast, the City of Glendale to the east, and the City of Los Angeles to the south and west. The City of Burbank is bisected by Interstate 5 (I-5) and the Metrolink commuter rail right-of-way.

The Burbank Media District is located on the southwestern edge of the City and features several major employers and accessible amenities. The proposed Project area is an approximately 544-acre area within the Specific Plan boundary (hereafter referred to as “Specific Plan Area”).

Project Description

The Media District Specific Plan is a policy document that provides land use policies and development standards for the commercial, residential, and industrial areas in the southwestern corner of the City of Burbank. The existing Specific Plan was created in 1991 and concentrated on development growth-control and assured that all new development could be accommodated by infrastructure and public services and preserved the character of neighborhoods within the Specific Plan Area. The proposed Project aims to develop implementing policies and programs to remove barriers to housing production, streamline the permitting process, and introduce objective design standards for new development within the Specific Plan Area. Approximately 9,702 residential units, 3,986,207 square

feet of commercial and general business development, and 400 hotel rooms are projected under the proposed Project.

The Specific Plan Area is approximately 544 acres; bounded by the Magnolia Park neighborhood to the north, South Keystone Street to the east, the Los Angeles River to the south, and the Toluca Lake and Toluca Woods neighborhoods to the west. The Specific Plan Area is bisected by State Route 134 (SR 134).

The City identified groupings of underutilized sites within the Specific Plan Area as opportunities for infill and future development. These sites are referred to as opportunity sites and would assist in meeting the City's goals of introducing affordable housing, promoting infill development, and catalyzing economic development in proximity to existing employment centers and envisioned transit centers and corridors. Under the proposed Project, 125 percent of allowed density could be applied to future development projects that qualify as a transit-oriented development or exceptional project based on City eligible criteria and process, including opportunity sites and 100 percent of allowed non-residential intensity could be applied to all opportunity sites. These allowances would aid in streamlining the full range of non-residential development options without the need for additional density bonuses or restrictions.

Approximately 212-acres within the Specific Plan Area are zoned as Planned Development with several multi-media studios and are subject to private development agreements. For informational purposes, the number of potential residential units within these areas has been assessed under the "Planned Development" designation. However, these units are not included in the overall development potential under the proposed Project as these properties are regulated through individual development agreements and are not subject to the provisions of the proposed Project update.

The intent of the proposed Project is to guide development in the Specific Plan Area in a way that is compatible with pre-existing land uses, neighborhoods and infrastructure, and enhance the built environment through well designed buildings. To reflect that the Specific Plan should be a distinct and unified community with a clear vision, the Burbank2035 General Plan Land Use Map would be amended under the proposed Project to reflect just one land use designation for the Specific Plan Area, Media District Land Use. The proposed Project would also include a zone text amendment to Title 10 of the Burbank Municipal Code to incorporate by reference the objective development and design standards established in the proposed Project for zones within the Specific Plan Area.

B. GOALS AND OBJECTIVES

Pursuant to *CEQA Guidelines* Section 15124, 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 proposed Project are as follows:

Emphasize Contextual Development

- Develop people-focused streetscapes and buildings that are sensitive to the surrounding intensity and scale of surrounding development.
- Allow sufficient and balanced development opportunities for media, medical, and other commercial establishments within the Media District.

- Encourage higher development intensity in the center of the Media District and transition as it approaches existing low- and medium-scale residential areas.

Transit Oriented Growth

- Align and encourage residential and commercial growth near major transportation resources, including new transit stops, corridors, and with major mobility centers.
- Ensure that non-vehicular infrastructure and public service improvements are designed to accommodate the needs of all existing and future development.
- Encourage more pedestrian and bicycle use through added infrastructure.

Facilitate Streamlined Housing Production

- Establish practical and objective design standards based on community feedback and best practices to ensure neighborhood compatibility and development.
- Encourage affordable and workforce housing development in the center of the Media District.
- Establish policies that will facilitate the streamlined development of a variety of housing in the center of the Media District.

C. ENVIRONMENTAL REVIEW PROCESS

The Final Program EIR includes the Burbank Media District Specific Plan Update Draft Program EIR dated February 2026; the Recirculated Draft Program EIR dated July 2026; written comments received during the Draft Program EIR and Recirculated Draft Program EIR public review periods; written responses to those comments; a Mitigation Monitoring and Reporting Program; and revisions to the Draft Program EIR (hereinafter referred to collectively as the Final Program 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, the City of Burbank circulated a Notice of Preparation (NOP) 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 November 1, 2023, and concluding on November 30, 2023. The NOP stated that the EIR would analyze the projected development of up to 4,627 residential units, and 2,466,081 square feet of commercial and other general business uses. However, it was determined that the EIR would analyze the development potential of 9,702 residential units, 3,986,207 square feet of non-residential uses, and 400 hotel rooms. A copy of the NOP was 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 November 16, 2023. The meeting was in Room 104 of the City's Community Services Building located at 150 North Third Street.
- A Draft Program EIR was prepared and distributed for public review beginning February 7, 2026, and ending March 23, 2026. A Notice of Availability (NOA) and Notice of Completion (NOC) was filed with the State Clearinghouse via the online CEQAnet database and with the Los Angeles County Clerk's office on February 6, 2026. The scope of the Draft Program EIR was determined

based on the preliminary environmental review in the Initial Study and comments received in response to the NOP; refer to Draft Program EIR Section 1.1, *Environmental Impact Report Background*. Copies of the Draft Program EIR were made available for public review at the City of Burbank Community Development Department, Burbank Central Library, Buena Vista Branch Library, Northwest Branch Library, and on the City's website.

- Based on comments received on the Draft Program EIR, the Introduction and Alternatives sections of the Draft Program EIR were revised and recirculated for public review beginning July 11, 2026, and ending August 24, 2026. A NOA and NOC were filed with the State Clearinghouse via the online CEQAnet database and with the Los Angeles County Clerk's office on July 11, 2026. Copies of the Recirculated Draft Program EIR were made available for public review at the City of Burbank Community Development Department, Burbank Central Library, Buena Vista Branch Library, Northwest Branch Library, and on the City's website.
- A Final Program EIR was prepared, which included comments on the Draft Program EIR and the Recirculated Draft Program EIR, responses to those comments, a Mitigation Monitoring and Reporting Program, and the Revisions to the Draft Program EIR. The Final Program EIR was released for a 10-day agency review period prior to certification of the Final Program EIR and also posted on the City's website.
- Public hearings on the proposed Project were held, including a Planning Commission hearing on September 28, 2026; and a City Council Hearing on October 27, 2026.

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, the NOA, the Recirculated NOA, and all other public notices issued by the City in conjunction with the proposed Project;
- The Draft Program EIR, Recirculated Draft Program EIR, and Final Program EIR for the proposed Project;
- All written comments submitted by agencies or members of the public during the comment period on the Draft Program EIR and Recirculated Draft Program EIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft Program EIR and Recirculated Draft Program EIR;
- All written and verbal public testimony presented during the noticed public hearings for the proposed Project;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in the Final Program EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft Program EIR, the Recirculated Draft Program EIR, and Final Program EIR;
- The Resolutions adopted by the City Council 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 proposed Project are at the City of Burbank Community Development Department, Planning Division, 150 North Third Street, Burbank, CA 91502. The City's Community Development Director is the custodian of the administrative record for the proposed 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 Burbank Media District Specific Plan Update Program 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 Burbank City Council, the decision-making body of the Lead Agency for the proposed Project, 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 Final Program EIR and finds that the report reflects the independent judgment of the City.

The City Council has considered all the evidence presented in its consideration of the proposed Project and the Final Program EIR, including, but not limited to, the Draft Program EIR and Responses to Comments on the Draft Program EIR, the Recirculated Draft Program EIR and Responses to Comments on the Recirculated Draft Program EIR, written and oral evidence presented at hearings on the proposed 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.

The Final Program 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, legal, social, technological, or other benefits of the proposed Project outweigh such unavoidable adverse environmental effects and are therefore considered "acceptable."

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 Final Program 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 subdivision (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 proposed 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.

The 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 Final Program 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 reduced to less than significant with mitigation as identified in the Final Program EIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program, and the rationales for the findings.
- **Section D, Findings on Significant and Unavoidable Impacts**, presents significant impacts of the proposed Project that cannot be reduced to less than significant as identified in the Final Program 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 proposed 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 proposed 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 15126.2 and 15128, the Final Program EIR focused its analysis on potentially significant impacts and limited discussion of other impacts for which there is no potential for significant adverse environmental effects based on substantial evidence in the record. *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 City Council finds that based on substantial evidence in the record, the following impacts, to the extent they result from the proposed 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.
- Project implementation 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 conflict with or obstruct implementation of the applicable air quality plan (Criterion 2 – Consistency With AQMP Growth Forecasts).
- Project implementation would not result in other emissions, including odors, that adversely affect a substantial number of people.

4. Biological Resources

- Project implementation 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 conflict with any local policies or ordinances protecting biological resources such as tree preservation policy or ordinance.

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

5. Cultural Resources

- Project implementation would not disturb any human remains, including those interred outside of formal cemeteries.

6. 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.

7. Geology and Soils

- Project implementation would not directly or indirectly 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.
- Project implementation would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.
- Project implementation would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.
- Project implementation would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.
- Project implementation would not result in substantial soil erosion or loss of topsoil.
- Project implementation would not result in substantial risks to life or property related to expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994).
- 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.

8. Greenhouse Gas Emissions

- Project implementation would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Project implementation would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

9. Hazards and Hazardous Materials

- Project implementation would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- Project implementation 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.
- Project implementation would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school.
- Project implementation would not result in a safety hazard or excessive noise for people residing or working in the Specific Plan 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.
- Project implementation would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Project implementation would not expose people or structures, either directly or indirectly to a significant risk of loss, injury, or death involving wildland fires.

10. Hydrology and Water Quality

- Project implementation would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.
- Project implementation would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that a project may impede sustainable groundwater management of the basin
- 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 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 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, 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 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.
- Project implementation would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

11. Land Use and Planning

- Project implementation would not divide an established community.

12. 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.

- Project implementation 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.

13. Noise

- Project implementation would not result in generation of a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards or other agencies. See Section II.D.4 for impacts related to temporary construction noise.
- Project implementation would not expose people residing or working in the Specific Plan 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, to excessive noise levels.

14. Population and Housing

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

15. Public Services

- Project implementation 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 the following public services: fire protection, police protection, schools, parks, and other public facilities.

16. 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.
- Project implementation would not include recreational facilities or the construction or expansion of recreational facilities that would result in a substantial adverse physical effect on the environment.

17. Transportation

- Project implementation would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
- Project implementation would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses.
- Project implementation would not result in inadequate emergency access.

18. Utilities/Service Systems

- Project implementation would not require or result in the relocation or construction of new or expanded water, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects. See Section II.D.6 for impacts related to wastewater treatment.
- Burbank Water and Power would have sufficient water supplies available to serve the proposed Project and reasonably foreseeable future development during normal, dry and multiple dry years.
- Project implementation 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.
- Project implementation would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.

19. Wildfire

- Project implementation would not substantially impair an adopted emergency response plan or emergency evacuation plan.
- Project implementation 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.
- Project implementation 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 Final Program EIR, these impacts would be considered less than significant.

1. Biological Resources

Impact BIO-1. The Specific Plan Area is largely urbanized, and the proposed Project would prioritize the development of opportunity sites that have been previously developed and/or disturbed. Nonetheless, future development projects carried out under the proposed Project could potentially adversely impact special-status species, nesting birds, and their habitat. Impacts would be less than significant with adherence to Mitigation Measure BIO-1, which requires biological surveys prior to construction.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.3, *Biological Resources*, and in particular, starting on page 4.3-10 of the Draft Program EIR.

As discussed in Section 4.3, *Biological Resources*, of the Draft Program EIR, no special-status plant species are expected to occur in the Specific Plan Area, and eight wildlife species have a low potential to occur in the Specific Plan Area in areas where suitable habitat may occur. Although the amount of natural habitat in the Specific Plan Area is limited and the proposed Project would not include urban expansion into natural areas, future development projects carried out under the proposed Project could reduce the availability of habitat for wildlife and migratory birds, including special-status species. Construction activities with potential to disturb special-status species and nesting birds directly (i.e., injury, mortality, or disruption of normal nesting behaviors) or indirectly (i.e., construction noise, dust, or vibration from equipment) include, but are not limited to, building demolition, grading, laydown of materials, access and infrastructure improvements, building construction, and vegetation removal. Future development projects facilitated by the proposed Project would be subject to the provisions of federal and State regulations, including the Endangered Species Act, protecting biological resources. These regulations include requirements for biological studies for development sites where potential habitat exists, and consultation with applicable regulatory agencies for development sites where special-status resources are found.

In addition, a project cannot be approved by the City if it is inconsistent with the goals, policies, and requirements of the Burbank2035 General Plan. The proposed Project is consistent with the Burbank2035 General Plan goals and policies outlined in the Open Space and Conservation Element. Implementation of the proposed Project would not conflict with or impede the attainment of these goals and policies and therefore would support the City's long-term objectives for resource conservation and habitat protection.

Nonetheless, construction of future development under the proposed Project could potentially occur during the bird nesting season, which is generally from March 1 through August 31 and begins as early as February 1 for raptors. Therefore, construction activities have the potential to disturb nesting birds, which would be a potentially significant impact.

Future development projects under the proposed Project would be subject to further environmental review, including site-specific surveys, and, as appropriate, project-specific mitigation. Since special-status species are not likely to occur within the Specific Plan Area, future development projects are not anticipated to impact special-status species and no species-specific mitigation is required. Impacts to nesting birds would be less than significant with the incorporation of Mitigation Measure BIO-1, which requires a project-specific pre-construction nesting bird survey prior to site development for construction activities initiated during the bird nesting season. Because the survey would be site-specific, it is not anticipated that any secondary impacts associated with the survey would occur.

Mitigation Measure:

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

BIO-1 Pre-Construction Nesting Bird Surveys and Nest Avoidance

For any future development project facilitated by the proposed Project that would include construction activities initiated during the bird nesting season (February 1 through August 31) that involve the removal of trees, vegetation, or other nesting bird habitat, including abandoned structures and other man-made features, a pre-construction nesting bird survey shall be conducted no more than seven days prior to the initiation of ground disturbance and vegetation removal activities. The survey, whose cost shall be the sole responsibility of the development/project applicant, shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in and around the Specific Plan Area. The pre-construction nesting bird survey shall be conducted on foot and shall encompass the construction site and a 300-foot buffer around the construction site. Inaccessible areas (i.e., private property) within the survey boundaries shall be surveyed from afar using binoculars.

If nests are found, an avoidance buffer shall be determined by the biologist dependent upon the species, the location of the nest, the proposed work activity, and existing disturbances associated with land uses within and outside of the construction site. The avoidance buffer shall be demarcated by the biologist with brightly colored construction fencing, flagging, construction lathe, or other means to demarcate the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone. No ground disturbing activities shall occur within the buffer zone until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer zone shall occur only at the discretion of the biologist on the basis that the encroachment will not be detrimental to an active nest. A report summarizing the pre-construction survey(s) shall be prepared by the biologist documenting and verifying compliance with the above requirements and applicable State and federal regulations protecting nesting birds that shall be submitted to the City.

Site plans shall include a statement acknowledging compliance with the California Fish and Game Code and the Migratory Bird Treaty Act that includes avoidance of active bird nests and identification of protocols to avoid potential impacts to active nests, such as checking for nests prior to construction activities and implementing proper mitigation procedures if an active nest is discovered. Should construction activities be required to occur near an active nest, the biologist shall serve as a construction monitor to ensure that no inadvertent impacts on the nest would occur.

Finding:

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

2. Cultural Resources

Impact CUL-2. Development facilitated by the proposed Project update could adversely affect identified and previously unidentified prehistoric and historical archaeological resources. Impacts would be less than significant with the implementation of mitigation, as well as the policies outlined in the City of Burbank's Historic Resource Management Ordinance Program LU-4: Historic Preservation Plan of the Burbank 2035 General Plan.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.4, *Cultural Resources*, and in particular, starting on page 4.4-28 of the Draft Program EIR.

As discussed in Section 4.4, *Cultural Resources*, of the Draft Program EIR, ground-disturbing activities associated with future development projects facilitated by the proposed Project have the potential to damage or destroy unknown archaeological resources that may be present on or below the ground surface, particularly in areas that have not been studied in a cultural resources investigation or when excavation depths exceed those attained previously for past development. Although the City does not maintain a list of eligible archaeological resources, it is known that prehistoric populations were present in Burbank and the surrounding areas. Therefore, the potential to encounter unknown resources in the Specific Plan Area is moderate. Undeveloped properties in the Specific Plan Area have a higher probability of containing unknown archaeological resources given the probable lack of previous ground-disturbing activities on those properties. However, ground disturbance into undisturbed soils on any property within the Specific Plan Area could contain unknown prehistoric or historic-period archaeological resources. Compliance with the City's Historic Preservation Regulations requiring assessment by a qualified archaeologist, as described in Program LU-4 in the Regulatory Setting, would reduce potential impacts to archaeological resources resulting from future development projects facilitated by the proposed Project.

As also described in Program LU-4, all future development projects facilitated by the proposed Project that require ground-disturbing activities on previously undisturbed lands must be assessed by a qualified archaeologist before construction commences. However, given that unknown archaeological resources can also be present in previously disturbed contexts, impacts would be considered significant, and additional mitigation would be necessary to reduce potential impacts to archaeological resources.

Mitigation Measures CUL-2a through CUL-2c would reduce impacts to archaeological resources to a less-than-significant level by minimizing the potential for disruptions to archaeological resources to the extent feasible, or by identifying, evaluating, and conducting data recovery of archaeological resources that may be impacted by future projects in a timely manner.

Furthermore, implementation of Mitigation Measures CUL-2a through CUL-2c would be site-specific and would only apply to resources found on a project site, it is not anticipated that any secondary environmental impacts associated with these measures would occur.

Mitigation Measure:

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

Archaeological Resources Assessment

For any future development projects facilitated by the proposed Project, a Phase I Archaeological Resources Study (Phase I) shall be prepared if the future development project will involve ground disturbance, unless the project site has previously been subject to a Phase I within the past 10 years or is within soils that can be reliably demonstrated as being non-native or artificial fill. The study shall be performed by a qualified professional meeting the Secretary of the Interior's (SOI) Professional Qualification Standards for archaeology (National Park Service 1983) at the owner's expense. Methods shall include a pedestrian survey of the project site and sufficient background research and field sampling to determine whether archaeological resources may be present. Archival research shall include a records search of the South Central Coastal Information Center (SCCIC) no more than two years old and a Sacred Lands File search with the Native American Heritage Commission. The Phase I technical report documenting the study shall include recommendations that must be implemented prior to and/or during construction to avoid or reduce impacts on archaeological resources. Depending on the archaeological sensitivity of the project site, such recommendations shall include cultural resources sensitivity training provided to construction workers prior to construction and/or the implementation of archaeological and Native American monitoring during project related ground disturbance. The Phase I report shall be submitted to the City of Burbank Community Development Department, Building and Safety Division for review and approval prior to the issuance of any grading or construction permits. Recommendations in the Phase I report shall be made Conditions of Approval and shall be implemented throughout all ground disturbance activities.

