RESOLUTION NO. 3493

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE THE 2500 NORTH HOLLYWOOD WAY DUAL BRAND HOTEL PROJECT (PROJECT NO. 16-0003953) BY (1) ADOPTING A RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) FOR THE PROJECT, ADOPTING A MITIGATION MONITORING REPORTING PROGRAM (MMRP) WITH A STATEMENT OF OVERRIDING CONSIDERATIONS (SOC) AND ADOPTING FINDINGS OF FACT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AND (2) ADOPTING AN ORDINANCE APPROVING A PLANNED DEVELOPMENT, DEVELOPMENT AGREEMENT, AND DEVELOPMENT REVIEW TOR THE PROJECT, BASED ON THE FINDINGS OF FACT AND SUBJECT TO THE PROJECT CONDITIONS OF APPROVAL

(PROJECT NO. 16-0003953; PLANNED DEVELOPMENT, DEVELOPMENT AGREEMENT, AND DEVELOPMENT REVIEW)

THE PLANNING COMMISSION OF THE CITY OF BURBANK FINDS:

A. The Planning Commission of the City of Burbank at its regular meeting of October 12, 2026, held a public hearing on Project No. 16-0003953, a request by AWH Burbank Hotel II, LLC for approval of a Planned Development, Development Agreement, and Development Review to allow construction of a new dual-brand hotel and associated parking structure at 2500 North Hollywood Way.

B. The approximately 11.76-acre Project Site is designated Regional Commercial by the Burbank2035 General Plan and is currently zoned Planned Development (PD 89-1). The Project proposes to replace PD 89-1 with Planned Development (PD 26-1) and would retain the existing 488-room Marriott Hotel and approximately 39,000-square-foot convention center. The Project would redevelop a portion of the existing surface parking area with a new seven-story, 420-room dual-brand Aloft and Residence Inn Hotel, a detached four-story parking garage containing 766 valet-operated parking spaces, and related site, access, landscaping, pedestrian, and public improvements. The Project would provide a total of 1,051 on-site parking spaces, consisting of 766 spaces within the proposed parking garage and 285 surface parking spaces.

C. Said hearing was properly noticed in accordance with applicable State law and Burbank Municipal Code Section 10-1-19127(G).

D. The Planning Commission considered the report and recommendations of the City Planner and the evidence presented at such hearing.

E. A Draft Environmental Impact Report (Draft EIR) was prepared for the Project in accordance with the California Environmental Quality Act (CEQA) and circulated for a 45-day public review and comment period from December 16, 2024, through January 29, 2025. A Final Environmental Impact Report (Final EIR), dated October 2026, was subsequently prepared and includes responses to comments received on the Draft EIR and a Mitigation Monitoring and Reporting Program (MMRP). The Final EIR identifies significant and

unavoidable environmental impacts associated with greenhouse gas emissions, construction noise, and utilities and service systems.

F. The Planning Commission has reviewed and considered the Draft EIR and Final EIR and recommends that, prior to approving the Project, the City Council certify the Final EIR, adopt the required Statement of Overriding Considerations, adopt the MMRP, and the Findings of Fact pursuant to CEQA .

G. The Planning Commission finds that the Project is consistent with the applicable goals, policies, and performance criteria of the Burbank2035 General Plan, including the purpose and intent of the Regional Commercial land use designation. The Project would further develop an established hotel and convention center site identified by the General Plan as a Regional Commercial destination; promote infill development through the redevelopment of an underutilized portion of an existing surface parking area; support the City's hospitality, employment, and visitor-serving economy; and provide transportation, pedestrian, bicycle, infrastructure, landscaping, and other site and public improvements that support the accessibility and continued function of the Project Site and surrounding area. The Project would also be adequately served by the existing transportation system and planned improvements, and would not conflict with the applicable Mobility Element performance criteria. Based on these considerations, the Planning Commission further finds that the findings required for approval of the Planned Development, Development Agreement, and Development Review can be made as set forth below.

H. The documents and other materials that constitute the record of proceedings upon which the Planning Commission's recommendations regarding Project No. 16-0003953 and the Final EIR are based are maintained by the Planning Division of the City of Burbank. The City Planner is the custodian of the record.

THE PLANNING COMMISSION OF THE CITY OF BURBANK RESOLVES:

Section 1. The findings above are true and correct, and incorporated herein.

Section 2. The Planning Commission recommends that the City Council adopt a resolution certifying the Final EIR for Project No. 16-0003953 (Exhibit A to Attachment 1), by adopting a Mitigation Monitoring Reporting Program (MMRP) with a Statement of Overriding Considerations (SOC) and Adopting Findings of Fact Pursuant to the California Environmental Quality Act (CEQA).

Section 3. The Planning Commission recommends that the City Council adopt an ordinance approving Project No. 16-0003953 (Exhibit B to Attachment 1), a Planned Development, Development Agreement, and Development Review for the Project 2500 North Hollywood Way Dual Brand Hotel Project, as described above and in the staff report dated October 12, 2026, based on the findings set forth below and subject to the Project Conditions of Approval.

Section 4. The Planning Commission's recommendation to approve the Project is based on its determination that the findings required for approval of the Planned Development, Development Agreement, and Development Review can be made, as follows:

FINDINGS FOR A PLANNED DEVELOPMENT:

Pursuant to BMC Sections 10-1-19127 and 10-1-19124, the following findings and design criteria apply to the proposed Planned Development:

1. *The Planned Development is consistent with the General Plan and applicable community plans.*

   This finding can be made. The Project is consistent with several goals and policies of the Burbank2035 General Plan, including Land Use Goal 1, Policy 1.1 (Quality of Life); Land Use Goal 2, Policies 2.2 and 2.3 (Sustainability); Land Use Goal 6, Policy 6.1 (Economic Vitality and Diversity); and Land Use Goal 11, Policies 11.1 through 11.4 (Regional Commercial Land Use). The Project Site is designated Regional Commercial, which is intended to accommodate larger-scale commercial and employment destinations that serve both the local community and the broader region, including hotel, convention, dining, entertainment, and other visitor-serving uses, while promoting high-quality development and access by multiple modes of transportation. The Project would advance these objectives by further developing an established hotel and convention center site, redeveloping an underutilized portion of the site, generating new employment, visitor spending, and transient occupancy tax revenue, and providing public infrastructure and transportation improvements. Enhanced sidewalks, pedestrian lighting, bicycle facilities, a pedestrian paseo, Metrolink shuttle service, and transportation demand management measures would also support the General Plan's emphasis on accessibility, sustainable infill development, economic vitality, and the continued success of Regional Commercial centers.