If the Phase I report identifies cultural resources that may be impacted by the future development project under the proposed Project, an Extended Phase I testing and/or Phase II testing and evaluation shall be conducted at the owner's expense and submitted to the City of Burbank Community Development Department, Building and Safety Division for review and approval prior to the issuance of any grading or construction permits. If resources are determined significant or unique through Phase II testing, impacts shall be reduced to less-than-significant levels by site avoidance or capping. If site avoidance is not possible, appropriate site-specific mitigation measures shall be identified. These measures shall include, but not be limited to, a Phase III data recovery program, mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit to characterize the nature of the buried portions of sites. Curation of the excavated artifacts or samples shall occur as specified by the archaeologist. The Phase III evaluation shall be submitted to the City of Burbank Community Development Department, Building and Safety Division for review and approval prior to the issuance of any grading or construction permits.

If a future development project facilitated by the proposed Project would solely involve the refurbishment of an existing building and no ground disturbance would occur, this measure would not be required.

CUL-2b**Unanticipated Discovery of Cultural Resources**

If cultural resources are discovered during activities related to construction of any future development project under the proposed Project, all work in the immediate vicinity of the find (within a 50-foot buffer at minimum dependent on the discovery type) shall cease and a qualified archaeologist meeting SOI standards retained by the applicant of the future development project shall assess the find. Work on portions of the future development project outside of the buffered area may continue during this assessment period. Should the find involve a resource of Native American origin, the applicant of the future development project shall retain a Native American monitor from one or more of the consulting tribes on the NAHC list with ancestral ties to the Project Area to participate in the evaluation of the resource as defined by CEQA) (as amended, 2015) and to observe all remaining ground-disturbing activities, including, but not limited to, clearing, grading, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, leveling, driving posts, auguring, blasting, stripping topsoil or similar activity, and archaeological work. If the qualified archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for California Register for Historical Resources (CRHR)/National Register for Historic Places (NRHP) eligibility shall be completed.

If the resource proves to be eligible for the CRHR/NRHP and significant impacts to the resource cannot be avoided via development redesign, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of the CEQA Guidelines Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and/or Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The City shall review and approve the treatment plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the California Historical Resources Information System at the SCCIC at California State University at Fullerton pursuant to CEQA Guidelines Section 15126.4(b)(3)(C).

CUL-2c**Disposition and Treatment of Inadvertent Discoveries**

The Burbank Community Development Department and/or applicant shall, in good faith, consult with the consulting tribe(s) on the disposition and treatment of any tribal cultural resource encountered during all ground disturbing activities for any future development project facilitated by the proposed project.

Finding:

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

3. Geology and Soils

Impact GEO-6. Development facilitated by the proposed Project has the potential to impact paleontological resources during construction activities. Impacts would be less than significant with mitigation incorporated.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.6, *Geology and Soils*, and in particular, starting on page 4.6-19 of the Draft Program EIR.

According to Section 4.6, *Geology and Soils*, of the Draft Program EIR, ground-disturbing activities associated with construction facilitated by the proposed Project have the potential to damage or destroy paleontological resources that may be present on or below the ground surface in sediments with high paleontological sensitivity. In areas that have been previously developed, impacts to paleontological resources can still occur if subsequent ground-disturbing activities reach beyond the depth of previous excavations. Consequently, damage to or destruction of fossils could occur due to development under the proposed Project. Impacts would be potentially significant.

Individual future development projects facilitated by the proposed Project would be subject to further environmental review and, as appropriate, project-specific mitigation. Implementation of Mitigation Measures GEO-1a, GEO-1b, and GEO-1c would reduce potential impacts to paleontological resources to a less-than-significant level. Because implementation of the mitigation measures would be specific to a future project site, it is not anticipated that any secondary environmental impacts related to paleontological resources would occur.

Mitigation Measures:

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

GEO-1a Paleontological Resources Management

For any future development projects within the Specific Plan Area that have the potential to impact previously undisturbed sediments greater than five feet below the surface, including sediments at depths beyond where previous excavations have reached, the project applicant shall comply with the following measures. Prior to initial ground disturbance, the project applicant shall retain a Qualified Professional Paleontologist, as defined by Society of Vertebrate Paleontology (SVP; 2010), to conduct a paleontological resources assessment (PRA). The PRA shall determine the paleontological sensitivity of geologic formations underlying the proposed disturbance area, consistent with SVP (2010) guidelines for categorizing paleontological sensitivity, and the potential for the project to impact those formations, including a paleontological records search of the Natural History Museum of Los Angeles County (NHMLAC). The specific nature of the project's ground-disturbing activities, local natural topography, and depth of previous disturbance should be taken into account for this impact analysis. If the PRA determines that the project may impact paleontological resources, then the Developer shall implement GEO-1b to mitigate those impacts.

GEO-1b**Paleontological Resources Mitigation**

If a PRA determines that a future development project facilitated by the proposed Project may significantly impact paleontological resources, the following actions shall be enacted:

- Qualified Paleontologist per Society of Vertebrate Paleontology (SVP 2010) guidelines 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). In general, ground-disturbing activities within previously undisturbed paleontologically sensitive sediments should be monitored on a full-time basis. The PRMP shall describe mitigation requirements, 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. The PRMP shall be submitted to the City prior to the beginning of construction for review and approval.
- The Qualified Paleontologist or his or her designee shall 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 in the event that fossils are discovered by on-site personnel. The WEAP shall be conducted 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.
- Monitoring during ground construction activities (i.e., grading, trenching, foundation work, and other excavations) 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 and the location and extent of proposed ground disturbance shall be outlined in the PRMP. If the Qualified Paleontologist determines that the monitoring methods should be changed from what is outlined in the PRMP based on the specific geologic conditions at the surface or at depth (e.g., reduced/increased in frequency, ceased entirely), the Qualified Paleontologist may recommend such changes to the City for their review and approval.
- In the event a fossil is discovered by construction personnel or the paleontological monitor, 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-1c) to mitigate impacts to significant fossil resources.

GEO-1c Fossil Discovery, Preparation, and Curation

If a paleontological resource is discovered at any time during earthmoving activities for future development projects facilitated by the proposed Project, 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 NHMLAC) along with all pertinent field notes, photos, data, and maps.

Finding:

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

4. Hazards and Hazardous Materials

Impact HAZ-3. Implementation of the proposed Project could accommodate development on or near hazardous materials sites. However, compliance with applicable regulations relating to site cleanup and implementation of Mitigation Measure HAZ-1 would minimize hazards from development on contaminated sites. Impacts would be less than significant with mitigation incorporated.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.8, *Hazards and Hazardous Materials*, and in particular, starting on page 4.8-17 of the Draft Program EIR.

As discussed in Section 4.8, *Hazards and Hazardous Materials*, of the Draft Program EIR, there are existing sites within the Specific Plan Area that contain, or potentially contain, contaminated or hazardous materials. A full list of these sites and their cleanup status can be reviewed in Appendix F (DTSC 2025a; SWRCB 2025).

An active cleanup site is located at 531 North Hollywood Way and within an opportunity site under the proposed Project. There are additional closed LUST cleanup sites and closed cleanup sites within the opportunity sites (see Figure 4.8-1). It is also possible that USTs in use prior to permitting and record keeping requirements may be present in the Specific Plan Area. If an unidentified UST were uncovered or disturbed during construction activities, it would be removed under permit by the BFD. If such removal would potentially undermine the structural stability of existing structures, foundations, or impact existing utilities, the tank might be closed in place without removal. Tank removal activities could pose both health and safety risks, such as the exposure of workers, tank handling personnel, and the public to tank contents or vapors. Potential risks, if any, posed by USTs would be minimized by managing the tank according to existing standards contained in Division 20, Chapters 6.7 and 6.75 (Underground Storage Tank Program) of the California Health and Safety Code as enforced and monitored by the BFD. Additionally, compliance with applicable regulations as listed

in the Regulatory Setting, including California Code of Regulations Title 22, AHMP and MHFP would reduce potential impacts to the public or the environment.

The extent to which groundwater may be affected by an underground tank, if at all, depends on the type of contaminant, the amount released, the duration of the release, and depth to groundwater.

Mitigation Measure HAZ-1 requires that any future development facilitated by the proposed Project that requires more than five feet of excavation prepare 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 databases conduct a Phase II ESA for soil sampling and environmental professional recommendations for remediation, as needed.

If groundwater contamination is identified during the 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 under Mitigation Measure HAZ-1. 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. Implementation of Mitigation Measure HAZ-1 would reduce potential impacts to a less than significant level.

Furthermore, implementation of Mitigation Measure HAZ-1 would be site-specific; therefore, it is not anticipated that any secondary environmental impacts associated with this measure would occur.

Mitigation Measure:

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

HAZ-1 Property Assessment – Phase I and II ESAs

Prior to the start of construction (demolition or grading) of any future development project facilitated by the proposed Project, the project applicant shall retain a qualified environmental professional, as defined by ASTM E-1527, to complete one of the following.

If the project is not listed in Appendix F of this EIR, Department of Toxic Substances Control (DTSC) (GeoTracker) or California State Water Resources Control Board (SWRCB) (EnviroStor) databases, and requires more than five feet of excavation, then the proponent shall retain an environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase I ESA. Any and all recommended actions included in the Phase I ESA shall be followed. If the Phase I ESA identifies recognized environmental conditions or potential concern areas, a Phase II ESA shall be prepared.

If the project site is currently listed, previously listed, or un-listed with a regulatory closure or no further action letter in Appendix F, DTSC (GeoTracker) or SWRCB (EnviroStor) databases, then the project proponent shall 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 shall be followed. This shall include

the preparation of a Soil Management Plan (SMP) for Impacted Soils (see below) prior to project construction and/or completion of remediation prior to onsite construction.

The completed ESAs shall 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, shall 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 shall 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 prevent off-site migration of contaminants from the site. These measures and practices shall 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 shall review and approve the development site SMP 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 shall 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 shall 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 shall 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 shall 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 shall 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 proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Final Program EIR. These changes are identified in the form of the mitigation measure above. The City Council hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

5. Noise

Impact NOI-3. Construction associated with future development under the proposed Project would intermittently generate groundborne vibration within and adjacent to individual development sites. Implementation of Mitigation Measure NOI-2 would reduce vibration impacts to below applicable thresholds for building damage. Therefore, impacts related to vibration would be less than significant with mitigation.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.11, *Noise*, and in particular, starting on page 4.11-29 of the Draft Program EIR.

According to Section 4.11, *Noise*, of the Draft Program EIR, vibration impacts related to building damage would most commonly occur when a future development project uses equipment that generates high vibration levels (e.g., pile drivers and/or vibratory rollers) in close proximity to a historical resource constructed of fragile building materials. These historic structures are typically more sensitive to vibration damage than structures that were built using more modern building techniques and materials. The extent of vibration impacts generated during construction generally depends on the specific construction equipment utilized, the duration of equipment use, and the proximity equipment is operated relative to nearby sensitive receptors. Construction for most developments would require heavy equipment, especially on sites where certain geologic conditions require the use of pile driving. Such heavy equipment may operate within 25 feet of nearby buildings, representing a high potential for vibration impacts. While groundborne vibration from vibratory rollers would only exceed the building damage threshold for historic and residential structures at 25 feet from the source, vibration levels from pile driving would exceed one or more of the building damage thresholds shown in Table 4.11-3 for historic, residential, and commercial structures.

As discussed in Section 4.4, *Cultural Resources*, there are 203 opportunity site parcels in the Specific Plan Area containing historic-aged resources. Although all buildings would be subject to potential impacts from construction vibration, buildings with historic significance, such as the historic-age resources¹ identified on opportunity sites, would be the most susceptible to damage via groundborne vibration. The potential for vibration impacts would vary depending on the structural integrity of

¹ For purposes of this analysis and consistency with Section 4.4, *Cultural Resources*, a historic-aged resource is any property in the Specific Plan Area that is 45 years or more in age.

these historic structures. Therefore, construction vibration impacts related to building damage resulting from future development projects accommodated under the proposed Project would be potentially significant.

In addition to potential building damage, vibration generated during construction has the potential to cause annoyance to human receptors if equipment is operated within certain proximities. As shown in 4.11-13, vibration levels generated by most construction equipment types would exceed the FTA's annoyance threshold of 85 VdB at a distance of 25 feet. At a distance of 100 feet and closer, vibration levels from use of pile drivers would exceed the FTA's threshold of 85 VdB. The potential for vibration impacts would vary depending on the construction equipment types used and the distances these equipment types would be used relative to nearby sensitive receptors. Therefore, construction vibration impacts related to human annoyance resulting from future development projects accommodated under the proposed Project would be potentially significant.

Mitigation Measure NOI-2 would reduce vibration impacts associated with construction activities utilizing vibratory rollers within 50 feet of a structure or pile drivers (impact or sonic) within 150 feet of a structure. It is anticipated that Mitigation Measure NOI-2 would reduce/control construction such that vibration levels would not exceed the FTA vibration criteria for building damage. Subsequently, reduction of vibration impacts to below the FTA criteria for building damage to historic structures would also reduce potential vibration impacts to below the thresholds for human annoyance. Therefore, the vibration impacts from construction activities related to future development projects facilitated by the proposed Project would be less than significant with mitigation.

Furthermore, implementation of Mitigation Measure NOI-2 would be a site-specific analysis; therefore, no secondary environmental impacts associated with this measure would occur.

Mitigation Measure:

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

NOI-2 Vibration Control Plan

Prior to issuance of a building permit for a future development project facilitated by the proposed Project requiring any of the following activities, the project applicant shall prepare a groundborne noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to such activities:

- Use of a pile driver within:
 - 135 feet of fragile/historic structures; or
 - 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings); or
 - 75 feet of engineered concrete and masonry (no plaster).
- Use of a vibratory roller within:
 - 40 feet of fragile/historic structures; or
 - 25 feet of any other structure.
- Use of a dozer (or other similar large earthmoving equipment) within:
 - 20 feet of fragile/historic structures; or
 - 15 feet of any other structure.

This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The groundborne noise and vibration analysis shall include measures to ensure that vibration levels shall not exceed FTA architectural damage thresholds (e.g., 0.12 in/sec PPV at fragile/historic structures, 0.2 in/sec PPV at non-engineered timber and masonry buildings, and 0.3 in/sec PPV at engineered concrete and masonry buildings). If vibration levels are expected to exceed any of these thresholds, alternative methods for pile driving (e.g., pile cushioning, drilled piles, cast-in-place systems, etc.) and/or use of alternative equipment types (e.g., use of static rollers in lieu of vibratory rollers, use of lower horsepower earthmoving equipment, etc.) shall be employed. If necessary, construction vibration monitoring during construction activities shall be conducted to verify FTA vibration thresholds are not exceeded.

Additionally, pursuant to Section 10-1-2140.A of the BMC, any activity which may cause vibrations within 500 feet of any BMC- designated studio property within the Specific Plan Area shall be disclosed to said studio at least two weeks prior to the start of vibration-generating activities.

Finding:

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

6. Tribal Cultural Resources

Impact TCR-1. Future development projects accommodated by the proposed Project 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 and SB 18.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.16, *Tribal Cultural Resources*, and in particular, starting on page 4.16-14 of the Draft Program EIR.

According to Section 4.16, *Tribal Cultural Resources*, of the Draft Program EIR, ground-disturbing activities associated with future development projects under the proposed Project could expose unknown subsurface archaeological resources that may qualify as tribal cultural resources and could be adversely affected by the construction of the future development project. Given the highly developed nature of the Specific Plan Area, the likelihood of encountering intact tribal cultural resources is low to moderate.

AB 52/SB 18 consultation carried out as part of this analysis has not identified known tribal cultural resources in the Specific Plan Area. Nonetheless, ground-disturbing activities associated with individual development projects facilitated by the proposed project could expose previously unidentified subsurface archaeological resources that may qualify as tribal cultural resources and could be adversely affected by construction.

Adherence to the requirements of AB 52 and if applicable SB 18 would require Tribal consultation with local California Native American Tribes prior to implementation of project activities subject to

CEQA or SB 35, respectively. In compliance with AB 52, a determination of whether project-specific substantial adverse effects on tribal cultural resources would occur along with identification of appropriate project-specific avoidance, minimization, or mitigation measures would be required. Although no tribal cultural resources were identified during consultation for the Specific Plan, due to the programmatic nature of the proposed project it is not possible to fully determine impacts of specific projects on specific future development sites. Effects on tribal cultural resources can only be known once a specific project has been proposed, because the effects are dependent on both the individual project site conditions and the characteristics of the proposed activity.

Implementation of Mitigation Measure TCR-1 would apply to future development projects facilitated by the proposed Project requiring ground disturbance to native soils, which would reduce impacts to tribal cultural resources to a less than significant level. Implementation of Mitigation Measures CUL-2a and CUL-2b would also contribute to reducing potential impacts to tribal cultural resources.

Furthermore, implementation of Mitigation Measures CUL-2a through CUL-2c and TCR-1 would be site-specific and would only apply to resources found on a project site; therefore, it is not anticipated that any secondary environmental impacts associated with these measures would occur.

Mitigation Measure:

Implementation of Mitigation Measures CUL-2a through CUL-2c would address tribal cultural resources impacts. Additionally, the following mitigation measure is included in the Final Program EIR and is applicable to the proposed Project.

TCR-1 Native American Monitoring

If it is determined under Mitigation Measure CUL-2 that Native American monitoring is required, Mitigation Measures TCR-1 shall be used as to guide for monitoring. Prior to initiation of any future development project facilitated by the proposed Project, a Native American monitor from one of the consulting tribes for the Specific Plan Area shall be retained.

In general, Native American monitoring shall be limited to initial ground disturbance that is defined as construction-related earthmoving of sediments from their native place of deposition, which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, leveling, excavation, trenching, compaction, plowing, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [boulders, walls, etc.], and archaeological work. Initial ground disturbance does not include any secondary movement of sediment that might be required for a project (e.g., backfilling). If more than one consulting tribe wish to be present for monitoring, they shall be present on a rotating basis. The Native American monitor(s) shall have the authority to halt and redirect work should any potential cultural resources be identified during monitoring. If potential tribal cultural resources are encountered during ground-disturbing activities, work within 50 feet of the find shall be halted, and the find shall be evaluated for listing in the CRHR. Native American monitoring may be reduced or be halted at the discretion of the City, in consultation with the tribes consulting on the specific future development project, as warranted by conditions, such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 50 percent of ground disturbance. If monitoring is reduced to spot-checking, spot-checking shall occur

when ground disturbance moves to a new location within the site of the future development project and/or when ground disturbance extends to depths not previously reached (unless those depths are within bedrock).