2. *The design criteria identified in BMC Section 10-1-19124 are satisfied.*

   This finding can be made. BMC Section 10-1-19124 establishes nine design criteria for Planned Developments. The Project satisfies these criteria as follows:

   A. Comprehensive Design. The proposed Planned Development provides a comprehensive regulatory and development framework for the entire 11.76-acre Project Site, including the existing Marriott Hotel and convention center, the proposed dual-brand hotel and parking garage, landscaping, circulation, parking, permitted uses, and future development standards. The Project is also substantially consistent with the Regional Commercial General Plan designation.

   B. Open Areas, Circulation, Parking, and Pedestrian Amenities. The Project provides coordinated internal circulation, 1,051 on-site parking spaces, landscaped areas, bicycle facilities, pedestrian lighting, and pedestrian connections throughout the Project Site. The Project also includes a lighted pedestrian paseo providing a connection between Thornton Avenue and Avon Street. These improvements integrate the proposed hotel and garage with the existing hotel and convention center, while providing enhanced bike and pedestrian improvements within the adjacent public right-of-way to the benefit of the surrounding community.

   C. Compatibility with Adjoining Land Uses. The Project Site is already developed with hotel and convention uses and is surrounded predominantly by commercial, office,

transportation, and airport-related uses. The proposed hotel would provide an additional visitor-serving use on the property. Project design features and Conditions of Approval addressing building placement, circulation, landscaping, lighting, construction, enhanced bike and pedestrian infrastructure within the adjacent public right-of-way and operation further support compatibility with surrounding uses.

D. Private Circulation. Internal drive aisles, hotel drop-off and valet areas, pedestrian pathways, bicycle facilities, loading areas, and access points have been designed to provide for the safe and efficient movement of vehicles, pedestrians, and bicyclists throughout the Project Site.

E. Public Street System. The Project includes improvements along Thornton Avenue, Avon Street, and surrounding streets to improve pedestrian, bicycle, and vehicular circulation. These improvements include sidewalks, bicycle facilities, pedestrian lighting, and other public right-of-way improvements. Conditions of Approval also require final review and approval of off-site improvement, signing, striping, and circulation plans.

F. Residential Common and Recreational Facilities. This criterion is not applicable because no residential uses are proposed as part of the Project.

G. Architectural Design and Appearance. The proposed hotel and parking structure have been designed as coordinated components of the overall Project Site. The proposed Planned Development also requires a comprehensive Master Sign Program and establishes development standards addressing building setbacks, height, landscaping, and other design features to maintain a coordinated appearance throughout the site.

H. Variety of Uses and Facilities. The Project Site would continue to provide hotel and convention uses and would add a second dual-brand hotel with associated guest amenities. Together, these uses provide a range of visitor-serving and commercial facilities that complement the existing convention center and nearby airport and transit facilities.

I. Energy Conservation. The Project incorporates energy-conservation and sustainability measures, including energy-efficient systems and photovoltaic generation with battery storage equipment.

FINDING FOR A DEVELOPMENT AGREEMENT:

Pursuant to BMC Section 10-1-19110, the proposed Development Agreement must be consistent with the Burbank2035 General Plan and any applicable specific plans:

1. *The proposed Development Agreement is consistent with the Burbank2035 General Plan and any applicable specific plans.*

   This finding can be made. There is no applicable specific plan governing the Project Site; therefore, pursuant to BMC Section 10-1-19110, the Development Agreement is evaluated for consistency with the Burbank2035 General Plan. As discussed above, the

Project is consistent with the Regional Commercial land use designation and advances the General Plan's economic development and mobility objectives by providing additional visitor-serving commercial development, employment opportunities, transportation improvements, and other community benefits.

The Development Agreement would establish the framework for implementation of the Project over a ten-year term, including the respective rights and responsibilities of the City and Developer, and would incorporate the Project's Conditions of Approval and environmental mitigation requirements. It would also secure a range of community benefits, including monetary contributions for public safety, transit, Metrolink maintenance, and neighborhood protection; ongoing maintenance of specified public right-of-way improvements; transportation demand management measures; sustainability requirements; and off-site pedestrian, bicycle, and utility improvements. Collectively, these provisions support orderly development of the Project Site while providing tangible benefits to the City and community. Therefore, staff finds that the proposed Development Agreement is consistent with the Burbank2035 General Plan and satisfies the requirements of BMC Section 10-1-19110.

FINDING FOR DEVELOPMENT REVIEW:

Pursuant to BMC Section 10-1-1912(A), a Development Review application may be approved when the review authority finds that the application and Project are consistent with all applicable provisions of the Burbank Municipal Code:

1. *The Project is consistent with all applicable provisions of the Burbank Municipal Code.*

   This finding can be made. The Project has been reviewed for compliance with the proposed Planned Development zoning regulations and other applicable provisions of the BMC. The Project's proposed use, FAR, building height, setbacks, parking, loading, circulation, landscaping, and other development features are consistent with the standards established by the proposed Planned Development, as conditioned.

   The proposed hotel would be integrated into the existing hotel and convention center site through coordinated internal drive aisles, a new hotel entrance and porte-cochere along Thornton Avenue, pedestrian connections, and a lighted paseo extending between Thornton Avenue and Avon Street. The detached parking garage would consolidate a substantial portion of the required parking while retaining surface and event parking. The Project would provide 1,051 on-site parking spaces, exceeding the 1,021 spaces identified as necessary under the Project's Parking Utilization and Demand Analysis.

   The Project plans also include landscaping, pedestrian lighting, bicycle facilities, valet circulation, loading areas, and associated on- and off-site circulation improvements. The Conditions of Approval require further review and approval of construction, grading, utility, off-site improvement, traffic-control, and parking-management plans prior to issuance of applicable permits. Based on the Project plans and Conditions of Approval, staff finds that the Project can comply with all applicable provisions of the BMC and that the finding required by BMC Section 10-1-1912(A) can be made.

Section 5. The Planning Commission authorizes any change deemed necessary by the City Attorney to the proposed Ordinance to address any editorial changes deemed necessary to maintain consistency with the applicable State laws and City regulations and procedures.

PASSED AND ADOPTED this 12 day of October, 2026.

CITY PLANNING COMMISSION

Samantha Wick
Chair

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF BURBANK

I, Fred Ramirez, Secretary of the Planning Commission of the City of Burbank, certify that this Resolution was adopted by the City Planning Commission at its regular meeting held on the 12 day of Oct, 2026 by the following vote:

AYES: Wick, Safarian, Van Gorder, Bennett, Mendez

NOS:

ABSENT:

ABSTAINED:

Fred Ramirez, Secretary

EXHIBIT A TO ATTACHMENT 1

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURBANK CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) FOR THE 2500 NORTH HOLLYWOOD WAY DUAL-BRAND HOTEL PROJECT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, FINDINGS OF FACT, AND THE MITIGATION MONITORING AND REPORTING PROGRAM WITH PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

(PROJECT NO. 16-0003953, PLANNED DEVELOPMENT, DEVELOPMENT AGREEMENT, AND DEVELOPMENT REVIEW)

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. AWH Burbank Hotel II, LLC ("Applicant") submitted applications for a Planned Development rezone, Development Agreement, and Development Review for Project No. 16-0003953, located on an approximately 11.76-acre site at 2500 North Hollywood Way that is currently zoned Planned Development No. 89-1 (PD 89-1) and designated Regional Commercial by the Burbank2035 General Plan (the "Project"). The entitlement application includes the following:

(1) **Planned Development**. The Applicant requests approval of a Planned Development to rezone the approximately 11.76-acre Project Site from Planned Development No. 89-1 (PD 89-1) to Planned Development No. 26-1 (PD 26-1). Pursuant to BMC Sections 10-1-19118 through 10-1-19134, the Planned Development would establish site-specific land uses, development standards, and regulations governing the existing Marriott Hotel and convention center, the proposed 420-room dual-brand Aloft and Residence Inn hotel, detached parking garage, and related site improvements.

(2) **Development Agreement**. The Applicant requests approval of a ten-year Development Agreement between the City and Applicant pursuant to BMC Sections 10-1-1997 et seq., attached hereto as Exhibit A and incorporated herein by this reference. The Development Agreement establishes the applicable development regulations, vesting provisions, Project obligations, Conditions of Approval, and public and community benefits governing implementation of the Project during the term of the Agreement.

(3) **Development Review**. The Applicant requests approval of a Development Review pursuant to BMC Sections 10-1-1909 through 10-1-1912 for the proposed 420-room dual-brand hotel, detached four-story parking garage, and associated site and public improvements. The Development Review is required to review the Project's site plan, building design, circulation, parking, landscaping, and related improvements for consistency with the applicable provisions of the BMC, including the development standards established by PD 26-1.

A. City staff determined that the 2500 North Hollywood Way Dual-Brand Hotel Project, Project No. 16-0003953 ("Project"), is a 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 an Environmental Impact Report ("EIR") was prepared to evaluate the potential significant environmental effects of the Project.

B. 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 __ to the _____, 2026, Staff Report to the City Council, and incorporated herein by reference.

C. Pursuant to CEQA Guidelines Section 15082, the City circulated a Notice of Preparation ("NOP") on November 1, 2019, notifying public agencies and other interested parties that an EIR would be prepared for the Project. The City held a joint Community Meeting and EIR Scoping Meeting on November 20, 2019, to receive public input regarding the scope and content of the EIR. Following subsequent modifications to the Project, the City circulated a Recirculated NOP on March 6, 2024, which superseded the original NOP and provided an updated Project description. The City held a joint Informational Meeting and EIR Public Scoping Meeting on March 20, 2024, during the Recirculated NOP public comment period to provide information regarding the updated Project and receive additional input regarding the scope and content of the Draft EIR.

D. The City released a Notice of Availability ("NOA") for the Project Draft EIR on December 16, 2024, commencing a 45-day public review and comment period that ended on January 29, 2025.

E. 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 January 13, 2025.

F. A Final EIR consisting of the Project Draft EIR dated October 2026; written comments received during the Draft EIR public review periods; written responses to those comments; a Mitigation Monitoring and Reporting Program ("MMRP"); and appendices, (collectively, the "Final EIR"), has been prepared for the Project. The Final EIR was posted on the City's website on or about October 1, 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.

G. On October 12, 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. _____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 B to this Resolution.

H. On _____, 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.

I. 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.

J. The City Council concurred with the City staff's assessment that the Project requires an EIR to assess the impacts of the Project pursuant to Section 15081 of the CEQA Guidelines.

K. 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.

L. 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.

M. 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 ____ 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.

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. 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, 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, employment, transportation, infrastructure, sustainability, 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, the responses to those comments, and other information added to the record after circulation of the 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 _____, 2026

_____
Tamala Takahashi
Mayor

Approved as to Form:
Office of the City Attorney

Attest:

By: _____
City Clerk

_____
Kane Thuyen
Senior Assistant City Attorney

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

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*** _____, 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 THE 2500 NORTH HOLLYWOOD WAY DUAL-BRAND HOTEL PROJECT

State Clearinghouse No. No. 201911003

CEQA FINDINGS OF FACT

The California Environmental Quality Act (Public Resources Code (PRC) Section 21000 et seq.) (CEQA) requires that public agencies shall not approve or carry out a project for which an environmental impact report (EIR) has been certified that identifies one or more significant adverse environmental effects of a 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 (State CEQA Guidelines [California Code of Regulations (CCR), Title 14, Sections 15000 et seq.] Section 15091). This document presents the CEQA Findings of Fact made by the City of Burbank, in its capacity as the CEQA lead agency, regarding the 2500 N. Hollywood Way – Dual Brand Hotel Project (Project), evaluated in the Draft Environmental Impact Report ("Draft EIR") and Final Environmental Impact Report ("Final EIR") for the Project.