Finding:

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

7. Wildfire

Impact W-2. Future development accommodated by the proposed Project could potentially occur within a VHFHSZ and construction activities could exacerbate wildfire risks. Mitigation Measure W-1 would require measures to reduce construction-related wildfire risks, and impacts would be less than significant with mitigation incorporated.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.18, *Wildfire*, and in particular, starting on page 4.18-18 of the Draft Program EIR.

According to Section 4.18, *Wildfire*, of the Draft Program EIR, the Specific Plan Area is not found within an SRA; however, the majority of the Specific Plan Area south of SR- 134 is designated as a VHFHSZ in an LRA, as shown in Figure 4.18-1. The majority of the opportunity sites included in the proposed Project are located in the northern portion of the Specific Plan Area, but some opportunity sites are located within the VHFHSZ portion of the Specific Plan Area. Therefore, the proposed Project would facilitate development within the VHFHSZ portion of the Specific Plan Area.

The Specific Plan Area is characterized as primarily flat terrain that is developed with studios and commercial and residential uses. Surrounding land uses along the southern boundary of the Specific Plan Area include rugged hillsides, canyons, and residential development typical of Southern California's WUI zones, with elevations ranging from approximately 538 feet above mean sea level to nearby peaks reaching 1,634 feet that contribute to elevated fire risk.

During construction of future development under the proposed Project, there would be a temporary increase in human activity and potential ignition sources, including equipment that could create spark, be a source of heat, or leak flammable materials within the Specific Plan Area. Heat or sparks from construction equipment, vehicles, and the use of flammable hazardous materials have the potential to ignite adjacent vegetation and start a fire, especially during weather events that include low-humidity and high wind speeds. The potential risk of wildfire ignition and spread associated with individual project construction would be potentially significant.

Due to the location of the Specific Plan Area in a heavily urbanized area and not directly abutting undeveloped hillsides, the exposure of existing and future occupants of the Specific Plan Area to uncontrolled spread of wildfire is low. Fuel modification requirements dictate permanent vegetation management standards surrounding buildings, particularly in area in or near the VHFHSZ within the Specific Plan Area. In addition, the CBC, CFC, and California WUI Code include minimum fire hazard reduction requirements in the VHFHSZ for driveway widths, the creation and maintenance of wildfire buffers, sprinklers, and alarms. Compliance with the development standards described in Section 4.18, *Wildfire*, would further reduce the potential for increased wildfire risk or the

uncontrolled spread of wildfire in the Specific Plan Area. Therefore, during operation, the proposed Project would not substantially exacerbate wildfire risks, expose future occupants to pollutant concentrations from a wildfire, or contribute to the uncontrolled spread of wildfire and impacts would be less than significant.

Implementation of Mitigation Measure W-1 would reduce potential wildfire risk during construction by requiring equipment spark arrestors, red-flag restrictions, clear access roads, and fire protection and safety equipment. By requiring these site-specific measures, the likelihood of wildfire ignition and spread would be minimized, therefore Mitigation Measure W-1 would reduce the impact to less than significant with mitigation incorporated.

Mitigation Measure:

Implementation of Mitigation Measure W-1 would address wildfire risk impacts. The following mitigation measure is included in the Program EIR and is applicable to the proposed Project.

W-1 Construction Wildfire Risk Reduction

For future development facilitated by the proposed Project in a VHFHSZ, the future development project applicant shall include mitigation to reduce risk of loss, injury, or death from wildfire, including:

1. All construction equipment powered by internal combustion engines shall be equipped with spark arresters. The spark arresters shall be maintained per manufacturer recommendations to ensure adequate performance.
2. Prohibit certain project construction activities with potential to ignite wildfires during red-flag warnings issued by the National Weather Service for the project site location. Example activities that should be prohibited during red-flag warnings include welding and grinding outside of enclosed buildings during construction.
3. Require fire extinguishers to be on site during project construction. Fire extinguishers shall be maintained to function according to manufacturer specifications. Construction personnel shall receive training on the proper methods of using a fire extinguisher.
4. Adequate fire protection infrastructure shall be available during construction. Examples include, but are not limited to, accessible water supply for firefighting, fire-resistant barriers, and a temporary standpipe system.
5. Firebreaks as necessary to prevent a fire on the premises from spreading to adjacent brush or grass covered areas.

For future development facilitated by the proposed Project in a VHFHSZ where the BFD has determined existing regulations are not adequate based on unusual site-specific, roadway-specific, or project-specific conditions, the future development project applicant shall include the following mitigation to reduce risk of loss, injury, or death from wildfire:

1. Provision of approved, competent fire safety officers or advisors, as deemed by BFD, to act as fire guards or firewatchers to patrol the area when construction activities such as clearing of the land, erection of buildings, construction of roads, utility lines are taking place.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Final Program EIR. These changes are identified in the form of the mitigation measure above. The City Council 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 proposed 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 Program EIR identified nine significant and unavoidable impacts, identified below. Notwithstanding the disclosure of these impacts, the City Council elects to approve the proposed Project due to overriding considerations as set forth below in Section III, *Statement of Overriding Considerations*.

1. Air Quality

Impact AQ-1. Development under the proposed Project would exceed the planned growth under the Burbank 2035 General Plan and SCAG's 2024-2050 RTP/SCS. In addition, the proposed Project would result in significant indirect impacts due to population growth. The proposed Project would, therefore, conflict with the growth assumptions or policies of applicable air quality plans such as SCAQMD's 2022 AQMP. Impacts would be significant and unavoidable.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.2, *Air Quality*, and in particular, starting on page 4.2-21 of the Draft Program EIR.

According to Section 4.2, *Air Quality*, of the Draft Program EIR, SCAQMD has established criteria for determining consistency with the currently applicable AQMP in Chapter 12, 12.3 of the SCAQMD CEQA Air Quality Handbook. These criteria are as follows (SCAQMD 1993):

- Criterion 1: Whether the project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.
- Criterion 2: Whether the project will exceed the assumptions in the AQMP or increments based on the year of project buildout and phase.

See Section II.B.3 for impacts related to Criterion 2.

While the four sample construction scenarios modeled for the proposed Project would not result in emissions that exceed the SCAQMD regional thresholds, the construction of individual projects facilitated by the proposed Project would continue to have the potential to exceed SCAQMD regional thresholds, especially for projects with large amounts of soil movement or a large quantity of workers or equipment. Operation of the developments facilitated by the proposed Project would generate criteria air pollutant emissions associated with area sources (e.g., fireplaces, architectural coatings, consumer products, and landscaping equipment), energy sources (e.g., use of natural gas for space and water heating and cooking), and mobile sources (e.g., vehicle trips to and from the project site). Emissions associated with future development projects under the proposed Project, depending on

project type and size, could exceed project-specific thresholds established by SCAQMD. However, such projects would be required to undergo independent, project-level CEQA review and include mitigation measures, if necessary, to address potentially significant impacts. Therefore, as the proposed Project has the potential to cause or contribute to new violations, the proposed Project would be inconsistent with Criterion 1 and impacts would be potentially significant. Because the scope of future construction projects is yet to be determined, there are no mitigation measures available to reduce the significant impacts related to address Criterion 1. Impacts related to Criterion 1 would remain significant and unavoidable.

Potential Mitigation Measures:

The proposed Project would be inconsistent with Criterion 1. No mitigation measures are available to reduce the significant impacts related to conflicts with the AQMP.

Finding:

As described above, no mitigation measures are available to reduce the significant impacts related to conflicts with the AQMP to a less-than-significant level because future development facilitated by the Project may generate construction and operational emissions that exceed SCAQMD thresholds, and the specific characteristics of future development projects are not known at this time. The City Council further finds that the alternatives evaluated in the EIR would not reduce this impact to a less-than-significant level while achieving the approved Project Objectives, as discussed in Section II.F 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 (Section III), the City Council 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.

Impact AQ-2. Construction activities and operation of development under the proposed Project would 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 proposed Project. Impacts would be significant and unavoidable.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.2, *Air Quality*, and in particular, starting on page 4.2-24 of the Draft Program EIR.

Construction

According to Section 4.2, *Air Quality*, of the Draft Program EIR, results of the construction emissions modeling demonstrate that daily emissions of NO_x from heavy-duty diesel equipment and trucks during construction activities would approach but not exceed SCAQMD regional thresholds under reasonably expected circumstances for projects that involve the use of 15 pieces of equipment and 195 heavy truck trips per day. However, projects with large amounts of soil import/export or smaller projects with a large quantity of workers may result in larger emissions and have the potential to exceed SCAQMD regional thresholds. Therefore, construction activity accommodated under the proposed Project would result in a significant impact related to regional construction emissions of NO_x. The impact includes potential exposure of sensitive receptors to high concentrations of NO₂, which may result in adverse health effects, such as breathing difficulties.

Compliance with SCAQMD rules and Burbank2035 General Plan Air Quality and Climate Change Element policies would reduce the overall level of air quality impacts associated with construction activities facilitated by the proposed Project. Moreover, any future development projects facilitated by the proposed Project would be required to implement additional mitigation if the project-specific analysis identifies a potential to exceed SCAQMD's regional thresholds construction activities. Nonetheless, future development projects with large amounts of equipment, large number of hauling truck trips, or other unusual circumstances may generate criteria pollutant emissions that exceed SCAQMD thresholds. Therefore, construction-related impacts associated with large future development projects under the proposed Project are considered potentially significant.

Mitigation Measure AQ-1 would require air quality analysis and appropriate emissions reduction measures for projects that exceed the screening criteria, such as those with extensive grading, demolition, or other activities requiring soil disturbance, consistent with SCAQMD Rule 403. Additionally, projects with large amounts of heavy-duty construction equipment would require an air quality analysis and appropriate mitigation. As shown in 4.2-6, the criterion for the maximum number of pieces of heavy-duty construction equipment conservatively correlates to the applicable SCAQMD threshold. In addition, subsequent analysis and mitigation would be required for any project with reasonable potential to generate criteria pollutant emissions that exceed SCAQMD thresholds. However, specific reduction in emissions below the SCAQMD significance thresholds cannot be demonstrated in the absence of specific project details to assess. It is reasonable to assume that construction activities for a development project under the proposed Project could generate emissions that would exceed the significance thresholds despite Mitigation Measure AQ-1. Therefore, the proposed Project is considered to result in a significant and unavoidable regional and localized construction impact related to violating an air quality standard and/or contributing substantially to an existing or projected air quality violation. Construction impacts would be significant and unavoidable.

Operation

According to Section 4.2, *Air Quality*, of the Draft Program EIR, buildout of the proposed Project would generate criteria pollutants that exceed SCAQMD operational regional significance thresholds. As SCAQMD regional significance thresholds are intended for assessment of individual development projects, comparison of criteria pollutant emissions from buildout of all future development projects under the proposed Project to their respective thresholds is conservative.

Additional 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 180-multi-family unit project or office space of 900,000 square feet would typically result in emissions that approach but remain less than SCAQMD thresholds. However, future development projects that are larger than those identified above or have a mix of land uses may generate criteria pollutant emissions that exceed SCAQMD thresholds. Therefore, operational-related impacts associated with large future development projects under the proposed Project are considered potentially significant.

Mitigation Measure AQ-2 would require air quality analysis and appropriate air pollutant emissions reduction measures for projects that exceed the screening criteria identified above for large projects. While implementation of Mitigation Measure AQ-2 would reduce air pollutant emissions associated with development under the proposed Project, there would be no further feasible mitigation to reduce VOC, NO_x and CO to reduce these long-term emissions to a level below SCAQMD significance

thresholds. Therefore, impacts from operational emissions would be significant and unavoidable.² However, because the construction and operation mitigation measures would be specific to a proposed future development project and aimed at reducing emissions, it is not anticipated that any secondary environmental impacts related to emissions would occur.

Mitigation Measures:

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

AQ-1 Construction Emissions Reduction

For any future development projects facilitated by the proposed Project 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 five acres of graded area, or use of more than 15 pieces of heavy-duty construction equipment and 195 truck trips on any given day during demolition, site clearing, or grading, as part of the Plan Check Submittal, and at the expense of the Project applicant, the City shall retain a qualified air quality technical specialist to prepare an air quality impact analysis to analyze construction emissions. The air quality analysis shall demonstrate that project emissions are less than the applicable regional thresholds and Localized Significance Thresholds under the South Coast Air Quality Management District (SCAQMD) and, as applicable, may include, but not be limited to, the following mitigation measures:

- Off-road diesel-powered construction equipment greater than 50 horsepower shall meet the United States Environmental Protection Agency's 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 nitrogen oxides (NO_x) and diesel particulate matter (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. This will be achieved as part of the finalization of a construction management plan.
- All construction equipment shall be outfitted with best available control technology (BACT) devices certified by California Air Resources Board (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.

² SCAQMD regional significance thresholds are intended for assessment of individual development projects. Therefore, comparison of criteria pollutant emissions from buildout of all future development projects under the proposed Project to their respective thresholds is conservative.

AQ-2**Operational Emissions Reduction**

For any future development projects facilitated by the proposed Project that would include more than 180 multi-family residential units, 900,000 square feet of office space, or any equivalent combination thereof, as part of the Plan Check Submittal, and at the expense of the Project applicant, the City shall retain a qualified air quality technical specialist 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 not be limited to, the following mitigation measures:

- Implementation of a Transportation Demand Management Plan.
 - Installation of 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:

As described above, specific reduction in emissions below the SCAQMD significance thresholds cannot be demonstrated in the absence of specific future development project details to assess, even with implementation of Mitigation Measure AQ-1. Thus, construction activities for a future development project facilitated by the proposed Project could generate emissions that would exceed the significance thresholds despite Mitigation Measure AQ-1, and Mitigation Measure AQ-1 cannot reduce the significant construction air quality impacts to a less-than-significant level.

Additionally, as described above, while implementation of Mitigation Measure AQ-2 would reduce air pollutant emissions associated with operation of future development projects facilitated by the proposed Project, there would be no further feasible mitigation to reduce VOC, NO_x, and CO to reduce these long-term emissions to a level below SCAQMD significance thresholds. Thus, Mitigation Measure AQ-2 would not reduce the significant operational air quality impacts to a less-than-significant level.

Further, the 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 II.F 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.

Impact AQ-3. Future development projects under the proposed Project would potentially expose sensitive receptors to substantial pollutant concentrations. Impacts would be significant and unavoidable.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.2, *Air Quality*, and in particular, starting on page 4.2-29 of the Draft Program EIR.

According to Section 4.2, *Air Quality*, of the Draft Program EIR, a localized construction analysis would be speculative given the lack of specific information identifying exact locations and construction activities for future development under the proposed Project. In addition, each individual project would vary in size and distance to sensitive receptors, which affects the applicable threshold each individual project would be tied to for on-site emissions during operations. Thus, construction and operational LST emissions were not quantified in this analysis since project-level data was not included for the proposed Project. However, it is reasonable to assume that some individual projects developed under the proposed Project would involve construction adjacent to sensitive receptors (e.g., residences and schools). Under certain circumstances, unmitigated equipment emissions combined with fugitive dust emissions associated with the development of future development occurring under the proposed Project could potentially exceed the LSTs for NO_x, CO, PM₁₀ and PM_{2.5}. As such, development of individual projects under the proposed Project could result in a potentially significant impact related to localized construction and operational emissions of NO_x, CO, PM₁₀, and PM_{2.5}.

Construction would result in various TACs associated with equipment exhaust and off-gassing from various materials applied during construction, such as architectural coatings. Of these, the TAC of primary concern associated with construction activities is diesel particulate matter (DPM), which may be released in substantial quantities by use of heavy-duty equipment operations and truck traffic. Although health risks associated with acute exposure to diesel exhaust are negligible, chronic exposure may contribute to carcinogenic and non-carcinogenic health risks to the respiratory system. The severity of health effects depends upon several factors, including the amount of exposure and the duration of exposure.

Entitlements for large projects are typically subject to discretionary approvals, and subsequent air quality analysis is required pursuant to CEQA to demonstrate that projects would not result in air quality impacts at nearby receptors. Mitigation Measure AQ-1 would require air quality analysis and appropriate air pollutant emissions reduction measures for projects with potential for construction to include activities that generate substantial diesel exhaust, such as demolition, grading, hauling, of heavy-duty equipment use. However, specific reduction in emissions below the SCAQMD significance thresholds cannot be demonstrated in the absence of future individual project details. For these reasons, construction-related impacts associated with TAC emissions would be potentially significant. Implementation of Mitigation Measure AQ-1 would address construction TAC emissions associated with future development projects under the proposed Project.

Mitigation Measure AQ-1 would require air quality analysis and appropriate emissions reduction measures for projects that exceed the screening criteria, such as those with extensive grading, demolition, or other activities requiring soil disturbance, consistent with SCAQMD Rule 403. Specifically for health risk from TAC emissions during construction, the requirement for Tier 4 equipment would result in a substantial reduction of TAC emissions. However, specific reduction in TAC emissions below the SCAQMD health risk significance thresholds cannot be demonstrated in the absence of specific future project details to assess. It is reasonable to assume that construction activities for a future development project facilitated by the proposed Project could generate TAC

emissions that would exceed the significance thresholds despite Mitigation Measure AQ-1. Therefore, the proposed Project would potentially expose sensitive receptors to substantial pollutant concentrations during construction and impacts would be significant and unavoidable.

Potential Mitigation Measures:

Implementation of Mitigation Measure AQ-1 would address construction TAC emissions associated with future development projects under the proposed Project.

Finding:

As described above, implementation of Mitigation Measure AQ-1 would not reduce the significant impacts related to TAC emissions to a less-than-significant level because specific future development projects, construction equipment inventories, construction durations, and associated TAC emissions are not known at this time, and it cannot be demonstrated that TAC emissions would be reduced below applicable SCAQMD health risk significance thresholds. The City Council further finds that no additional feasible mitigation measures have been identified that would reduce this impact to a less-than-significant level. These findings are made pursuant to (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. Cultural Resources

Impact CUL-1. Future development projects facilitated by the proposed Project could adversely affect known historical resources or those resources that have not been identified as eligible for listing in the NRHP or CRHR. Impacts to historical resources would be significant and unavoidable.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.4, *Cultural Resources*, and in particular, starting on page 4.4-25 of the Draft Program EIR.