SECTION I.
INTRODUCTION

PRC Section 21002 states that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen the significant environmental effects of such projects[.]" PRC Section 21002 further states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Pursuant to PRC Section 21081, a public agency may only approve or carry out a project for which an EIR has been completed that identifies any significant environmental effects if the agency makes one or more of the following written finding(s) for each of those significant effects accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

As indicated above, PRC Section 21002 requires an agency to "avoid or substantially lessen" significant adverse environmental impacts. Thus, mitigation measures that "substantially lessen" significant environmental impacts, even if not completely avoided, satisfy PRC Section 21002's mandate. (*Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 521 ["CEQA does not mandate the choice

of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable level"]; *Las Virgenes Homeowners Fed., Inc. v. County of Los Angeles* (1986) 177 Cal. App. 3d 300, 309 ["[t]here is no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance . . . if such would render the project unfeasible"].)

While CEQA requires that lead agencies adopt feasible mitigation measures or alternatives to substantially lessen or avoid significant environmental impacts, an agency need not adopt infeasible mitigation measures or alternatives. (PRC Section 21002.1(c) [if "economic, social, or other conditions make it infeasible to mitigate one or more significant effects on the environment of a project, the project may nonetheless be carried out or approved at the discretion of a public agency"]; see also State CEQA Guidelines, § 15126.6(a) [an "EIR is not required to consider alternatives which are infeasible"].) CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (PRC Section 21061.1.) The State CEQA Guidelines add "legal" considerations as another indicia of feasibility. (State CEQA Guidelines, § 15364.) Project objectives also inform the determination of "feasibility." (*Jones v. U.C. Regents* (2010) 183 Cal. App. 4th 818, 828-829.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) "Broader considerations of policy thus come into play when the decision making body is considering actual feasibility[.]" (*Cal. Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000 ("*Native Plant*"); see also PRC Section 21081(a)(3) ["economic, legal, social, technological, or other considerations" may justify rejecting mitigation and alternatives as infeasible] (emphasis added).)

Environmental impacts that are less than significant do not require the imposition of mitigation measures. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347.)

The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.) In addition, perfection in a project or a project's environmental alternatives is not required; rather, the requirement is that sufficient information be produced "to permit a reasonable choice of alternatives so far as environmental aspects are concerned." Outside agencies (including courts) are not to "impose unreasonable extremes or to interject [themselves] within the area of discretion as to the choice of the action to be taken." (*Residents Ad Hoc Stadium Com. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 287.)

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

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

A. AESTHETICS AND SCENIC RESOURCES

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

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

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

The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

B. AGRICULTURE AND FORESTRY RESOURCES

The Project 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.

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

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

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

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

C. AIR QUALITY

The Project would not conflict with or obstruct implementation of the applicable air quality plan.

The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

The Project would not expose sensitive receptors to substantial pollutant concentrations.

The Project would not result in other emissions such as those leading to odors adversely affecting a substantial number of people.

The Project, combined with other related projects, would not conflict with or obstruct implementation of the applicable air quality plan.

The Project, combined with other related projects, would not result in cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under the applicable federal or state ambient air quality standard.

The Project, combined with other related projects, would not result in other emissions such as those leading to odors adversely affecting a substantial number of people.

D. BIOLOGICAL RESOURCES

The Project would not have a substantial adverse effect, either directly or through habitat modifications, or any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Services.

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

The Project 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.

The Project would not interfere substantially with 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.

The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

E. CULTURAL RESOURCES

The Project would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.

The Project, combined with other related projects, would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.

The Project, combined with other related project, would not cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.

The Project, combined with other related projects, would not disturb any human remains, including those interred outside dedicated cemeteries.

F. ENERGY

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

The Project would not conflict with or obstruct a state of local plan for renewable energy or energy efficiency.

The Project, combined with other related projects, would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

The Project, combined with other related projects, would not conflict with or obstruct a state of local plan for renewable energy or energy efficiency.

G. GEOLOGY AND SOILS

The Project 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? Refer to Division of Mines and Geology Special Publication 42.

The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

The Project 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.

The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

The Project would not result in substantial soil erosion or the loss of topsoil.

The Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse and/or be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

The Project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

The Project, combined with other related projects, would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

The Project, combined with other related projects, 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.

The Project, combined with other related projects, would not result in substantial soil erosion or the loss of topsoil.

The Project, combined with other related projects, would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse and/or be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

The Project, combined with other related projects, would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

H. HAZARDS AND HAZARDOUS MATERIALS

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

The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The Project would not result in a safety hazard for people residing or working in the project area due to the site's location within 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.

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

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

The Project, combined with other related projects, would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The Project, combined with other related projects, 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.

The Project, combined with other related projects, would not result in a safety hazard for people residing or working in the project area due to the site's location within 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.

The Project, combined with other related projects, would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

I. HYDROLOGY AND WATER QUALITY

The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; 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; or impede or redirect flood flows.

The Project site is not located within a flood hazard, tsunami, or seiche zones and would not risk release of pollutants due to project inundation.

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

The Project, combined with other related projects, would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

The Project, combined with other related projects, would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; 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; or impede or redirect flood flows.

The Project, combined with other related projects, would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

J. LAND USE AND PLANNING

The Project would not physically divide an established community.

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

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

K. MINERAL RESOURCES

The Project 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.

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

L. NOISE

The Project would not expose people residing or working in the Project area to excessive noise levels due to the Project's location within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

The Project, combined with other related projects, would not expose people residing or working in the Project area to excessive noise levels due to the Project's location within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

M. POPULATION AND HOUSING

The Project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure.

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

N. PUBLIC SERVICES

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

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 police protection.

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 schools.

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 parks.

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 other public facilities.

The Project, combined with other related projects, would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.

The Project, combined with other related projects, would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 police protection.

O. RECREATION

The Project 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.

The Project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

P. TRANSPORTATION

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

The Project would not conflict or be inconsistent with CEQA Guidelines sections 15064.3, subdivision (b).

The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

The Project would not result in inadequate emergency access.

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

The Project, combined with other related projects, would not conflict or be inconsistent with CEQA Guidelines sections 15064.3, subdivision (b).

The Project, combined with other related projects, would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Q. TRIBAL CULTURAL RESOURCES

The Project, combined with other related projects, would not cause a substantial adverse change int the significance of a tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native America tribe, and that is: (i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code section 5024.1.

R. UTILITIES AND SERVICE SYSTEMS

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

The Project would comply with federal, state, and local statutes and regulations related to solid waste.

The Project, combined with other related projects, 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.

The Project, combined with other related projects, would comply with federal, state, and local statutes and regulations related to solid waste.

S. WILDFIRE

The Project site is not located in or near State responsibility areas or lands classified as very high fire hazard severity zones, and would not substantially impair an adopted emergency response plan or emergency evacuation plan.

The Project site is not located in or near State responsibility areas or lands classified as very high fire hazard severity zones, and would not expose Project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby.

The Project site is not located in or near State responsibility areas or lands classified as very high fire hazard severity zones, and 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.

The Project site is not located in or near State responsibility areas or lands

classified as very high fire hazard severity zones, and would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

SECTION III.
FINDINGS ON IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

Finding. The City Council hereby finds that mitigation measures have been identified in the EIR and these findings that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts and the mitigation measures that will reduce them to a less than significant level are as follows:

A. CULTURAL RESOURCES

1. Archaeological Resources

Threshold: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

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

Explanation: According to the Cultural Resources Assessment, there is a moderate potential of encountering historic period archaeological remains dating to the early-20th century within the Project site due the native and undisturbed soils that occur within the Project site and surrounding area. Thus, development within the Project site has the potential to encounter archaeological resources, resulting in a potentially significant impact.

Offsite pedestrian and bicycle improvements are not likely to involve ground disturbance at depths having the potential to encounter archaeological remains. Although the proposed sewer improvements from the intersection of Wyoming Avenue and North Ontario Street to the intersection of West Burbank Boulevard and North Frederick Street would involve the design and construction of 1,580 feet of sewer main infrastructure improvements that would require ground disturbance at greater depths, the offsite improvements would connect and extend services to the Project site within existing rights-of-way and would occur within an area that has previously experienced ground disturbance activities. However, due to the

proximity of the offsite improvement areas to the Project site, and the Cultural Resources Assessment's finding of moderate potential to encounter historic period archaeological remains within the Project site, there is also the potential for historic period archaeological remains to be encountered within the offsite improvement areas if construction activities extend into depths greater than artificial fill. This would result in a potentially significant impact.

To avoid and mitigate potential impacts associated with the potential discovery of archaeological resources during construction activities within the Project site and offsite improvement areas, Mitigation Measures CUL-1 and CUL-2 would require a monitor to be retained to conduct onsite monitoring during ground-disturbing activities within the Project site and the offsite sewer improvement area. If an archaeological or tribal cultural resource is inadvertently discovered during ground disturbing activities, an archaeologist, in coordination with a Native American Monitor, would be required to evaluate the find and implement protocols in accordance with the provisions of PRC Section 21083.2 and State CEQA Guidelines Sections 15064.5 and 15126.4. Compliance with Mitigation Measures CUL-1 and CUL-2 would reduce potential impacts to archaeological resources to a less than significant level.

Mitigation Measures:

CUL-1: The Applicant shall be required to retain the services of one or more monitor(s) who are qualified in the identification of archaeological and Native American resources. The monitor(s) shall meet the Secretary of the Interior's Professional Qualification Standards for archaeology, and shall be present during construction related ground disturbance activities including, but not limited to, site clearing (such as pavement removal, grubbing, tree removals) and/or excavation to depths greater than artificial fill (including boring, grading, excavation, drilling, potholing or auguring, and trenching) within the Project site and offsite sewer improvement area. A copy of the executed contract shall be submitted to the City of Burbank Community Development Department prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Archaeological Monitor shall complete monitoring logs daily, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The onsite monitoring shall end when grading and excavation activities of native soil (i.e., previously undisturbed) are completed, or when the Archaeological Monitor has indicated that the site has a low potential for cultural resources, whichever occurs first. The Applicant shall also be required to make the Project site available to native tribe(s) that have ancestral ties to the region during ground disturbance activities for monitoring on their own behalf, if requested

– including the Gabrieleño Band of Mission Indians-Kizh Nation, the Fernandeño Tataviam Band of Mission Indians and any other tribe with ancestral ties to the region, as established by the Native American Heritage Commission.

CUL-2: If an archaeological or Native American resource is inadvertently discovered during ground disturbing activities, work shall be halted in the immediate vicinity of the find (a 60-foot buffer around the find) until the find can be evaluated by the Archaeological and Native American Monitor(s) to determine if any discovered potential resource meets the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique resources (Public Resources Code 21083.2(g)). The City of Burbank Community Development Department shall be immediately notified. If the resource is determined to be potential a tribal cultural resource, the Applicant shall retain the services of a Native American Monitor to work in consultation with the Archaeological Monitor to delineate the resource. Work on areas outside of the buffered area may continue during the assessment period. The Applicant shall, in good faith, consult with the Tribe(s) on the disposition and treatment of any tribal cultural resource encountered during all ground disturbing activities. If the find is considered a "tribal cultural resource" the Archaeological Monitor, in cooperation with Native American Monitor, shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage, and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines Sections 15064.5 and 15126.4. If a tribal cultural resource cannot be preserved in place or left in an undisturbed state, recovery, salvage, and treatment shall be required at the Project Applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation in an established accredited professional repository. If the resource is determined to be non-Native in origin, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the Project, additional work such as data recovery, excavation, and archaeological mitigation may be warranted to mitigate any significant impacts.