According to Section 4.4, *Cultural Resources*, of the Draft Program EIR, the City's historic preservation regulations provide procedures for the local designation of historical resources and districts and a permitting process for work affecting a locally designated resource or within a locally designated historic district. Generally, the approval of such permits requires a project applicant to demonstrate any proposed work on an individual historical resource would not substantially alter the historical and architectural significance of the resource. Further, the approval of work within a historical district is generally required to conform with the Standards and/or local design guidelines. Thus, the City's regulations would reduce impacts by requiring that alterations do not cause the loss of the character-defining features of a designated resource or historic district contributor or introduce visibly incompatible elements into locally designated historic district through the alteration of a property located within a district. However, while local regulations discourage the demolition and alteration of locally designated resources or properties within historic districts, exemptions are permitted under certain circumstances which are defined in the regulations and include situations involving alterations qualifying as ordinary maintenance and repair or in situations where there are threats to public health and safety or there is an economic hardship. Under the proposed Project, no designated resources are included as opportunity sites. However, if resources or historic districts within the Specific Plan Area are designated at a future time, the City's historic preservation regulations may permit work

involving designated historical resources and historic districts, including alterations, relocations, and demolitions, that would result in significant impacts to historical resources pursuant to CEQA.

In addition to the regulations that apply to designated historical resources, Program LU-4: Historic Preservation Plan of the Burbank 2035 General Plan recommends measures for the evaluation of potential historical resources to determine whether they qualify as historical resources pursuant to CEQA. Development that occurs as a result of the proposed Project would be required to remain in compliance with this program. Adherence to the program would require that any potential historical resources identified as part of future development projects facilitated by the proposed Project would be evaluated for historical significance by a qualified architectural historian or archaeologist prior to development.

The applicable element of Program LU-4 has not been adopted as part of the BMC and is, therefore, recommended as part of Mitigation Measure CUL-1 below.

The City's regulations and programs would help mitigate impacts to designated and eligible historical resources by requiring, in certain cases, adherence to the Standards and other requirements intended to preserve the character-defining features of individual historical resources and historic districts that qualify them as historical resources pursuant to CEQA. However, the City's regulations do not, in all cases, prevent demolition or substantial alteration of designated and eligible historical resources. Therefore, potential impacts to historical resources under the proposed Project are significant and unavoidable. Mitigation Measure CUL-1 would reduce impacts to historical resources to the greatest extent feasible by identifying and evaluating significant historical resources and managing relocation, rehabilitation, or alteration in compliance with the Standards as applicable. However, even with implementation of this mitigation measure, historical resources could still be materially impaired by future development projects carried out under the proposed Project. While Historic American Building Survey-like documentation would reduce these impacts to the greatest extent feasible in cases where compliance with the Standards or avoidance is not possible, legal precedent has established that such a measure cannot mitigate impacts to a level of less than significant because the loss of historical fabric cannot be readily compensated for by commemorative mitigation.³ Therefore, impacts would be significant and unavoidable. Because Mitigation Measure CUL-1 would be site-specific, it is not anticipated that any secondary impacts would occur.

Mitigation Measures:

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

CUL-1 Protection, Documentation, and Memorialization of Historical Resources

For all future development projects facilitated by the proposed Project, the project applicant shall either:

- 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 evaluation and assessment; or
- For any structure determined to be eligible for listing in a federal, State, or local registry, or currently listed, as a historic resource (typically determined as a result

³ League for Protection of Oakland's etc. Historic Resources v. City of Oakland (1997) 52 Cal.App.4th 896.

of the Program LU-4 Historic Preservation Plan process), future development facilitated by the proposed Project shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards). During the planning phase for any future development projects facilitated by the proposed Project (prior to any construction activities), input shall be sought from a qualified professional meeting the Secretary of the Interior's Professional Qualifications Standards to ensure compliance of the future development project with the Standards for Rehabilitation. The cost of this assessment shall be borne entirely by the applicant for the future development project. This input shall ensure the avoidance of any direct/indirect physical alterations to historical resources that would result in substantial adverse change to the historical resource. 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 identify the character-defining features of the historical resource through a review of the building's construction history and analysis of its significant historical and/or architectural associations and shall subsequently analyze all project components for compliance with the Standards for Rehabilitation. Each future development project's 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 shall document those recommendations, which shall then become conditions of approval for the future development project. The report shall be submitted to the City for review and approval upon submittal of an application for building permits or entitlement.

- It may not be possible to design all future development facilitated by the proposed Project involving a historical resource to be consistent with the Standards. Development projects inconsistent with the Standards may include those that require the substantial alteration or demolition of a historical resource. If significant historical resources are identified on an individual development site and compliance with the Secretary of the Interior's Standards or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. Mitigation measures shall include, but may not be limited to, documentation of the historical resource in the form of a Historic American Building Survey-like (HABS) report. The report shall be prepared by a qualified professional meeting the Secretary of the Interior's Professional Qualifications and shall comply with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall generally follow the HABS Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historical research. The completed HABS-like documentation shall be completed by the owner and shall be submitted to the City of Burbank Department of Community Development prior to issuance of any permits for demolition or alteration of the historical resource.

Finding:

As described above, because future development projects facilitated by the proposed Project may require the demolition or substantial alteration of historical resources and because documentation and memorialization measures cannot fully compensate for the loss of historical fabric, implementation of Mitigation Measure CUL-1 would not reduce the significant impacts to a less-than-significant level; and no additional feasible mitigation measures have been identified that would reduce this impact to a less-than-significant level. These findings are made pursuant to 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 Council 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.

3. Land Use and Planning

Impact LU-1. The proposed Project would be consistent with SCAG's 2024-2050 RTP/SCS goals and policies. The proposed Project would also be consistent with the BMC and Burbank2035 General Plan Land Use Map, with approval of the General Plan Land Use Amendment and zone text amendment included in the proposed Project. However, the proposed Project would conflict with policies under the Burbank2035 General Plan related to air quality and wastewater impacts. The proposed Project would implement Mitigation Measures AQ-1 and AQ-2 to reduce short-term and long-term criteria pollutants, but implementation would not reduce emissions below SCAQMD regional significance thresholds. The proposed Project would require implementation of Mitigation Measures UTIL-1a through UTIL-1e, and UTIL-3a and UTIL-3b to reduce potential impacts to wastewater system conveyance and treatment capacity, but would not reduce impacts to a less than significant level within the proposed Project horizon. Thus, impacts related to consistency with the Burbank2035 General Plan would be significant and unavoidable.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.10, *Land Use and Planning*, and in particular, starting on page 4.10-8 of the Draft Program EIR.

As described in Section 4.10, *Land Use and Planning*, of the Draft Program EIR, approval of the proposed Project would include a General Plan Amendment to amend the land use designation in the Land Use Element, resolution to adopt the proposed Project, and a corresponding zone text amendment to be consistent with the General Plan and incorporate the Specific Plan development standards. The proposed Project would generally be consistent with the Burbank2035 General Plan. However, the following inconsistencies have been identified:

As described under the consistency analysis for Policy 1.2 and 1.5 of the Air Quality and Climate Change Element in 4.10-2, development associated with the proposed Project would generate short-term and long-term criteria air pollutant emissions in exceedance of short-term and long-term SCAQMD regional thresholds and would expose sensitive receptors to substantial pollutant concentrations. The proposed Project would implement Mitigation Measures AQ-1 and AQ-2 to reduce short-term and long-term criteria pollutants, but implementation would not reduce emissions below SCAQMD regional significance thresholds. Therefore, the proposed Project would not be consistent with these Burbank2035 General Plan policies, which would result in a significant and unavoidable impact.

As discussed under the consistency analysis for Policy 2.3 of the Land Use Element in Table 4.10-2, development under the proposed Project would result in additional wastewater flows that would exceed the existing capacity for wastewater and would require substantial facility improvements to accommodate the exceedance. As described in Section 4.17, *Utilities and Service Systems*, potential future improvements to increase the treatment capacity of the BWRP would require upgrades to the headworks, the addition of new primary clarifiers, modifications to the secondary treatment process, and expansion of the equalization basins (beyond the near-term 10-year planning horizon). Additionally, BWRP expansion would likely require the City to acquire new land to build some of these improvements due to limited space in the current BWRP property. The proposed Project would require implementation of Mitigation Measures UTIL-1a through UTIL-1e, and UTIL-3a through UTIL-3b to reduce potential impacts to wastewater system conveyance and treatment capacity but would not reduce impacts to a less-than-significant level within the proposed Project's planning horizon. No feasible mitigation exists to reduce potential wastewater capacity exceedance impacts to a level of less than significant within the proposed Project's horizon. Therefore, the proposed Project would not be consistent with this Burbank2035 General Plan policy, which would result in a significant and unavoidable impact.

Mitigation Measures:

Implementation of Mitigation Measures AQ-1, AQ-2, UTIL-1a through UTIL-1e, and UTIL-3a through UTIL-3b would reduce air quality emissions and wastewater system impacts associated with the proposed Project. However, these measures would not eliminate the proposed Project's inconsistency with the identified Burbank2035 General Plan policies.

Finding:

As described above, implementation of Mitigation Measures AQ-1, AQ-2, UTIL-1a through UTIL-1e, and UTIL-3a through UTIL-3b would not reduce the significant impacts related to Burbank2035 General Plan policy inconsistency to a less-than-significant level. Specifically, implementation of Mitigation Measures AQ-1 and AQ-2 would not reduce air quality emissions below applicable SCAQMD significance thresholds, and implementation of Mitigation Measures UTIL-1a through UTIL-1e and UTIL-3a through UTIL-3b would not fully address wastewater treatment capacity constraints within the proposed Project's planning horizon. The City Council further finds that no additional feasible mitigation has been identified that would reduce these impacts to a less-than-significant level. These findings are made pursuant to Public Resources Code Sections 21081(a)(1) and (3) and 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.

4. Noise

Impact NOI-1. Construction associated with future development projects accommodated under the proposed Project would be required to comply with the construction day and time restrictions specified in the Burbank Municipal Code. Depending on the scope of development facilitated by the proposed Project, construction may involve long durations, substantial soil movement, use of large, heavy-duty equipment, and/or pile driving near noise-sensitive land uses, which may produce noise levels that exceed the applicable FTA daytime noise limits. Implementation of Mitigation Measures NOI-1a through NOI-1i would reduce construction noise levels to below thresholds; however, because details of future project-specific construction activities are unknown at this time, temporary construction noise impacts would be significant and unavoidable.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.11, *Noise*, and in particular, starting on page 4.11-21 of the Draft Program EIR.

According to Section 4.11, *Noise*, of the Draft Program EIR, construction activity associated with future development projects under the proposed Project would require the use of a variety of noise-generating equipment that would result in temporary increases in ambient noise levels on an intermittent basis. Noise levels generated by construction would vary depending on the construction phase and types of equipment used, the durations of use, distance between the noise source and surrounding receptors, and presence or absence of noise-attenuation barriers. Engine noise reduction technology, including silencers, continues to improve, but heavy construction equipment still generates noise exceeding ambient levels that could cause intermittent annoyance to nearby receptor properties. Noise associated with construction of future development projects within the Specific Plan Area under the proposed Project could exceed the eight-hour 80 dBA L_{eq} daytime significance thresholds at residential land uses. Implementation of Burbank2035 General Plan Noise Element Policies 7.1 through 7.3 would reduce construction noise impacts associated with future development projects carried out under the proposed Project. However, project-level details are not currently available for future development projects that would be facilitated under the proposed Project. Therefore, it is not possible to determine exact noise levels, locations, or time periods for construction of such projects, or construction noise at adjacent properties. Construction noise levels associated with future development projects under the proposed Project may exceed the FTA's daytime construction noise limits; therefore, temporary noise impacts associated with construction of future development projects under the proposed Project would be potentially significant.

Implementation of Mitigation Measures NOI-1a through NOI-1i, as well as implementation of goals and policies from the City's General Plan, would reduce potential noise impacts during construction activities. While daytime construction activities conducted within the City's allowable days and times would be exempt from applicable noise regulations, there is potential for significant construction noise impacts, particularly if construction activities were to be conducted during evening and/or nighttime hours, when people are more sensitive to noise. Additionally, for construction activities occurring in proximity to multi-story residential buildings, it may not be feasible to mitigate construction noise impacts to upper floors of adjacent noise-sensitive buildings. While Mitigation Measure NOI-1g requires the installation of temporary noise barriers to reduce construction impacts to nearby sensitive receptors, it may not be feasible to mitigate construction noise impacts upon higher floors, as the effectiveness of a noise barrier is dependent on the line-of-sight between a noise source and receiver being blocked. Structural (or other similar) concerns may limit the height of any required barriers such that, even with the presence of a barrier, it would not be feasible to reduce construction noise levels at upper floors of adjacent noise-sensitive buildings. Therefore, construction

noise impacts associated with future development projects facilitated under the proposed Project would remain significant and unavoidable.

Mitigation Measures:

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

NOI-1a Shielding and Silencing

Powered construction equipment (including combustion engines), fixed or mobile, utilized for construction of future development projects facilitated by the proposed Project, 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-1b Construction Staging Areas

Construction staging areas for future development projects facilitated by the proposed Project 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-1c Smart Back-Up Alarms

Mobile construction equipment utilized for construction of future development projects facilitated by the proposed Project 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-1d Equipment Idling

Construction vehicles and equipment utilized for construction of future development projects facilitated by the proposed Project shall not be left idling for longer than five minutes when not in use.

NOI-1e Workers' Radios

During construction of future development projects facilitated by the proposed Project, all noise from workers' radios, including any on-site music, shall be controlled such that they are not audible at off-site noise-sensitive uses.

NOI-1f Use of Driven Pile Systems

During construction of future development projects facilitated by the proposed Project, 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-1g Temporary Sound Barriers

During construction of future development projects facilitated by the proposed Project, temporary sound barriers, such as walls or sound blankets, shall be positioned between construction activities and noise-sensitive uses when modeled noise levels from construction equipment exceed applicable standards and have a direct line-of-sight with noise sensitive receivers. Placement, orientation, size, and density of acoustical barriers shall be specified by a qualified acoustical consultant.

NOI-1h Noise Complaint Response

Project applicants for future development projects facilitated by the proposed Project 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-1i Project-Specific Construction Noise Study

A Construction Noise Study, prepared by a qualified noise expert to meet the requirements herein, shall be required for future development projects facilitated by the proposed Project located within 500 feet of noise-sensitive land uses identified in the Burbank2035 General Plan Noise Element (i.e., residential areas, hospitals, convalescent and day care facilities, schools, and libraries), 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 for future development projects facilitated by the proposed Project shall be required to comply with all requirements of Mitigation Measures NOI-1a through NOI-1i 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:

As described above, implementation of Mitigation Measures NOI-1a through NOI-1j would not reduce the significant construction noise impacts to a less-than-significant level because it would not be feasible to reduce construction noise levels at upper floors of adjacent noise-sensitive buildings; and further, 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 II.F 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.

5. Transportation

Impact TRA-1. Implementation of the proposed Project would result in VMT reductions for all three target metrics; however, it would not achieve the required reduction threshold for home-based work VMT per employee. Therefore, the project would conflict with CEQA Guidelines 15064.3(B), and impacts would be significant and unavoidable.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.15, *Transportation*, and in particular, starting on page 4.15-11 of the Draft Program EIR.

According to Section 4.15, *Transportation*, of the Draft Program EIR, the VMT modeling provides estimates for the population, employment, and service population in the Specific Plan Area in 2035.⁴ Under the proposed Project, the Specific Plan Area population in 2035 is estimated to be 32,985, which is estimated to produce 39,960 daily vehicle trips and 343,134 daily VMT, with an average of 10.4 home-based VMT per capita. The 68,529 future employees under the VMT model in the Specific Plan Area are estimated to attract 81,128 daily vehicle trips and 877,548 daily VMT, with an average of 12.8 home-based work VMT per employee. The total 101,514 service population under the VMT

⁴ As discussed in the Traffic Study Report prepared for the proposed Project (Appendix D), the VMT analysis used the City's travel demand model, which has a 2023 base year and 2035 horizon year. The incremental growth assumptions shown in the VMT analysis can differ from the growth assumptions shown elsewhere in this EIR due to the inclusion of other cumulative growth within the Specific Plan Area.

model in the Specific Plan Area is estimated to generate 246,409 daily vehicle trips and 2,129,476 daily VMT, with an average of 21.0 total VMT per service population.

As summarized in Table 4.15-2, the proposed Project would reduce total VMT per service population by 32.2 percent and home-based VMT per capita by 29.3 percent, which both would exceed the required 15-percent reduction threshold. However, it would only reduce home-based work VMT per employee by 4.3 percent, which falls short of the 15-percent target. While the proposed Project promotes infill development, multimodal access, and proximity to existing and future transit infrastructure, all of which are consistent with best practices for VMT reduction, these measures are not sufficient to achieve a significant enough reduction in home-based work VMT per employee. This shortfall likely reflects the regional commuting patterns and land use mix in the Specific Plan Area, where job density outpaces housing development despite efforts to streamline residential production.

As such, the proposed Project would not fully meet CEQA's threshold of significance related to VMT and would, therefore, result in a potentially significant impact. Because no feasible mitigation measures have been identified at the program level that would reduce the home-based work VMT per employee impact to a less-than-significant level, the proposed Project's impact related to VMT would be significant and unavoidable.

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
- 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 the proposed Project so they are beyond the scope of the document. Therefore, no feasible mitigation measures have been identified that would reduce the VMT impact to a less-than-significant level.

Finding:

Mitigation measures that would reduce the average total VMT per service population and average VMT per employee can be applied at the project-specific level but are not feasible at the program level for the proposed Project so they are beyond the scope of the document; therefore, the City Council 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 II.F 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.

6. Utilities and Service Systems

Impact UTIL-1. Future development projects 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 future development projects under the proposed Project; however, new connections to existing and expanded wastewater service systems would be required, and such connections would result in exceedance of the Burbank Water Reclamation Plant's (BWRP) current capacity causing potentially significant environmental effects. Potential future improvements necessary to increase the treatment capacity of the BWRP have been preliminarily established. Short- and long-term mitigation measures are required to reduce the potential impacts and increase the treatment capacity of the BWRP. Nonetheless, impacts to the wastewater treatment facilities from the proposed Project remain significant and unavoidable until the future wastewater system improvements are implemented.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.17, *Utilities and Service Systems*, and in particular, starting on page 4.17-17 of the Draft Program EIR.

See Section II.B.18 for impacts related to water, stormwater drainage, natural gas, electricity, and solid waste.