2. Human Remains

Threshold: Would the Project disturb any human remains, including those interred outside of formal cemeteries?

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant

environmental effect as identified in the Final EIR. These changes are identified in the form of the mitigation measures below. The City of Burbank hereby finds that implementation of the mitigation measures is feasible, and the measures are, therefore, adopted.

Explanation: Although no conditions exist that suggest human remains are likely to be found within or adjacent to the Project site or offsite improvement areas, future development could result in the inadvertent discovery of human remains and potential impacts to these resources. Health and Safety Code Sections 7050.5 to 7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by Mitigation Measure CUL-3, and as required by State law, the requirements and procedures set forth in PRC Section 5097.98 would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission (NAHC) and consultation with the individual identified by the NAHC to be the "most likely descendant (MLD)." The MLD would make recommendations to landowners for the disposition of any Native American human remains and grave goods found. Recommendations would be made for the treatment and disposition of the remains. Thus, compliance with Health and Safety Code Sections 7050.5 to 7055, PRC Section 5097.98, and Mitigation Measure CUL-3 would ensure that, in the event human remains are discovered, the remains would be handled in accordance with applicable laws, and impacts would be less than significant.

Mitigation Measures:

CUL-3: In the event that human remains are discovered during onsite construction activities, the Archaeological Monitor shall immediately divert work at minimum of 50 feet and place an exclusion zone around the discovery location. The Archaeological Monitor shall then notify the construction manager who shall notify the County Coroner per Public Resources Code Section 5097.98, and Health and Safety Code Section 7050.5. The City of Burbank Community Development Department shall also be immediately notified. Work shall continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) as mandated by State law who shall then appoint a Most Likely Descendent (MLD). Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented to the extent feasible in accordance with State CEQA Guidelines Section 15064.5(e).

B. GEOLOGY AND SOILS

1. Paleontological Resources

Threshold: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

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

Explanation: According to the Geotechnical Assessment, excavations on the order of five to 20 feet in depth would be required for the foundation elements and anticipated elevator pit enclosures for the proposed Hotel and Garage. Should fossil resources be present in the Project site's subsurface, ground-disturbing activities associated with excavations could directly or indirectly destroy a unique paleontological resource. This would be a potentially significant impact.

Offsite pedestrian and bicycle improvements and the offsite infrastructure improvements that would involve connecting to and extending services to the Project site within existing rights-of-way would not involve disturbance of soils at depths of high paleontological sensitivity (i.e., greater than 10 feet). Although the proposed sewer improvements from the intersection of Wyoming Avenue and North Ontario Street to the intersection of West Burbank Boulevard and North Frederick Street would involve replacement of an existing pipe that would require ground disturbance at greater depths, the offsite improvements would connect and extend services to the Project site within existing rights-of-way and would occur within an area having previously experienced ground disturbance activities. The potential to encounter fossil resources is considered unlikely due to this past disturbance. Thus, the potential for activities associated with the offsite improvements to directly or indirectly destroy a unique paleontological resource would be less than significant.

To avoid and mitigate potential impacts to unique paleontological resources during Project construction activities, Mitigation Measure GEO-1, requiring a qualified vertebrate paleontologist to develop a Worker Awareness and Environment Program (WEAP) Training for construction personnel, Mitigation Measure GEO-2 requiring the paleontologist to monitor ground-disturbing activities in previously undisturbed sediments that exceed 10 feet in depth, and Mitigation Measure GEO-3 detailing the appropriate steps in the event of fossil

discovery, would be required. Compliance with Mitigation Measures GEO-1, GEO-2, and GEO-3 would reduce potential impacts to paleontological resources to a less than significant level.

Mitigation Measures:

GEO-1: Prior to commencement of ground-disturbing activities a qualified vertebrate paleontologist (as defined by the Society for Vertebrate Paleontology) shall develop Worker Awareness and Environmental Program (WEAP) Training for construction personnel. This training shall be presented to construction personnel and include what fossil remains may be found within the Project area and policies and procedures that must be followed in case of a discovery. Verification of the WEAP Training shall be provided to the Burbank Community Development Department.

GEO-2: Paleontological resources monitoring by a qualified vertebrate paleontologist (as defined by the Society for Vertebrate Paleontology) shall be required during ground disturbances (including grading, trenching, foundation work, and other excavations) in previously undisturbed sediments that exceed 10 feet in depth. The duration and timing of the monitoring shall be determined by the qualified paleontologist and the location and extent of the proposed ground disturbance. If the qualified paleontologist determines that fulltime monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, the qualified paleontologist may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall not be required in artificial fill or for activities that do not reach 10 feet in depth.

GEO-3: In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. The qualified paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:

- Salvage of Fossils. The qualified paleontologist (or paleontological monitor) shall recover significant fossils following standard field procedures for collecting paleontological resources, as described by the Society of Vertebrate Paleontology standards. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case

the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.

- Preparation and Curation of Recovered Fossils. 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 University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the qualified paleontologist.

C. GREENHOUSE GAS EMISSIONS

1. Emission Reduction Plans

Threshold: Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?

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

Explanation: Several plans and policies have been adopted to reduce GHG emissions in the Southern California region. The following discussion analyzes the Project's consistency with the Greenhouse Gas Reduction Plan (GGRP), 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and 2022 Scoping Plan. Some Statewide GHG emissions regulations, including SB 32 and Executive Order S-3-05, are not analyzed because these regulations are focused on Statewide GHG emissions reduction targets and are not applicable to individual development projects. In addition, the 2022 Scoping Plan includes all the actions that need to be taken to achieve the targets established in SB 32 and Executive Order S-3-05. Therefore, projects that are consistent with 2022 Scoping Plan could demonstrate consistency with SB 32 and Executive Order S-3-05 and contribution of their fair share of GHG emissions reductions. The GGRP was adopted to guide the City in reducing GHG emissions consistent with the targets set out by AB 32. Additionally, the GGRP fulfills the requirements of CEQA Guidelines Section 15183.5, and consistency with the GGRP allows

for the CEQA analysis to be streamlined by presuming that a project's GHG emissions would not be significant. As discussed above, the Project's GHG emissions would exceed the GGRP significance threshold of 3.12 metric tons of carbon dioxide (CO_2) equivalent ($MTCO_2e$) per service population, and impacts would remain significant even with the incorporation of Mitigation Measure GHG-1.