According to Section 4.17, *Utilities and Service Systems*, of the Draft Program EIR, future development projects under the proposed Project would require new connections for wastewater conveyance. According to the Focused Sewer Capacity Analysis, the proposed Project would require upsizing approximately 3.8 miles of gravity mains to accommodate the City's planned growth (Appendix H). Wastewater flows to the BWRP which currently has limited remaining capacity with the ability to treat sewer inflows at an average rate of approximately 8.5 MGD (Appendix H). The Focused Sewer Capacity Analysis also determined that the additional wastewater flows generated by development under the proposed Project would result in approximately 3.07 MGD of wastewater inflows to the BWRP, which would account for approximately 36 percent of the current BWRP daily rate of 8.5 MGD. Therefore, the proposed Project would result in additional wastewater flows that would account for a large portion of the existing daily rate of the BWRP and would exceed the existing limited remaining capacity, which would require substantial facility improvements to accommodate this additional wastewater flow and impacts would be potentially significant.

Potential future improvements to increase the treatment capacity of the BWRP would require upgrades to the headworks, the addition of new primary clarifiers, modifications to the secondary treatment process, and expansion of the equalization basins (beyond the near-term 10-year planning horizon). Additionally, BWRP expansion would likely require the City to acquire new land to build some of these improvements due to limited space in the current BWRP property. Although precise details of construction (i.e., timing, equipment, location of land acquisitions) of these future wastewater treatment improvements to increase the wastewater treatment capacity are not available at the time of preparation of this EIR, planning activities including updated rate studies, nexus studies to update development fees, and creation of a capital improvement program for

construction of future improvements are necessary to support future upgrades to the wastewater system to mitigate impacts from the proposed Project. However, until such upgrades are implemented, the environmental impacts from new or expanded wastewater conveyance associated with future development under the proposed Project would remain significant and unavoidable.

Mitigation Measure UTIL-1a through UTIL-1e would address potential impacts related to the City's wastewater conveyance and treatment 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 future development under the proposed Project. Mitigation Measures UTIL-1a through UTIL-1c require preparation of plans to support long-term solutions and Mitigation Measures UTIL-1d and UTIL-1e may assist in partial funding of such long-term solutions. However, implementation of all capital improvements required to upgrade the City's wastewater conveyance and treatment system and expand capacity at BWRP are not expected to be fully funded or implemented until beyond the proposed Project's 10-year planning horizon, and thus the impacts related to wastewater systems would remain significant and unavoidable.

Mitigation Measures:

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

UTIL-1a Completion of a Sewer Service Constraints Analysis

The City will complete the ongoing analysis to identify specific sewer service constraints and sewer capacity issues within the City's wastewater system including a Citywide assessment of system capacity relative to future development facilitated by the proposed Project and more broadly throughout the City. The analysis will identify upgrades necessary to mitigate the constraints in the system to ensure that future development projects implemented facilitated by the proposed Project can be completed and that sufficient capacity and conveyance in the wastewater system exists. If a proposed development has a construction schedule that the City cannot accommodate prior to the completion of this analysis, the developer may be responsible for performing the necessary sewer infrastructure upgrades per BMC 8-1-304.

UTIL-1b Complete a Sewer Master Plan

Based on the constraints identified in the sewer service constraints analysis, the City's Public Works Department will complete the ongoing Sewer Master Plan to evaluate the City's sewer conveyance and treatment system over the next ten years (i.e., the proposed Project planning horizon) and beyond. The Sewer Master Plan will identify a plan to complete specific capital improvements to upgrade the City's wastewater treatment system, including improvements to the Burbank Water Reclamation Plant, to reduce identified constraints and address capacity issues to accommodate future development facilitated by the proposed Project in combination with broader projected future Citywide development.

UTIL-1c Develop a Capital Improvement Project

Based on the Focused Sewer Capacity Analysis, the City's Public Works Department will develop a long-term capital improvement project in the Sewer Master Plan to upsize approximately 3.8 miles of gravity main improvements to accommodate projected flows from the proposed Project.

UTIL-1d Prepare an Updated Nexus Fee Study to Allocate Pro-Rata Infrastructure Costs to Future Development

To fund the capital improvements identified in the Sewer Master Plan, the City's Public Works Department will prepare an updated 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 facilitated by the proposed Project, including development where deficiencies in the system are identified to exist. Through the fee study, subsequent cost recovery fees applied to individual future development projects will be based on a rough proportionality related to demands on the system reasonably attributed to the future 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.

UTIL-1e Prepare Updated Cost of Service and Rate Study and Update Sewer Service Charge if Warranted

The City's Public Works Department will prepare an updated cost of service and rate study to determine whether the Sewer Service Charge (SSC) imposed on new sewer connections resulting from future development facilitated by the proposed Project require updates to reflect the City's actual costs associated with providing sewer services. If such updates are warranted, the SSC will be updated to reflect actual costs of providing related sewer services.

Finding:

The complete implementation of the necessary upgrades to the BWRP is roughly estimated to take up to 22 years to finance and complete, which is well beyond the proposed Project's 10-year planning horizon; therefore, the City of Burbank finds that there are no mitigation measures that are feasible to reduce the significant wastewater facilities 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 II.F 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.

Impact UTIL-3. Wastewater generated in the city of Burbank is conveyed to and treated at the Burbank water reclamation plant (BWRP). Future development projects under the proposed project would increase wastewater generation commensurate with the increased population, which would result in additional wastewater flows that would exceed the existing capacity of the BWRP. Due to these flows, and the constraints within the City's treatment system, potentially significant impacts could result if the full buildout of the proposed project is realized, and would require substantial facility improvements to accommodate this additional wastewater flow. Short- and long-term mitigation measures are required to reduce the potential impacts and ensure upgrades to the system. Nonetheless, necessary improvements to accommodate this additional wastewater flow are not expected to be completed within the 10-year planning horizon. Therefore, impacts would remain significant and unavoidable until the plans and upgrades are implemented.

Support for this environmental impact conclusion is included in Draft Program EIR Section 4.17, *Utilities and Service Systems*, and in particular, starting on page 4.17-17 of the Draft Program EIR.

According to Section 4.17, *Utilities and Service Systems*, of the Draft Program EIR, based on the Focused Sewer Capacity Analysis (Appendix H), the additional wastewater flows generated by development under the proposed Project would result in approximately 3.07 MGD of wastewater inflows to the BWRP which would account for approximately 36 percent of the current BWRP daily rate of 8.5 MGD. Therefore, the proposed Project would result in additional wastewater flows that would account for a large portion of the existing daily rate of the BWRP and would exceed the existing limited remaining capacity, which would require substantial facility improvements to accommodate this additional wastewater flow and impacts would be potentially significant.

Additional capital improvement projects would be required to increase BWRP capacity to handle the majority of future flows from the proposed Project. During certain periods when the capacity enhancements would be constructed at BWRP, it may be necessary to divert flow to the City of Los Angeles' North Outfall Sewer pipeline (LA NOS). However, long-term diversion to the LA NOS is not feasible due to regulatory and contractual constraints, as well as the increased diversion cost, which would include both sewer facilities charges and annual charges and is estimated to be approximately \$60 million over ten years. Potential future improvements to increase the treatment capacity of the BWRP would require upgrades to the headworks, the addition of new primary clarifiers, modifications to the secondary treatment process, and expansion of the equalization basins (beyond the near-term 10-year planning horizon). Options for improving BWRP's secondary treatment processes could include either conversion to a membrane bioreactor or expansion of the BWRP's conventional secondary treatment facilities. BWRP's tertiary sand filters and chlorine contact tanks have relatively more capacity than the expansion processes listed above and are currently not the limiting processes in the treatment train. Additionally, BWRP expansion would likely require the City to acquire new land to build some of these improvements due to limited space in the current BWRP property. (Refer to Appendix H)

Although the City's Public Works Department determined that these necessary improvements would not be completed within the 10-year horizon due to high costs and operational challenges during construction of improvements, Mitigation Measures UTIL-1a through UTIL-1e require the Public Works Department to prepare plans and studies to identify specific capacity constraints, develop a capital improvement program to address those constraints, and conduct studies to determine

appropriate fees that will financially assist to support implementation of these necessary improvements. Additional mitigation measures may be implemented in the near-term to support the longer-term upgrades to BWRP, including planning for the upgrades identified in the Focused Sewer Capacity Analysis and annually reviewing the City's capital improvement program to ensure consistency with the City's adopted general plan.

Nonetheless, BWRP's capacity will not be sufficient to support full buildout of the proposed Project until all capital improvement upgrades are completed. Until such upgrades are implemented, impacts to the City's wastewater treatment capacity from the proposed Project will be significant and unavoidable.

Mitigation Measures:

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

UTIL-3a Expansion and Upgrades to BWRP Treatment Facilities

The City's Public Works Department shall plan for and complete future improvements to expand and upgrade the BWRP treatment facilities consistent with the Focused Sewer Capacity Analysis and forthcoming Sewer Constraints Analysis and Sewer Master Plan, including but not limited to, upgrades to the headworks, the acquisition of land adjacent to the BWRP facilities, the addition of new primary clarifiers, expansion of the equalization basins, modifications to the secondary treatment process, and upgrades to other parts of the sewage treatment process.

UTIL-3b Capital Improvement Program and Alignment with the City's General Plan

On an annual basis, the City's Community Development Department, acting by and through the City Planner or the City Planning Commission, shall review the Citywide Capital Improvement Program to ensure its conformity with the City's adopted general plan.

Finding:

The complete implementation of the necessary upgrades to the BWRP is roughly estimated to take up to 22 years to finance and complete, which is well beyond the proposed Project's 10-year planning horizon; therefore, the City of Burbank finds that there are no mitigation measures that are feasible to reduce the significant wastewater treatment 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 II.F of these Findings (Public Resources Code Sections 21081(a)(1) and (3); CEQA Guidelines Sections 15091(a)(1) and (3)). As described in Section II.F, the City recommends the Sustainable Infrastructure Alternative, which reduces development intensity to a level that can be accommodated through implementation of wastewater conveyance and treatment improvements. With implementation of Mitigation Measures UTIL-1a through UTIL-1e and the wastewater system improvements identified in the EIR, wastewater treatment capacity impacts under the Sustainable Infrastructure Alternative would be reduced to a less-than-significant level with mitigation incorporated. Accordingly, the significant and unavoidable wastewater treatment capacity impact identified for the proposed Project would be avoided through selection of the Sustainable Infrastructure Alternative.

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 [of the *CEQA Guidelines*] 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.”

The proposed Project for the Recirculated Draft Program EIR consists of the same development and land uses described in Section 2, *Project Description*. Section 6, *Alternatives*, of the Draft Program EIR was revised based on several public comments regarding the significant and unavoidable impacts under the proposed Project associated with wastewater, as well as the cumulatively significant impacts associated with water supply, wastewater facilities, and electricity, during the Draft Program EIR’s public review period. As outlined in the new Alternative 3, Sustainable Infrastructure Alternative, additional analysis was conducted to determine the maximum density within the Specific Plan Area that could be accommodated by the City’s existing and planned utility infrastructure and capacity. Under the Sustainable Infrastructure Alternative, impacts related to utilities and service systems were reduced from significant and unavoidable under the proposed Project to a less-than-significant level within mitigation incorporated under the Sustainable Infrastructure Alternative.

The Recirculated Draft Program EIR was available for public review starting July 11, 2026, and concluded on August 24, 2026. The Findings on Project Alternatives below reflect that of the Recirculated Draft Program 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 proposed Project that would feasibly attain most of the basic objectives of the proposed Project but would avoid or substantially lessen any of the significant effects of the proposed 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 alternative was considered by the City but is not evaluated further in this EIR, for the reasons discussed:

- **Measure One Alternative.** An alternative that would increase the City’s residential units to the limit established by Measure One was considered for full analysis. Measure One is the City’s growth management initiative that is in effect until January 1, 2030, which allows for a maximum

buildout of 18,600 residential units in the Medium Density, High Density and Various Commercial zone districts. This option was rejected as an alternative because Measure One is a Citywide limit on residential growth, so unlike the proposed Project, it does not include land use and mobility strategies that would directly apply to residential and commercial growth in the Specific Plan Area and, therefore, would not meet basic project objectives.

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) states, “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 proposed Project with the impacts of not approving the proposed Project.

The No Project Alternative involves continued implementation of the 1991 Media District Specific Plan, the 2021-2029 Burbank Housing Element, and the Burbank2035 General Plan. The No Project Alternative would not expand the Specific Plan Area boundary to include the Warner Bros. Ranch block located north of Oak Street, the Lakeside Shopping Center parcel, and Johnny Carson Park, as included in the proposed Project. The No Project Alternative assumes the housing, commercial, and general business development under the proposed Project would not occur, and other land use and mobility strategies associated with the proposed Project would not be implemented. The No Project Alternative assumes that the Burbank2035 General Plan and applicable policies would continue to accommodate development in accordance with existing land use designations and zoning regulations.

The No Project Alternative would allow for a total development potential of 6,062 residential units, 2,488,411 square feet of non-residential uses, and no hotel rooms within the 1991 Media District Specific Plan Area. Compared to the proposed Project, the No Project Alternative would result in 3,640 fewer residential units, 1,497,796 fewer square feet of non-residential uses, and 400 fewer hotel rooms, as compared to a total proposed Project development potential of 9,702 residential units, 3,986,207 square feet of non-residential uses, and 400 hotel rooms within the Specific Plan Area.

Conclusion:

In comparison to the proposed Project, the No Project Alternative would result in lesser impacts to thresholds under aesthetics, air quality (remains significant and unavoidable), geology and soils, GHG emissions, hazards and hazardous materials, population and housing, public services, recreation, and utilities and service systems compared to the proposed Project. Impacts under thresholds related to air quality, biological resources, cultural resources, energy, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, tribal cultural resources, utilities and service systems, and wildfire would be similar compared to the proposed Project. Impacts to transportation would be slightly greater compared to the proposed Project. The No Project Alternative would meet six Project Objectives and would not meet the remaining three Project Objectives.

Finding:

While the No Project Alternative would overall reduce environmental impacts compared to the proposed Project, it would not establish updated objective design standards, ensure that infrastructure and public services accommodate future development, encourage affordable and workforce housing development, or facilitate streamlined housing production in the Media District. Accordingly, the No Project Alternative is rejected because it would not achieve several key Project Objectives and would not implement the Media District Specific Plan Update.

Alternative 2: Increased Growth Alternative

The Increased Growth Alternative is included to assess the potential impacts if the updated Specific Plan allows for maximum density under recent State housing laws. This alternative scenario would allow increased density to the same opportunity sites and potential development sites in the Specific Plan Area that are considered under the proposed Project. Compared to the proposed Project, the Increased Growth Alternative would result in a net increase of 4,610 residential units and 3,279,643 square feet of non-residential uses, for a total development potential of 14,312 residential units, 7,265,850 square feet of non-residential uses, and 400 hotel rooms. Ultimately, this alternative would exceed the State requirements regarding SCAG's RHNA allocation of 8,772 residential units.

Conclusion:

The Increased Growth Alternative would result in lesser impacts to transportation compared to the proposed Project but would remain significant and unavoidable. Impacts under thresholds related to aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire would be similar compared to the proposed Project. Impacts under thresholds related to air quality, energy, geology and soils, GHG emissions, land use and planning, population and housing, and utilities and service systems would be greater compared to the proposed Project. The Increased Growth Alternative would meet eight Project Objectives and partially meet the objective of ensuring that infrastructure and public service improvements accommodate future development because it would result in significant and unavoidable wastewater capacity impacts.

Finding:

Although the Increased Growth Alternative would meet most Project Objectives, it would not ensure that infrastructure and public service improvements accommodate future development because it would result in significant and unavoidable wastewater capacity impacts. In addition, the Increased Growth Alternative would substantially exceed the level of development contemplated by the Specific Plan and would result in greater impacts related to air quality, greenhouse gas emissions, land use and planning, population and housing, and utilities and service systems. Accordingly, the Increased Growth Alternative is rejected because it would result in greater environmental impacts than the proposed Project without providing environmental benefits that outweigh those impacts.

Alternative 3: Sustainable Infrastructure Alternative

Due to several public comments of concern regarding the significant and unavoidable impacts under the proposed Project associated with wastewater, as well as the cumulatively significant impacts associated with water supply, wastewater facilities, and electricity, during the Draft Program EIR's public review period, additional analysis was conducted to determine the maximum density within the Specific Plan Area that could be accommodated by the City's existing and planned utility infrastructure and capacity. Based on the analysis, the Sustainable Infrastructure Alternative was developed which would decrease the number of redevelopment sites and reduce the proposed density at the opportunity sites within the Specific Plan Area. Compared to the proposed Project, the Sustainable Infrastructure Alternative would result in a net development decrease of 7,444 residential units and 3,301,962 square feet of non-residential uses, for a total development potential of 2,258 residential units, 684,245 square feet of non-residential uses, and 400 hotel rooms. As such, the impact analysis assumed a decrease in overall development compared to the proposed Project due to reduced development potential at individual sites within the Specific Plan Area, which would result in less intense construction activities and decreased construction timelines for future projects under this alternative.

Conclusion:

In comparison to the proposed Project, the Sustainable Infrastructure Alternative would result in lesser impacts to thresholds under aesthetics, air quality (remains significant and unavoidable), biological resources, cultural resources, energy, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning (remains significant and unavoidable), noise (remains significant and unavoidable), population and housing, public services, recreation, tribal cultural resources, utilities and service systems (reduces impact to less than significant with mitigation incorporated), and wildfire. In comparison to the proposed Project, the Sustainable Infrastructure Alternative would result in similar impacts to thresholds under aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, recreation, transportation, utilities and service systems, and wildfire. Impacts to transportation would be greater compared to the proposed Project. The Sustainable Infrastructure Alternative would meet all of the Project Objectives.

Finding:

The Sustainable Infrastructure Alternative avoids or substantially lessens several significant environmental effects of the proposed Project while continuing to meet all Project Objectives. As described in the Final Program EIR, the Sustainable Infrastructure Alternative would reduce impacts related to aesthetics, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, population and housing, public services, recreation, tribal cultural resources, utilities and service systems, and wildfire. In addition, impacts to utilities and service systems would be reduced from significant and unavoidable to less than significant with mitigation incorporated.

The Sustainable Infrastructure Alternative was identified in the Final Program EIR as the environmentally superior alternative because in comparison to the proposed Project it reduces the scale and intensity of development, better aligns development potential with available and planned infrastructure capacity, reduces or avoids the significant environmental impacts, and continues to achieve all Project Objectives. Accordingly, the Sustainable Infrastructure Alternative is selected in

lieu of the proposed Project and serves as the recommended project for purposes of the City's CEQA review and project approvals.

Environmentally Superior Alternative

Draft Program EIR Table 6-20, *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, the Sustainable Infrastructure Alternative would be the environmentally superior alternative.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

Because the Sustainable Infrastructure Alternative was approved as the preferred project by the City Council, the following Statement of Overriding Considerations focuses on the significant and unavoidable impacts of the Sustainable Infrastructure Alternative. Pursuant to Public Resources Code Section 21081(b) and *CEQA Guidelines* Section 15093, the City of Burbank has balanced the benefits of the Sustainable Infrastructure Alternative against the following significant and unavoidable adverse impacts associated with the Sustainable Infrastructure Alternative and has adopted all feasible mitigation measures with respect to aesthetics, air quality, biological resources, cultural resources, energy, geology/soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities/service systems, and wildfire. The City also has examined alternatives to the proposed Project. The Sustainable Infrastructure Alternative was identified as the environmentally superior alternative because it would avoid or substantially lessen several significant environmental impacts and meet all Project Objectives. Accordingly, the Sustainable Infrastructure Alternative has been selected as the approved 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."
- (b) 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.
- (c) If an agency makes a statement of overriding considerations, the statement shall 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 (or selected alternative) against its significant and unavoidable environmental risks when determining whether to approve the proposed Project. If the benefits of the proposed 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 Program 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 Sustainable Infrastructure Alternative'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 Sustainable Infrastructure Alternative are considered significant, unavoidable, and adverse based on the Draft Program EIR, Recirculated Draft Program EIR, Final Program EIR, Mitigation Monitoring and Reporting Program, and the findings discussed in Section II, *Findings and Facts*, of this document.

- *Impact to Air Quality (Conflicts with the AQMP)*. According to Section 6.3.2 (b) , *Air Quality*, of the Recirculated Draft Program EIR, while the four sample construction scenarios modeled for the proposed Project would not result in emissions that exceed the SCAQMD regional thresholds, the construction of individual projects under the Sustainable Infrastructure Alternative would continue to have the potential to exceed SCAQMD regional thresholds, especially for projects with large amounts of soil movement or a large quantity of workers or equipment. Operation of the developments facilitated by the Sustainable Infrastructure Alternative would generate criteria air pollutant emissions associated with area sources (e.g., fireplaces, architectural coatings, consumer products, and landscaping equipment), energy sources (e.g., use of natural gas for space and water heating and cooking), and mobile sources (e.g., vehicle trips to and from the project site). Emissions associated with future development projects under the Sustainable Infrastructure Alternative, depending on project type and size, could exceed project-specific thresholds established by SCAQMD. However, such projects would be required to undergo independent, project-level CEQA review and include mitigation measures, if necessary, to address potentially significant impacts. Therefore, as the Sustainable Infrastructure Alternative has the potential to cause or contribute to new violations, the Sustainable Infrastructure Alternative would be inconsistent with Criterion 1 and impacts would be potentially significant. Because the scope of future construction projects is yet to be determined, there are no mitigation measures available to reduce the significant impacts related to address Criterion 1. Impacts would remain significant and unavoidable.
- *Impact to Air Quality (Construction and Operation Emissions)*. According to Section 6.3.2 (b), *Air Quality*, of the Recirculated Draft Program EIR, results of the construction emissions modeling demonstrate that daily emissions of NO_x from heavy-duty diesel equipment and trucks during construction activities would approach but not exceed SCAQMD regional thresholds under reasonably expected circumstances for projects that involve the use of 15 pieces of equipment and 195 heavy truck trips per day. However, projects with large amounts of soil import/export or smaller projects with a large quantity of workers may result in larger emissions and have the potential to exceed SCAQMD regional thresholds. Therefore, construction activity accommodated under the Sustainable Infrastructure Alternative would result in a significant impact related to regional construction emissions of NO_x. The impact includes potential exposure of sensitive receptors to high concentrations of NO₂, which may result in adverse health effects, such as breathing difficulties.

Compliance with SCAQMD rules and Burbank2035 General Plan Air Quality and Climate Change Element policies would reduce the overall level of air quality impacts associated with construction activities facilitated by the Sustainable Infrastructure Alternative. Moreover, any future development projects facilitated by the Sustainable Infrastructure Alternative would be required to implement additional mitigation if the project-specific analysis identifies a potential to exceed SCAQMD's regional thresholds construction activities. Nonetheless, future development projects with large amounts of equipment, large number of hauling truck trips, or other unusual circumstances may generate criteria pollutant emissions that exceed SCAQMD thresholds. Therefore, construction-related impacts associated with large future development projects under the Sustainable Infrastructure Alternative are considered potentially significant.

Mitigation Measure AQ-1 would require air quality analysis and appropriate emissions reduction measures for projects that exceed the screening criteria, such as those with extensive grading, demolition, or other activities requiring soil disturbance, consistent with SCAQMD Rule 403. Additionally, projects with large amounts of heavy-duty construction equipment would require an air quality analysis and appropriate mitigation. As shown in Table 4.2-6, the criterion for the maximum number of pieces of heavy-duty construction equipment conservatively correlates to the applicable SCAQMD threshold. In addition, subsequent analysis and mitigation would be required for any project with reasonable potential to generate criteria pollutant emissions that exceed SCAQMD thresholds. However, specific reduction in emissions below the SCAQMD significance thresholds cannot be demonstrated in the absence of specific project details to assess. It is reasonable to assume that construction activities for a development project under the Sustainable Infrastructure Alternative could generate emissions that would exceed the significance thresholds despite Mitigation Measure AQ-1. Therefore, the Sustainable Infrastructure Alternative is considered to result in a significant and unavoidable regional and localized construction impact related to violating an air quality standard and/or contributing substantially to an existing or projected air quality violation. Construction impacts would be significant and unavoidable.

According to Section 6.3.2 (b), *Air Quality*, of the Recirculated Draft Program EIR, buildout of the Sustainable Infrastructure Alternative would generate criteria pollutants that exceed SCAQMD operational regional significance thresholds. As SCAQMD regional significance thresholds are intended for assessment of individual development projects, comparison of criteria pollutant emissions from buildout of all future development projects under the Sustainable Infrastructure Alternative to their respective thresholds is conservative.

Additional 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 180-multi-family unit project or office space of 900,000 square feet would typically result in emissions that approach but remain less than SCAQMD thresholds. However, future development projects that are larger than those identified above or have a mix of land uses may generate criteria pollutant emissions that exceed SCAQMD thresholds. Therefore, operational-related impacts associated with large future development projects under the Sustainable Infrastructure Alternative are considered potentially significant.

Mitigation Measure AQ-2 would require air quality analysis and appropriate air pollutant emissions reduction measures for projects that exceed the screening criteria identified above for large projects. While implementation of Mitigation Measure AQ-2 would reduce air pollutant emissions associated with development under the Sustainable Infrastructure Alternative, there would be no further feasible mitigation to reduce VOC, NO_x and CO to reduce these long-term

emissions to a level below SCAQMD significance thresholds. Therefore, impacts from operational emissions would be significant and unavoidable.⁵ However, because the construction and operation mitigation measures would be specific to a Sustainable Infrastructure Alternative and aimed at reducing emissions, it is not anticipated that any secondary environmental impacts related to emissions would occur.

- Impact to Air Quality (TAC Emissions). According to Section 6.3.2 (b), *Air Quality*, of the Recirculated Draft Program EIR, a localized construction analysis would be speculative given the lack of specific information identifying exact locations and construction activities for future development under the Sustainable Infrastructure Alternative. In addition, each individual project would vary in size and distance to sensitive receptors, which affects the applicable threshold each individual project would be tied to for on-site emissions during operations. Thus, construction and operational LST emissions were not quantified in this analysis since project-level data was not included for the Sustainable Infrastructure Alternative. However, it is reasonable to assume that some individual projects developed under the Sustainable Infrastructure Alternative would involve construction adjacent to sensitive receptors (e.g., residences and schools). Under certain circumstances, unmitigated equipment emissions combined with fugitive dust emissions associated with the development of future development occurring under the Sustainable Infrastructure Alternative could potentially exceed the LSTs for NO_x, CO, PM₁₀ and PM_{2.5}. As such, development of individual projects under the Sustainable Infrastructure Alternative could result in a potentially significant impact related to localized construction and operational emissions of NO_x, CO, PM₁₀, and PM_{2.5}.

Construction would result in various TACs associated with equipment exhaust and off-gassing from various materials applied during construction, such as architectural coatings. Of these, the TAC of primary concern associated with construction activities is diesel particulate matter (DPM), which may be released in substantial quantities by use of heavy-duty equipment operations and truck traffic. Although health risks associated with acute exposure to diesel exhaust are negligible, chronic exposure may contribute to carcinogenic and non-carcinogenic health risks to the respiratory system. The severity of health effects depends upon several factors, including the amount of exposure and the duration of exposure.

Entitlements for large projects are typically subject to discretionary approvals, and subsequent air quality analysis is required pursuant to CEQA to demonstrate that projects would not result in air quality impacts at nearby receptors. Mitigation Measure AQ-1 would require air quality analysis and appropriate air pollutant emissions reduction measures for projects with potential for construction to include activities that generate substantial diesel exhaust, such as demolition, grading, hauling, of heavy-duty equipment use. However, specific reduction in emissions below the SCAQMD significance thresholds cannot be demonstrated in the absence of individual project details. For these reasons, construction-related impacts associated with TAC emissions would be potentially significant. Implementation of Mitigation Measure AQ-1 would address construction TAC emissions associated with future development projects under the Sustainable Infrastructure Alternative.

Mitigation Measure AQ-1 would require air quality analysis and appropriate emissions reduction measures for projects that exceed the screening criteria, such as those with extensive grading, demolition, or other activities requiring soil disturbance, consistent with SCAQMD Rule 403.

⁵ SCAQMD regional significance thresholds are intended for assessment of individual development projects. Therefore, comparison of criteria pollutant emissions from buildout of all future development projects under the proposed Project to their respective thresholds is conservative.

Specifically for health risk from TAC emissions during construction, the requirement for Tier 4 equipment would result in a substantial reduction of TAC emissions. However, specific reduction in TAC emissions below the SCAQMD health risk significance thresholds cannot be demonstrated in the absence of specific project details to assess. It is reasonable to assume that construction activities for a development project under the Sustainable Infrastructure Alternative could generate TAC emissions that would exceed the significance thresholds despite Mitigation Measure AQ-1. Therefore, the Sustainable Infrastructure Alternative would potentially expose sensitive receptors to substantial pollutant concentrations during construction and impacts would be significant and unavoidable.

- *Impact to Cultural Resources (Historical Resources).* According to Section 6.3.2 (d), *Cultural Resources*, of the Recirculated Draft Program EIR, the City's historic preservation regulations provide procedures for the local designation of historical resources and districts and a permitting process for work affecting a locally designated resource or within a locally designated historic district. Generally, the approval of such permits requires a project applicant to demonstrate any proposed work on an individual historical resource would not substantially alter the historical and architectural significance of the resource. Further, the approval of work within a historical district is generally required to conform with the Standards and/or local design guidelines. Thus, the City's regulations would reduce impacts by requiring that alterations do not cause the loss of the character-defining features of a designated resource or historic district contributor or introduce visibly incompatible elements into locally designated historic district through the alteration of a property located within a district. However, while local regulations discourage the demolition and alteration of locally designated resources or properties within historic districts, exemptions are permitted under certain circumstances which are defined in the regulations and include situations involving alterations qualifying as ordinary maintenance and repair or in situations where there are threats to public health and safety or there is an economic hardship. Under the Sustainable Infrastructure Alternative, no designated resources are included as opportunity sites. However, if resources or historic districts within the Specific Plan Area are designated at a future time, the City's historic preservation regulations may permit work involving designated historical resources and historic districts, including alterations, relocations, and demolitions, that would result in significant impacts to historical resources pursuant to CEQA.

In addition to the regulations that apply to designated historical resources, Program LU-4: Historic Preservation Plan of the Burbank 2035 General Plan recommends measures for the evaluation of potential historical resources to determine whether they qualify as historical resources pursuant to CEQA. Development that occurs as a result of the Sustainable Infrastructure Alternative would be required to remain in compliance with this program. Adherence to the program would require that any potential historical resources identified as part of future development projects facilitated by the Sustainable Infrastructure Alternative would be evaluated for historical significance by a qualified architectural historian or archaeologist prior to development.

The applicable element of Program LU-4 has not been adopted as part of the BMC and is, therefore, recommended as part of Mitigation Measure CUL-1 below.

The City's regulations and programs would help mitigate impacts to designated and eligible historical resources by requiring, in certain cases, adherence to the Standards and other requirements intended to preserve the character-defining features of individual historical resources and historic districts that qualify them as historical resources pursuant to CEQA. However, the City's regulations do not, in all cases, prevent demolition or substantial alteration of designated and eligible historical resources. Therefore, potential impacts to historical resources under the Sustainable Infrastructure Alternative are significant and unavoidable.

Mitigation Measure CUL-1 would reduce impacts to historical resources to the greatest extent feasible by identifying and evaluating significant historical resources and managing relocation, rehabilitation, or alteration in compliance with the Standards as applicable. However, even with implementation of this mitigation measure, historical resources could still be materially impaired by future development projects carried out under the Sustainable Infrastructure Alternative. While Historic American Building Survey-like documentation would reduce these impacts to the greatest extent feasible in cases where compliance with the Standards or avoidance is not possible, legal precedent has established that such a measure cannot mitigate impacts to a level of less than significant because the loss of historical fabric cannot be readily compensated for by commemorative mitigation.⁶ Therefore, impacts would be significant and unavoidable. Because Mitigation Measure CUL-1 would be site-specific, it is not anticipated that any secondary impacts would occur.

- *Impact to Land Use and Planning (Consistency with Goals and Policies)*. As described in Section 6.3.2 (j), *Land Use and Planning*, of the Recirculated Draft Program EIR, approval of the Sustainable Infrastructure Alternative would include a General Plan Amendment to amend the land use designation in the Land Use Element, resolution to adopt the Sustainable Infrastructure Alternative, and a corresponding zone text amendment to be consistent with the General Plan and incorporate the Specific Plan development standards. The Sustainable Infrastructure Alternative would generally be consistent with the Burbank2035 General Plan. However, the following inconsistencies have been identified:

As described under the consistency analysis for Policy 1.2 and 1.5 of the Air Quality and Climate Change Element in 4.10-2, development associated with the Sustainable Infrastructure Alternative would generate short-term and long-term criteria air pollutant emissions in exceedance of short-term and long-term SCAQMD regional thresholds and would expose sensitive receptors to substantial pollutant concentrations. The Sustainable Infrastructure Alternative would implement Mitigation Measures AQ-1 and AQ-2 to reduce short-term and long-term criteria pollutants, but implementation would not reduce emissions below SCAQMD regional significance thresholds. Therefore, the Sustainable Infrastructure Alternative would not be consistent with these Burbank2035 General Plan policies, which would result in a significant and unavoidable impact.

- *Impact to Noise (Construction Noise)* According to Section 6.3.2 (k), *Noise*, of the Recirculated Draft Program EIR, construction activity associated with future development projects under the Sustainable Infrastructure Alternative would require the use of a variety of noise-generating equipment that would result in temporary increases in ambient noise levels on an intermittent basis. Noise levels generated by construction would vary depending on the construction phase and types of equipment used, the durations of use, distance between the noise source and surrounding receptors, and presence or absence of noise-attenuation barriers. Engine noise reduction technology, including silencers, continues to improve, but heavy construction equipment still generates noise exceeding ambient levels that could cause intermittent annoyance to nearby receptor properties. Noise associated with construction of future development projects within the Specific Plan Area under the Sustainable Infrastructure Alternative could exceed the eight-hour 80 dBA L_{eq} daytime significance thresholds at residential land uses. Implementation of Burbank2035 General Plan Noise Element Policies 7.1 through 7.3 would reduce construction noise impacts associated with future development projects carried out under the Sustainable Infrastructure Alternative. However, project-level details are not

⁶ League for Protection of Oakland's etc. Historic Resources v. City of Oakland (1997) 52 Cal.App.4th 896.

currently available for future development projects that would be facilitated under the Sustainable Infrastructure Alternative. Therefore, it is not possible to determine exact noise levels, locations, or time periods for construction of such projects, or construction noise at adjacent properties. Construction noise levels associated with future development projects under the Sustainable Infrastructure Alternative may exceed the FTA's daytime construction noise limits; therefore, temporary noise impacts associated with construction of future development projects under the Sustainable Infrastructure Alternative would be potentially significant.

Implementation of Mitigation Measures NOI-1a through NOI-1i, as well as implementation of goals and policies from the City's General Plan, would reduce potential noise impacts during construction activities. While daytime construction activities conducted within the City's allowable days and times would be exempt from applicable noise regulations, there is potential for significant construction noise impacts, particularly if construction activities were to be conducted during evening and/or nighttime hours, when people are more sensitive to noise. Additionally, for construction activities occurring in proximity to multi-story residential buildings, it may not be feasible to mitigate construction noise impacts to upper floors of adjacent noise-sensitive buildings. While Mitigation Measure NOI-1g requires the installation of temporary noise barriers to reduce construction impacts to nearby sensitive receptors, it may not be feasible to mitigate construction noise impacts upon higher floors, as the effectiveness of a noise barrier is dependent on the line-of-sight between a noise source and receiver being blocked. Structural (or other similar) concerns may limit the height of any required barriers such that, even with the presence of a barrier, it would not be feasible to reduce construction noise levels at upper floors of adjacent noise-sensitive buildings. Therefore, construction noise impacts associated with future development projects facilitated under the Sustainable Infrastructure Alternative would remain significant and unavoidable.

- *Impact to Transportation (VMT).* According to Section 6.3.2 (o), *Transportation*, of the Recirculated Draft Program EIR, the VMT modeling provides estimates for the population, employment, and service population in the Specific Plan Area in 2035.⁷ Under the Sustainable Infrastructure Alternative, the Specific Plan Area population in 2035 is estimated to be 28,337, which is estimated to produce 34,771 daily vehicle trips and 300,710 daily VMT, with an average of 10.6 home-based VMT per capita. The 65,568 future employees under the VMT model in the Specific Plan Area are estimated to attract 80,323 daily vehicle trips and 860,200 daily VMT, with an average of 13.1 home-based work VMT per employee. The total 93,905 service population under the VMT model in the Specific Plan Area is estimated to generate 238,000 daily vehicle trips and 2,043,899 daily VMT, with an average of 21.8 total VMT per service population.