Burbank2035 Greenhouse Reduction Plan

The GGRP identifies GHG emissions reduction measures that would apply to different types of future projects. The GGRP requires all new projects to comply with these codes and ordinances, as applicable. The proposed Project would be consistent with the City of Burbank's GGRP, and impacts would be less than significant in this regard.

2020-2045 RTP/SCS

The latest 2024-2050 RTP/SCS was adopted on April 4, 2024. However, the California Air Resources Board (CARB) concluded that the technical methodology the Southern California Association of Governments (SCAG) used to quantify the GHG emissions reductions for the 2024-2050 RTP/SCS does not operate accurately. SCAG resubmitted the SCS Submittal Package for CARB's review in June 2024. CARB will have 60 business days to evaluate it and make its determination. Review by CARB is limited to acceptance or rejection of SCAG's determination that its SCS would, if implemented, achieve the region's GHG emissions reduction target. If CARB rejects SCAG's determination of meeting the GHG emission target, SCAG will need to revise the SCS or adopt an alternative planning strategy demonstrating the ability to achieve the target. As such, until CARB makes the decision, the 2024-2050 RTP/SCS is not a fully adopted document and is potentially subject to further updates, especially from the GHG reduction perspective relative to the methods and assumptions of the calculation of Auto Operating Costs (AOC), induced travel, electric vehicle incentives, job center parking and parking deregulation, off-model strategy assumptions, and emissions factors. As CARB has not made the decision at the time of preparation of this document, the consistency analysis relies upon the 2020-2045 RTP/SCS. The Project is consistent with these five strategies found within the 2020-2045 RTP/SCS. The proposed Project would be consistent with the GHG emission reduction strategies contained in the 2020-2045 RTP/SCS.

2022 CARB Scoping Plan

The 2022 Scoping Plan identifies reduction measures necessary to achieve the goal of carbon neutrality by 2045 or earlier. Actions that

reduce GHG emissions are identified for each AB 32 inventory sector. The proposed Project is consistent with the applicable reduction actions/strategies in the 2022 CARB Scoping Plan.

Conclusion

The proposed Project is generally consistent with or would not conflict with strategies outlined in the GGRP, 2020-2045 RTP/SCS, and 2022 Scoping Plan. The proposed Project would exceed the GGRP Efficiency Threshold of 3.12 per service population. According to the GGRP, any projects that exceed this GHG efficiency threshold would result in a significant impact and would be required to mitigate the GHG emissions to a maximum extent feasible. The proposed Project would require the incorporation of Mitigation Measure GHG-1. Upon incorporation of Mitigation Measure GHG-1, the Project would mitigate the GHG emissions to the maximum extent feasible and, as such, would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. As such, the impacts would be less than significant with the incorporation of Mitigation Measure GHG-1.

Mitigation Measures:

GHG-1 Prior to the issuance of building permits, the Project applicant shall provide documentation (e.g., building plans, site plans) to the City of Burbank Community Development Department to verify implementation of the design requirements specified in this mitigation measure. Prior to the issuance of the certificate of occupancy, the City shall verify implementation of these design requirements:

- The Project applicant shall prepare a Transportation Management Plan with the help of certified Traffic Engineer which includes voluntary and mandatory trip reduction measures such as discouraging single-occupancy vehicle trips and encouraging alternative modes of transportation such as carpooling, taking transit, walking, and biking, implementing employee parking cash-outs, thereby reducing VMT and GHG emissions. The Transportation Management Plan shall grant all employees located within the Project site eligibility to participate. The Transportation Management Plan shall be reviewed and approved by the Transportation Planning Division.

- The Project applicant shall join the Burbank Transportation Management Organization (TMO), which helps provide services to employees that encourages the use of public transit, carpooling, vanpooling, walking, and biking.

- The Project applicant shall demonstrate to the Planning Division that new vehicles owned and operated by the Project operators that provide transport between the Hollywood Burbank Airport and the Project will be clean-fuel vehicles.

- No wood-burning or gas-powered fireplaces shall be installed in the proposed development.

- All major appliances provided/installed (e.g., dishwashers, refrigerators, clothes washers and dryers, and water heaters) shall be electric-powered EnergyStar-certified or of equivalent energy efficiency, where applicable.

D. HAZARDOUS AND HAZARDOUS MATERIALS

1. Accident or Upset

Threshold: Would the Project 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?

Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?

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

Explanation: *Construction*

Construction of the proposed Project would involve demolition/removal of surface parking, grading, and construction of new buildings. The existing Marriott Hotel would remain; modifications to the existing structures are not proposed as part of the Project. Potentially hazardous materials used during construction include substances, such as paints, sealants, lubricants, solvents, adhesives, cleaners, and diesel fuel. There is potential for these materials to spill or to create hazardous conditions. The materials used, however, would not be in such quantities or stored in such a manner as to pose a significant safety hazard, as their storage and use would be in accordance with all applicable regulations. These

activities would also be short-term and would cease upon completion of construction.

Nonetheless, to prevent hazardous conditions, existing local, State, and federal laws, are required to be enforced at the construction sites. For example, compliance with existing regulations would ensure construction workers and the general public are not exposed to any risks related to hazardous materials during demolition and construction activities. Cal/OSHA has regulations concerning the use of hazardous materials, including requirements for safety training, exposure warnings, availability of safety equipment, and preparation of emergency action/prevention plans. All spills or leakage of petroleum products during construction activities are required to be immediately contained, the hazardous material identified, and the material remediated in compliance with applicable State and local regulations for the cleanup and disposal of that contaminant. All contaminated waste encountered would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility.