As summarized in Table 6.19, the Sustainable Infrastructure Alternative would reduce total VMT per service population by 29.7 percent and home-based VMT per capita by 27.8 percent, which both would exceed the required 15-percent reduction threshold. However, it would only reduce home-based work VMT per employee by 2.0 percent, which falls short of the 15-percent target. While the Sustainable Infrastructure Alternative promotes infill development, multimodal access, and proximity to existing and future transit infrastructure, all of which are consistent with best practices for VMT reduction, these measures are not sufficient to achieve a significant enough reduction in home-based work VMT per employee. This shortfall likely reflects the regional

⁷ As discussed in the Traffic Study Report prepared for the proposed Project (Appendix D), the VMT analysis used the City's travel demand model, which has a 2023 base year and 2035 horizon year. The incremental growth assumptions shown in the VMT analysis can differ from the growth assumptions shown elsewhere in this EIR due to the inclusion of other cumulative growth within the Specific Plan Area.

commuting patterns and land use mix in the Specific Plan Area, where job density outpaces housing development despite efforts to streamline residential production.

As such, the Sustainable Infrastructure Alternative would not fully meet CEQA's threshold of significance related to VMT and would, therefore, result in a potentially significant impact. Because no feasible mitigation measures have been identified at the program level that would reduce the home-based work VMT per employee impact to a less-than-significant level, the Sustainable Infrastructure Alternative's impact related to VMT would be significant and unavoidable.

C. CONSIDERATIONS IN SUPPORT OF THE STATEMENT OF OVERRIDING CONSIDERATIONS

The City adopts and makes this Statement of Overriding Considerations in accordance with Public Resources Code Section 21081(b) and *CEQA Guidelines* Section 15093 in support of approval of the Sustainable Infrastructure Alternative. The City finds that each of the benefits set forth below in this Statement of Overriding Considerations constitutes a separate and independent ground for finding that the benefits of the Sustainable Infrastructure Alternative outweigh the risks of the potential significant adverse environmental impacts and such risks are therefore considered "acceptable." The benefits of the Sustainable Infrastructure Alternative, which constitute the specific economic, legal, social, technological and other considerations that justify the approval of the Sustainable Infrastructure Alternative are as follows:

- The Sustainable Infrastructure Alternative updates and expands the previously established goals, guidelines, policies, programs and direction of the 1991 Media District Specific Plan to reflect current needs and the community vision for future development of the Specific Plan Area, and would meet all the Project objectives
- The Sustainable Infrastructure Alternative would contribute to economic growth within the Specific Plan Area and throughout the City by supporting continued investment, redevelopment, and business activity within the Media District. The Sustainable Infrastructure Alternative would create opportunities for new employment, commercial, office, entertainment, and mixed-use development, expand the City's economic and fiscal base, and help improve the existing jobs-housing imbalance by providing additional housing opportunities in proximity to major employment centers and transit resources.
- The Sustainable Infrastructure Alternative would establish objective design standards for all projects within the Specific Plan Area, based on community feedback and best practices to ensure neighborhood compatibility and contextual sensitivity, thereby preserving the City's local control and ability to enforce objective development standards that are appropriate for future development in the Specific Plan Area while also facilitating streamlined approval of qualifying development projects.
- The Sustainable Infrastructure Alternative implements overall the Burbank2035 General Plan goals and policies for the Specific Plan Area and helps accomplish Program LU-3: Specific Plans of the Plan Realization Element, a policy that directs the City to review and where appropriate revise existing through a public process to determine whether their vision, goals, and policies remain applicable and appropriate to the Community's needs.
- The Sustainable Infrastructure Alternative encourages contextual transit-oriented development objective standards within the center of the Specific Plan Area and around existing and future transit opportunities.

- The Sustainable Infrastructure Alternative provides a more user-friendly document that will make use of the Media District Specific Plan easier for decision makers, staff, and the public.
- The Sustainable Infrastructure Alternative encourages more multi-modal transportation use through added infrastructure and improves traffic safety through targeted pedestrian, bicycle, and transit improvements.
- The Sustainable Infrastructure Alternative facilitates the City Council's goal of accommodating up to 12,000 dwelling units by 2035 and enables the City to meet its obligation to facilitate the 2021 Housing Element Regional Housing Needs Allocation of 8,772 units.
- The Sustainable Infrastructure Alternative was shaped by an extensive public outreach process that engaged the community and decision-makers. The City hosted a series of Planning Commission and City Council study sessions, community events, public workshops, stakeholder briefings, and public hearings on the Sustainable Infrastructure Alternative. The Sustainable Infrastructure Alternative was developed with all this public input and consideration and represents the desires of the community as a whole in shaping the future of the Specific Plan Area and Burbank as a whole.

D. CONCLUSION

The City Council has balanced the Sustainable Infrastructure Alternative's benefits against the significant and unavoidable air quality, cultural resources, land use and planning, transportation, and utilities and service systems impacts. The City Council exercises its independent judgment and finds that the Sustainable Infrastructure Alternative's benefits of implementing the Sustainable Infrastructure Alternative consistent with Project Objectives outweigh the Sustainable Infrastructure Alternative's significant and unavoidable impacts, and those impacts, therefore, are considered acceptable in light of the Sustainable Infrastructure Alternative'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 Sustainable Infrastructure Alternative notwithstanding the Sustainable Infrastructure Alternative's significant and unavoidable impact.

EXHIBIT B

**MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE FINAL ENVIRONMENTAL IMPACT REPORT
FOR MEDIA DISTRICT SPECIFIC PLAN UPDATE**

State Clearinghouse No. 2023110017

5 Mitigation Monitoring and Reporting Program

CEQA requires that a mitigation reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This mitigation monitoring and reporting program would track the procedures for compliance with the adopted mitigation measures during the project implementation phase. For each mitigation measure in the Environmental Impact Report (EIR), 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, many of the mitigation measures included herein apply to future individual projects, and as such, the cost for any studies and/or monitoring to implement the project-level mitigation measure shall be borne by future project applicants.

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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							
For any future development projects facilitated by the proposed Project 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 five acres of graded area, or use of more than 15 pieces of heavy-duty construction equipment and 195 truck trips on any given day during demolition, site clearing, or grading, as part of the Plan Check Submittal, and at the expense of the project applicant, the City shall retain a qualified air quality technical specialist to prepare an air quality impact analysis to analyze construction emissions. The air quality analysis shall demonstrate that project emissions are less than the applicable regional thresholds and Localized Significance Thresholds under the South Coast Air Quality Management District (SCAQMD) and, as applicable, may include, but not be limited to, the following mitigation measures: <ul style="list-style-type: none">Off-road diesel-powered construction equipment greater than 50 horsepower shall meet the United States Environmental Protection Agency’s 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 nitrogen oxides (NOx) and diesel particulate matter (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. This will be achieved as part of the finalization of a construction management plan.All construction equipment shall be outfitted with best available control technology (BACT) devices certified by California Air Resources Board (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.	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 approve the Construction Air Quality Impact Analysis.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
AQ-2 Operations Emissions Reduction							
For any future development projects facilitated by the proposed Project that would include more than 180 multi-family residential units, 900,000 square feet of office space, or any equivalent combination thereof, as part of the Plan Check Submittal, and at the expense of the project applicant, the City shall retain a qualified air quality technical specialist 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 not be limited to, the following mitigation measures: <ul style="list-style-type: none">Implementation of a Transportation Demand Management Plan.<ul style="list-style-type: none">Installation of electric vehicle charging stationsPublic infrastructure improvements (e.g., bus stop shelter improvements)Carpool or ridesharing programsSubsidized transit costsUnbundled parking costsBicycle 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 requirementsIncreased walls and attic insulation beyond Title 24 requirementsRequired use of electric lawnmowers, leaf-blowers, and chainsaws	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 or office square footage that exceeds the screening criteria. Review and approve the Operational Air Quality Impact Analysis.	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
Biological Resources							
BIO-1 Pre-Construction Nesting Bird Surveys and Nest Avoidance							
For any future development project facilitated by the proposed Project that would include construction activities initiated during the bird nesting season (February 1 through August 31) that involve the removal of trees, vegetation, or other nesting bird habitat, including abandoned structures and other man-made features, a pre-construction nesting bird survey shall be conducted no more than seven days prior to the initiation of ground disturbance and vegetation removal activities. The survey, whose cost shall be the sole responsibility of the development/project applicant, shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in and around the Specific Plan Area. The pre-construction nesting bird survey shall be conducted on foot and shall encompass the construction site and a 300 foot buffer around the construction site. Inaccessible areas (i.e., private property) within the survey boundaries shall be surveyed from afar using binoculars. If nests are found, an avoidance buffer shall be determined by the biologist dependent upon the species, the location of the nest, the proposed work activity, and existing disturbances associated with land uses within and outside of the construction site. The avoidance buffer shall be demarcated by the biologist with brightly colored construction fencing, flagging, construction lathe, or other means to demarcate the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone. No ground disturbing activities shall occur within the buffer zone until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer zone shall occur only at the discretion of the biologist on the basis that the encroachment will not be detrimental to an active nest. A report summarizing the pre-construction survey(s) shall be prepared by the biologist documenting and verifying compliance with the above requirements and applicable State and federal regulations protecting nesting birds that shall be submitted to the City. Site plans shall include a statement acknowledging compliance with the California Fish and Game Code and the Migratory Bird Treaty Act that includes avoidance of active bird nests and identification of protocols to avoid potential impacts to active nests, such as checking for nests prior to construction activities and implementing proper mitigation procedures if an active nest is discovered. Should construction activities be required to occur near an active nest, the biologist shall serve as a construction monitor to ensure that no inadvertent impacts on the nest would occur.	Verify retention of a qualified biologist to prepare a pre-construction bird survey if project construction/disturbances occur within bird nesting season (February 1 – August 31). Review and approve pre-construction bird survey.	At latest, seven days prior to initiation of grading or construction activities if project construction/disturbances occur within bird nesting season (February 1 – August 31)	Once	City of Burbank Community Development Department			
	If nests are found, field verify that avoidance buffers are demarcated and enforced. Review and approve survey report prepared by qualified biologist. Verify site plans include a nesting bird regulatory compliance statement.	Upon discovery of active nests					
Cultural Resources							
CUL-1 Protection, Documentation, and Memorialization of Historical Resources							
For all future development projects facilitated by the proposed Project, the project applicant shall either: ▪ 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 evaluation and assessment; or ▪ For any structure determined to be eligible for listing in 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), future development facilitated by the proposed Project shall comply with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (Standards). During the planning phase for any future development projects facilitated by the proposed Project (prior to any construction activities), input shall be sought from a qualified professional meeting the Secretary of the Interior’s Professional Qualifications Standards to ensure compliance of the future development project with the Standards for Rehabilitation. The cost of this assessment shall be borne	Verify that the project applicant has adequately demonstrated the project does not contain historic resources; or	Prior to project design approval	Once	City of Burbank Community Development Department			
	If project contains eligible or currently listed historic structure, verify retention of a qualified architectural historian or historic architect (meeting the Secretary of the Interior’s Professional Qualifications Standards) to assess the project. Review and approve HABS-like documentation.	Prior to the issuance of permits for demolition or alteration of the historical resource					

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<p>entirely by the applicant for the future development project. This input shall ensure the avoidance of any direct/indirect physical alterations to historical resources that would result in substantial adverse change to the historical resource. 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 identify the character-defining features of the historical resource through a review of the building’s construction history and analysis of its significant historical and/or architectural associations and shall subsequently analyze all project components for compliance with the Standards for Rehabilitation. Each future development project’s 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 shall document those recommendations, which shall then become conditions of approval for the future development project. The report shall be submitted to the City for review and approval upon submittal of an application for building permits or entitlement.</p> <ul style="list-style-type: none">It may not be possible to design all future development facilitated by the proposed Project involving a historical resource to be consistent with the Standards. Development projects inconsistent with the Standards may include those that require the substantial alteration or demolition of a historical resource. If significant historical resources are identified on an individual development site and compliance with the Secretary of the Interior’s Standards or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. Mitigation measures shall include, but may not limited to, documentation of the historical resource in the form of a Historic American Building Survey-like (HABS) report. The report shall be prepared by a qualified professional meeting the Secretary of the Interior’s Professional Qualifications and shall comply with the Secretary of the Interior’s Standards for Architectural and Engineering Documentation and shall generally follow the HABS Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historical research. The completed HABS-like documentation shall be completed by the owner and shall be submitted to the City of Burbank Department of Community Development prior to issuance of any permits for demolition or alteration of the historical resource.							
CUL-2a Archaeological Resources Assessment							
For any future development projects facilitated by the proposed Project, a Phase I Archaeological Resources Study (Phase I) shall be prepared if the future development project will involve ground disturbance, unless the project site has previously been subject to a Phase I within the past 10 years or is within soils that can be reliably demonstrated as being non-native or artificial fill. The study shall be performed by a qualified professional meeting the Secretary of the Interior’s (SOI) Professional Qualification Standards for archaeology (National Park Service 1983) at the owner’s expense. Methods shall include a pedestrian survey of the project site and sufficient background research and field sampling to determine whether archaeological resources may be present. Archival research shall include a records search of the South Central Coastal Information Center (SCCIC) no more than two years old and a Sacred Lands File search with the Native American Heritage Commission. The Phase I technical report documenting the study shall include recommendations that must be implemented prior to and/or during construction to avoid or reduce impacts on archaeological resources. Depending on the archaeological sensitivity of the project site, such recommendations shall include cultural resources sensitivity training provided to construction workers prior to construction and/or the implementation of archaeological and Native American monitoring during project related ground disturbance. The Phase I report shall be submitted to the City of Burbank Community	If the project involves ground disturbance and has not had a Phase I within the past years or cannot demonstrate its soils are non-native or artificial fill, verify retention of an SOI-qualified professional to prepare a Phase I. Review and approval of the Phase I. Verify recommendations of the Phase I are incorporated as Conditions of Approval. If cultural resources are identified, verify an Extended Phase I and/or a Phase II has been prepared. Review and approve the Phase II. If site avoidance of cultural resources is not possible, verify appropriate site-specific mitigation measures are identified in the Phase III. Review and approve the Phase III.	Prior to issuance of grading or construction permits	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
Development Department, Building and Safety Division for review and approval prior to the issuance of any grading or construction permits. Recommendations in the Phase I report shall be made Conditions of Approval and shall be implemented throughout all ground disturbance activities. If the Phase I report identifies cultural resources that may be impacted by the future development project under the proposed Project, an Extended Phase I testing and/or Phase II testing and evaluation shall be conducted at the owner’s expense and submitted to the City of Burbank Community Development Department, Building and Safety Division for review and approval prior to the issuance of any grading or construction permits. If resources are determined significant or unique through Phase II testing, impacts shall be reduced to less-than-significant levels by site avoidance or capping. If site avoidance is not possible, appropriate site-specific mitigation measures shall be identified. These measures shall include, but not be limited to, a Phase III data recovery program, mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit to characterize the nature of the buried portions of sites. Curation of the excavated artifacts or samples shall occur as specified by the archaeologist. The Phase III evaluation shall be submitted to the City of Burbank Community Development Department, Building and Safety Division for review and approval prior to the issuance of any grading or construction permits. If a future development project facilitated by the proposed Project would solely involve the refurbishment of an existing building and no ground disturbance would occur, this measure would not be required.							
CUL-2b Unanticipated Discovery of Cultural Resources							
If cultural resources are discovered during activities related to construction of any future development project under the proposed Project, all work in the immediate vicinity of the find (within a 50-foot buffer at minimum dependent on the discovery type) shall cease and a qualified archaeologist meeting SOI standards retained by the applicant of the future development project shall assess the find. Work on portions of the future development project outside of the buffered area may continue during this assessment period. Should the find involve a resource of Native American origin, the applicant of the future development project shall retain a Native American monitor from one or more of the consulting tribes on the NAHC list with ancestral ties to the Project Area to participate in the evaluation of the resource as defined by CEQA) (as amended, 2015) and to observe all remaining ground-disturbing activities, including, but not limited to, clearing, grading, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, leveling, driving posts, auguring, blasting, stripping topsoil or similar activity, and archaeological work. If the qualified archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for California Register for Historical Resources (CRHR)/National Register for Historic Places (NRHP) eligibility shall be completed. If the resource proves to be eligible for the CRHR/NRHP and significant impacts to the resource cannot be avoided via development redesign, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of the CEQA Guidelines Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and/or Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource’s significance. The City shall review and approve the treatment plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the California Historical Resources Information System at the SCCIC at California State University at Fullerton pursuant to CEQA Guidelines Section 15126.4(b)(3)(C).	If cultural resources are discovered, field verify that work is halted within a 50-foot buffer of the resource and the applicant retains a qualified archaeologist to assess the resource. If the find involves a resource of Native American origin, verify retention of a Native American monitor from one or more consulting tribes on the NAHC list with ancestral ties to the project area. If the resource is identified to be eligible for the CRHR/NRHP and significant impacts cannot be avoided via development redesign, review and approve the data recovery plan. Verify submittal of data recovery plan documentation to the California Historical Resources Information System at the SCCIC at California State University at Fullerton.	During initial ground disturbance	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
CUL-2(c) Disposition and Treatment of Inadvertent Discoveries							
The Burbank Community Development Department and/or applicant shall, in good faith, consult with the consulting tribe(s) on the disposition and treatment of any tribal cultural resource encountered during all ground disturbing activities for any future development project facilitated by the proposed Project.	If a tribal cultural resource is encountered during construction, verify consultation with consulting tribe(s) has been undertaken.	During initial ground disturbance	Continuous; throughout ground-disturbing activities	City of Burbank Community Development Department			
Geology/Soils							
GEO-1a Paleontological Resources Management							
For any future development projects within the Specific Plan Area that have the potential to impact previously undisturbed sediments greater than five feet below the surface, including sediments at depths beyond where previous excavations have reached, the project applicant shall comply with the following measures. Prior to initial ground disturbance, the project applicant shall retain a Qualified Professional Paleontologist, as defined by Society of Vertebrate Paleontology (SVP; 2010), to conduct a paleontological resources assessment (PRA). The PRA shall determine the paleontological sensitivity of geologic formations underlying the proposed disturbance area, consistent with SVP (2010) guidelines for categorizing paleontological sensitivity, and the potential for the project to impact those formations, including a paleontological records search of the Natural History Museum of Los Angeles County (NHMLAC). The specific nature of the project’s ground-disturbing activities, local natural topography, and depth of previous disturbance should be taken into account for this impact analysis. If the PRA determines that the project may impact paleontological resources, then the Developer shall implement GEO-1b to mitigate those impacts.	For projects requiring ground disturbance beyond five feet below surface for undisturbed sediments, verify retention of a qualified paleontologist to conduct a PRA. If the PRA determined the project may impact paleontological resources, verify implementation of Mitigation Measure GEO-1(b).	Prior to the start of construction activities	Once	City of Burbank Community Development Department			
GEO-1b Paleontological Resources Mitigation							
If the PRA determines that a future development project facilitated by the proposed Project may significantly impact paleontological resources, the following actions shall be enacted: <ul style="list-style-type: none">▪ Qualified Paleontologist per Society of Vertebrate Paleontology (SVP 2010) guidelines 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). In general, ground-disturbing activities within previously undisturbed paleontologically sensitive sediments should be monitored on a full-time basis. The PRMP shall describe mitigation requirements, 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. The PRMP shall be submitted to the City prior to the beginning of construction for review and approval.▪ The Qualified Paleontologist or his or her designee shall 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 in the event that fossils are discovered by on-site personnel. The WEAP shall be conducted 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.▪ Monitoring during ground construction activities (i.e., grading, trenching, foundation work, and other excavations) 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	Verify retention of a qualified paleontologist to review project plans to evaluate paleontologically sensitive units and to monitor during ground disturbing activities. If potentially significant impacts are identified, review and approve PRIMP. Review WEAP training acknowledgement to verify a WEAP has been conducted. If a fossil is discovered, field verify that all work in the immediate vicinity shall halt and a qualified paleontologist has been contacted. If the fossil is determined to be significant, verify implementation of Mitigation Measure GEO-1(c).	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
<p>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 and the location and extent of proposed ground disturbance shall be outlined in the PRMP. If the Qualified Paleontologist determines that the monitoring methods should be changed from what is outlined in the PRMP based on the specific geologic conditions at the surface or at depth (e.g., reduced/increased in frequency, ceased entirely), the Qualified Paleontologist may recommend such changes to the City for their review and approval.</p> <ul style="list-style-type: none">▪ In the event a fossil is discovered by construction personnel or the paleontological monitor, 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-1c) to mitigate impacts to significant fossil resources.							
GEO-1(c) Fossil Discovery, Preparation, and Curation							
If a paleontological resource is discovered at any time during earthmoving activities for future development projects facilitated by the proposed Project, 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 NHMLAC)) along with all pertinent field notes, photos, data, and maps.	<p>If a paleontological resource is discovered during construction, verify work has been halted in the immediate area of the find and retention of a qualified archaeologist to evaluate the discovery.</p> <p>Verify significant fossils have been identified, prepared, and curated in an identification institution with a permanent paleontological collection.</p>	During initial ground disturbance	Continuous; throughout ground-disturbing activities	City of Burbank Community Development Department			
Hazards and Hazardous Materials							
HAZ-1 Property Assessment – Phase I and II ESAs							
<p>Prior to the start of construction (demolition or grading) of any future development project facilitated by the proposed Project, the project applicant shall retain a qualified environmental professional, as defined by ASTM E-1527, to complete one of the following.</p> <p>If the project is not listed in Appendix F of this EIR, Department of Toxic Substances Control (DTSC) (GeoTracker) or California State Water Resources Control Board (SWRCB) (EnviroStor) databases, and requires more than five feet of excavation, then the project applicant shall retain an environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase I ESA. Any and all recommended actions included in the Phase I ESA shall be followed. If the Phase I ESA identifies recognized environmental conditions or potential concern areas, a Phase II ESA shall be prepared.</p> <p>If the project site is currently listed, previously listed, or un-listed with a regulatory closure or no further action letter in Appendix F, DTSC (GeoTracker) or SWRCB (EnviroStor) databases, then the project applicant shall 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 shall be followed. This shall include the preparation of a Soil Management Plan (SMP) for Impacted Soils (see below) prior to project construction and/or completion of remediation prior to onsite construction.</p>	<p>Verify retention of a qualified environmental professional for submittal of either a Phase I ESA or Phase II ESA.</p> <p>Review and approve the Phase I ESA or Phase II ESA.</p> <p>Review and approve the SMP, if recommended in the Phase II ESA.</p> <p>If soils contain chemical concentrations exceeding hazardous waste screening thresholds, review and approve recommendations for waste disposal, impacted wastes, and remedial engineering controls.</p>	Prior to the start of construction activities	Once	City of Burbank Community Development Department and Burbank Fire Department			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
The completed ESAs shall 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, shall 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 shall 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 prevent off-site migration of contaminants from the site. These measures and practices shall include, but are not limited to:							
<ul style="list-style-type: none">▪ 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 shall review and approve the development site SMP 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 applicant shall 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 shall 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 shall 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 shall 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 shall 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.							

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
Noise							
NOI-1a Shielding and Silencing							
Powered construction equipment (including combustion engines), fixed or mobile, utilized for construction of future development projects facilitated by the proposed Project, 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 verify documentation demonstrating power construction equipment is equipped with noise shielding and silencing devices and is maintained in accordance with manufacturer specifications.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
NOI-1b Construction Staging Areas							
Construction staging areas for future development projects facilitated by the proposed Project 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 verify that construction plans locate the staging areas as far from noise-sensitive uses as reasonably possible and feasible.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
	Field verify that staging areas are located as far from noise-sensitive uses as reasonably possible and feasible.	During construction activities	Continuous; throughout construction				
NOI-1c Smart Back-Up Alarms							
Mobile construction equipment utilized for construction of future development projects facilitated by the proposed Project 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 verify that construction plans note the use of smart back-up alarms.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
	Field verify that smart back-up alarms are utilized.	During construction activities	Continuous; throughout construction				
NOI-1d Equipment Idling							
Construction vehicles and equipment utilized for construction of future development projects facilitated by the proposed Project shall not be left idling for longer than five minutes when not in use.	Review and verify that construction plans note that construction vehicles idling requirements.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
NOI-1e Workers’ Radios							
During construction of future development projects facilitated by the proposed Project, all noise from workers’ radios, including any on-site music, shall be controlled such that they are not audible at off-site noise-sensitive uses.	Review and verify that construction plans note worker radio requirements.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
	Field verify that radios are not audible off-site.	During construction activities	Continuous; throughout construction				
NOI-1f Use of Driven Pile Systems							
During construction of future development projects facilitated by the proposed Project, 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 verify that construction plans note this requirement and necessary assurances have been obtained.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
	Field verify that driven, sonic, or vibratory pile drivers are avoided, unless geotechnically required.	During construction activities	Continuous; throughout construction				
NOI-1g Temporary Sound Barriers							
During construction of future development projects facilitated by the proposed Project, temporary sound barriers, such as walls or sound blankets, shall be positioned between construction activities and noise-sensitive uses when modeled noise levels from construction equipment exceed applicable standards and have a direct line-of-sight with noise sensitive receivers. Placement, orientation, size, and density of acoustical barriers shall be specified by a qualified acoustical consultant.	Review and verify that construction plans note the positions of the sound barriers.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
	Field verify that sound barriers are implemented and positioned accordingly.	During construction activities	Continuous; throughout construction				

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
NOI-1h Noise Complaint Response							
Project applicants for future development projects facilitated by the proposed Project 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 to respond 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 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.	Verify that an on-site construction project manager has been identified to implement the mitigation requirement. Field verify 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	City of Burbank Community Development Department			
NOI-1i Project-Specific Construction Noise Study							
A Construction Noise Study, prepared by a qualified noise expert to meet the requirements herein, shall be required for future development projects facilitated by the proposed Project located within 500 feet of noise-sensitive land uses identified in the Burbank2035 General Plan Noise Element (i.e., residential areas, hospitals, convalescent and day care facilities, schools, and libraries), and that have one or more of the following characteristics: <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; orLocated 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 (i.e., residential areas, hospitals, convalescent and day care facilities, schools, and libraries) 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 for future development projects facilitated by the proposed Project shall be required to comply with all requirements of Mitigation Measures NOI-1a through NOI-1i 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.	Verify retention of a qualified noise analyst to prepare 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 approve the Construction Noise Study. Review and verify that contractor agreements note requirements under Mitigation Measures NOI-1a through NOI-1i in addition to additional requirements identified and recommended by the Construction Noise Study.	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
NOI-2 Vibration Control Plan							
Prior to issuance of a building permit for a future development project facilitated by the proposed Project requiring any of the following activities, the project applicant shall prepare a groundborne noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to such activities: <ul style="list-style-type: none">Use of a pile driver within:<ul style="list-style-type: none">135 feet of fragile/historic structures; or100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings); or75 feet of engineered concrete and masonry (no plaster).Use of a vibratory roller within:<ul style="list-style-type: none">40 feet of fragile/historic structures; or25 feet of any other structure.Use of a dozer (or other similar large earthmoving equipment) within:<ul style="list-style-type: none">20 feet of fragile/historic structures; or15 feet of any other structure. <p>This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The groundborne noise and vibration analysis shall include measures to ensure that vibration levels shall not exceed FTA architectural damage thresholds (e.g., 0.12 in/sec PPV at fragile/historic structures, 0.2 in/sec PPV at non-engineered timber and masonry buildings, and 0.3 in/sec PPV at engineered concrete and masonry buildings). If vibration levels are expected to exceed any of these thresholds, alternative methods for pile driving (e.g., pile cushioning, drilled piles, cast-in-place systems, etc.) and/or use of alternative equipment types (e.g., use of static rollers in lieu of vibratory rollers, use of lower horsepower earthmoving equipment, etc.) shall be employed. If necessary, construction vibration monitoring during construction activities shall be conducted to verify FTA vibration thresholds are not exceeded.</p> <p>Additionally, pursuant to Section 10-1-2140.A of the BMC, any activity which may cause vibrations within 500 feet of any BMC- designated studio property within the Specific Plan Area shall be disclosed to said studio at least two weeks prior to the start of vibration-generating activities.</p>	Verify retention of 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 the identified distances. Verify vibration disclosure to any BMC-designated studio property within 500 feet of any vibratory activity.	Prior to issuance of a construction permit	Once	City of Burbank Community Development Department			
Tribal Cultural Resources							
TCR-1 Native American Monitoring							
If it is determined under Mitigation Measure CUL-2 that Native American monitoring is required, Mitigation Measures TCR-1 shall be used as to guide for monitoring. Prior to initiation of any future development project facilitated by the proposed Project, a Native American monitor from one of the consulting tribes for the Specific Plan Area shall be retained. In general, Native American monitoring shall be limited to initial ground disturbance that is defined as construction-related earthmoving of sediments from their native place of deposition, which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, leveling, excavation, trenching, compaction, plowing, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [boulders, walls, etc.], and archaeological work. Initial ground disturbance does not include any secondary movement of sediment that might be required for a project (e.g., backfilling). If more than one consulting tribe wish to be present for monitoring, they shall be present on a rotating basis. The Native American monitor(s) shall have the authority to halt and redirect work should any potential cultural resources be identified during monitoring. If potential tribal cultural resources are encountered during ground-disturbing activities, work within	If it is determined that Native American monitoring is required, verify retention of a Native American monitor from one of the consulting tribes. If tribal cultural resources are encountered, verify that work has been halt within a 50-foot buffer of the resource during evaluation of the resource.	During initial ground disturbance	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
50 feet of the find shall be halted, and the find shall be evaluated for listing in the CRHR. Native American monitoring may be reduced or be halted at the discretion of the City, in consultation with the tribes consulting on the specific future development project, as warranted by conditions, such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 50 percent of ground disturbance. If monitoring is reduced to spot-checking, spot-checking shall occur when ground disturbance moves to a new location within the site of the future development project and/or when ground disturbance extends to depths not previously reached (unless those depths are within bedrock).							
Utilities/Service Systems							
UTIL-1a Completion of a Sewer Service Constraints Analysis							
The City will complete the ongoing analysis to identify specific sewer service constraints and sewer capacity issues within the City’s wastewater system including a Citywide assessment of system capacity relative to future development facilitated by the proposed Project and more broadly throughout the City. The analysis will identify upgrades necessary to mitigate the constraints in the system to ensure that future development projects implemented facilitated by the proposed Project can be completed and that sufficient capacity and conveyance in the wastewater system exists. If a proposed development has a construction schedule that the City cannot accommodate prior to the completion of this analysis, the developer may be responsible for performing the necessary sewer infrastructure upgrades per BMC 8-1-304.	Complete the analysis to identify specific sewer service constraints and sewer capacity issues within the City’s wastewater system. If a proposed future development project has a construction schedule that the City cannot accommodate prior to the completion of this analysis, require that the project developer perform the necessary sewer infrastructure upgrades (per BMC 8-1-304).	Prior to December 31, 2029 For future projects that occur prior to the completion of this analysis, upgrades must be identified 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			
UTIL-1b Complete a Sewer Master Plan							
Based on the constraints identified in the sewer service constraints analysis, the City’s Public Works Department will complete the ongoing Sewer Master Plan to evaluate the City’s sewer conveyance and treatment system over the next ten years (i.e., the proposed Project planning horizon) and beyond. The Sewer Master Plan will identify a plan to complete specific capital improvements to upgrade the City’s wastewater treatment system, including improvements to the Burbank Water Reclamation Plant, to reduce identified constraints and address capacity issues to accommodate future development facilitated by the proposed Project in combination with broader projected future Citywide development.	Complete the ongoing Sewer System Master Plan that includes identification of a plan to complete specific capital improvements to upgrade the City’s wastewater treatment system.	Prior to December 31, 2029	Once	City of Burbank Community Development Department; City of Burbank Public Works Department			
UTIL-1c Develop a Capital Improvement Project							
Based on the Focused Sewer Capacity Analysis, the City’s Public Works Department will develop a long-term capital improvement project in the Sewer Master Plan to upsize approximately 3.8 miles of gravity main improvements to accommodate projected flows from the proposed Project.	Develop a long-term capital improvement project plan in the Sewer Master Plan to upsize approximately 3.8 miles of gravity main improvements.	Prior to December 31, 2029	Once	City of Burbank Community Development Department; City of Burbank Public Works Department			
UTIL-1d Prepare an Updated Nexus Fee Study to Allocate Pro-Rata Infrastructure Costs to Future Development							
To fund the capital improvements identified in the Sewer Master Plan, the City’s Public Works Department will prepare an updated 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 facilitated by the proposed Project, including development where deficiencies in the system are identified to exist. Through the fee study, subsequent cost recovery fees applied to individual future development projects will be based on a rough proportionality related to demands on the system reasonably attributed to the future 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	Prepare a nexus fee study to develop a fair share requirement in the form of a wastewater connection or similar project impact fee. If it is determined that necessary upgrades to serve a future development project cannot be completed prior to project completion, require that the project applicant perform the necessary sewer infrastructure upgrades (per BMC 8-1-304) or enter into a reimbursement agreement. If the City and project applicant mutually agree to enter into reimbursement agreement, coordinate with Public Works Department Director to administer agreement.	Prior to December 31, 2029 For future projects that occur prior to the completion of this study, upgrades must be completed as part of the City’s development review process or prior to the submittal of plan check documents, whichever occurs first. If a reimbursement agreement is executed, coordination with the Public	Ongoing throughout the period of sewage diversion	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
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.		Works Department Director must occur before project occupancy or operation. Fees must be received prior to issuance of a construction permit.					
UTIL-1e Prepare Updated Cost of Service and Rate Study and Update Sewer Service Charge if Warranted							
The City’s Public Works Department will prepare an updated cost of service and rate study to determine whether the Sewer Service Charge (SSC) imposed on new sewer connections resulting from future development facilitated by the proposed Project require updates to reflect the City’s actual costs associated with providing sewer services. If such updates are warranted, the SSC will be updated to reflect actual costs of providing related sewer services.	Prepare an updated cost of service and rate study.	Prior to December 31, 2029	Once	City of Burbank Community Development Department; City of Burbank Public Works Department			
UTIL-3a Expansion and Upgrades to BWRP Treatment Facilities							
The City’s Public Works Department shall plan for and complete future improvements to expand and upgrade BWRP treatment facilities consistent with the Focused Sewer Capacity Analysis and forthcoming Sewer Constraints Analysis and Sewer Master Plan, including but not limited to, upgrades to the headworks, the acquisition of land adjacent to the BWRP facilities, the addition of new primary clarifiers, expansion of the equalization basins, modifications to the secondary treatment process, and upgrades to other parts of the sewage treatment process. The Public Works Department will study additional technologies that may be implemented at the BWRP to increase treatment capacity, such as sludge densification.	Plan for and complete future improvements to expand and upgrade BWRP treatment facilities consistent with the Focused Sewer Capacity Analysis and forthcoming Sewer Constraints Analysis and Sewer Master Plan. Study additional technologies that may be implemented to increase BWRP treatment capacity.	After approval of Sewer Constraints Analysis and Sewer Master Plan	Once	City of Burbank Community Development Department; City of Burbank Public Works Department			
UTIL-3b Capital Improvement Program and Alignment with the City’s General Plan							
On an annual basis, the City’s Community Development Department, acting by and through the City Planner or the City Planning Commission, shall review the Citywide Capital Improvement Program to ensure its conformity with the City’s adopted general plan.	Review the Citywide Capital Improvement Program to ensure its conformity with the City’s adopted general plan.	Prior to December 31, 2029	Annually	City of Burbank Community Development Department			
Wildfire							
W-1 Construction Wildfire Risk Reduction							
For future development facilitated by the proposed Project in a Very High Fire Hazard Severity Zone (VHFHSZ), the future development project applicant shall include mitigation to reduce risk of loss, injury, or death from wildfire, including: <ul style="list-style-type: none">All construction equipment powered by internal combustion engines shall be equipped with spark arresters. The spark arresters shall be maintained per manufacturer recommendations to ensure adequate performance.Prohibit certain project construction activities with potential to ignite wildfires during red-flag warnings issued by the National Weather Service for the project site location. Example activities that should be prohibited during red-flag warnings include welding and grinding outside of enclosed buildings during construction.Require fire extinguishers to be on site during project construction. Fire extinguishers shall be maintained to function according to manufacturer specifications. Construction personnel shall receive training on the proper methods of using a fire extinguisher.Adequate fire protection infrastructure shall be available during construction. Examples include, but are not limited to, accessible water supply for firefighting, fire-resistant barriers, and a temporary standpipe system.Firebreaks as necessary to prevent a fire on the premises from spreading to adjacent brush or grass covered areas. For future development facilitated by the proposed Project in a VHFHSZ where the BFD has determined existing regulations are not adequate based on unusual site-	For development in a VHFHSZ, verify implementation of mitigation measures identified in W-1. For development in a VHFHSZ where BFD has determined existing regulations are not adequate based on unusual site-specific, roadway-specific, or project-specific conditions, verify implementation of mitigation measures identified in W-1.	Prior to issuance of grading or construction permits	Once	City of Burbank Community Development Department and Burbank Fire Department			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
specific, roadway-specific, or project-specific conditions, the future development project applicant shall include the following mitigation to reduce risk of loss, injury, or death from wildfire:							
<ul style="list-style-type: none">▪ Provision of approved, competent fire safety officers or advisors, as deemed by BFD, to act as fire guards or firewatchers to patrol the area when construction activities such as clearing of the land, erection of buildings, construction of roads, utility lines are taking place.							

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