Based on the results of the Phase II Subsurface Investigation, there is evidence of elevated volatile organic compounds (VOCs) in soil-gas (specifically perchloroethylene [PCE] and trichloroethylene [TCE]) beneath the Project site that may present a vapor intrusion risk to the proposed Project. These VOCs are considered to be the result of a regional groundwater VOC plume as noted from the Phase I recognized environmental condition (REC) findings. Mitigation Measure HAZ-1 requires that an appropriate vapor intrusion mitigation system using a VOC-compatible vapor barrier be incorporated into the design of the proposed onsite structures where there may be a potential for vapor intrusion risk to occupants. The vapor barrier shall be pre-approved by the applicable regulatory oversight agency and provide for mitigation of soil vapor to levels that are protective of human health for the proposed use. Methods for monitoring the vapor barrier system to confirm that the vapor barrier system continues to be protective of human health shall also be required subject to approval by the regulatory agency with jurisdiction.

Excavation and related utility operations would potentially encounter hazardous materials, based on the results of the Phase II Subsurface Investigation, which determined there are potential VOC-impacted soils on the Project site. Impacts related to releases of hazardous substances would be potentially significant during the construction phase. Implementation of Mitigation Measure HAZ-2, which requires that the Applicant prepare and submit a soils management plan to address the proper characterization and handling of potential VOC-impacted soils and other contaminants of concern (reported to be

TCE, PCE, 1,4, dioxane, hexavalent chromium, and 1,2,3-tetrachloropropane [TCP]) that may be present prior to the issuance of a grading permit, would reduce potential significant impacts to less than significant levels. With implementation of Mitigation Measures HAZ-1 and HAZ-2, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving soil and groundwater contamination. With the incorporation of mitigation, impacts would be less than significant.

The Project site is located within the Area 1 site in the Burbank Operable Unit (BOU), and as such, it is on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Releases from a large number of facilities throughout eastern portions of Area 1 have resulted in a large plume of VOC-contaminated groundwater, which begins in the Area 1 site and extends southeast, down-gradient. Potential remedies for Area 1 are being addressed through federal, State, municipal, and potential responsible party (PRP) actions. The current site status of the BOU area includes the temporary remedy of extraction and treatment of groundwater. BWP receives groundwater from the site blended with treated groundwater to reduce nitrate levels and then distributes it to the public water supply system.

According to the Burbank Water and Power (BWP) 2020 Urban Water Management Plan (2020 UWMP), the BOU is a USEPA-led project to clean up groundwater impacted by historical industrial releases, primarily by Lockheed-Martin. The BOU project consisted of drilling eight extraction wells and constructing a state-of-the-art treatment plant using Best Available Technology (Air Stripping Towers and Granular Activated Carbon Filters) to remove and stabilize the VOC plumes within the aquifer. Completion of this project restored a major component to the City's water supply. The Consent Decree for the project was “entered” on March 25, 1992. Lockheed-Martin started construction on June 23, 1993, and the project began operation in January 1996. The eight wells and the VOC removal treatment plant were operated by Lockheed-Martin until March 2001, when the City of Burbank took over operation. Through compliance with applicable regulations and implementation of Mitigation Measures HAZ-1 and HAZ-2, impacts related to hazards to the public and the Project site being on a list of hazardous materials sites compiled through Government Code Section 65962.5 would be less than significant.

Operations

Operation of the proposed Project would involve the use of small amounts of hazardous materials, such as cleaners, paints, fertilizers,

and pesticides for cleaning and maintenance purposes. However, the proposed land uses are not associated with uses that use, generate, store, or transport large quantities of hazardous materials; such uses generally include manufacturing, industrial, medical (e.g., hospital), and other similar uses.

The use, storage, transport, and disposal of hazardous materials would be governed by existing regulations of several agencies, including DTSC, USEPA, USDOT, Cal/OSHA, and Los Angeles County CUPA. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts.

Although highly unlikely and not anticipated, should the Project require storage of hazardous substances exceeding regulatory thresholds, a Hazardous Materials Business Plan (HMBP) would be required, and hazardous materials permits would need to be obtained from the CUPA. These permits would include preventative requirements and best practices for the use of hazardous materials related to the Project. As required by CUPA, the HMBP would detail the location and quantities of hazardous materials stored onsite, accompanied by the appropriate Materials Safety Data Sheets. That information would be made available to emergency responders, such as firefighters and medical personnel, who would, in part, use such information to contain the hazardous materials and avoid the creation of a significant hazard. Therefore, substantial hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment during long-term operation of the proposed Project would be less than significant.

Mitigation Measures:

HAZ-1: Prior to the issuance of building permits, the Applicant shall include on the building plans an appropriate vapor intrusion mitigation system using a volatile organic compound (VOC)-compatible vapor barrier that is incorporated into the design of new onsite structures, where there may be a potential for vapor intrusion risk to occupants. The elements of the vapor intrusion mitigation system shall include the design of an appropriate vapor barrier compatible with known VOCs, installation oversight to ensure compliance with VOC barrier manufacturers' warranty requirements, and subsequent post-installation VOC barrier integrity testing.

The Applicant shall incorporate all requirements in the design of the Project as set forth by the applicable regulatory oversight agency for

issuance of building permits, including the following measures: The proposed design of the vapor barrier shall be pre-approved by the applicable regulatory oversight agency (e.g., Department of Toxic Substances Control [DTSC], the Los Angeles Regional Water Quality Control Board [LARWQCB], or other appropriate local regulatory agency). The design of a physical vapor barrier beneath the structure(s) foundation shall prevent soil gas from seeping into breathing spaces inside the structure. The system shall include a passive or powered vapor mitigation system layer that draws soil gas out of the under-foundation base rock and directs that soil gas to a treatment system to prevent people from being exposed outdoors. Any contaminants found in shallow soil vapor shall be mitigated to levels that are protective of human health for the proposed commercial uses. Upon completion, the Project Applicant shall prepare a report documenting the testing results and installed vapor mitigation method and submit the report to the regulatory agency with jurisdiction.

An Operations, Maintenance, and Monitoring (OMM) Plan shall be prepared and implemented to maintain the vapor barrier system and confirm that the vapor barrier system continues to be protective of human health. The OMM Plan shall include details of methods for monitoring the vapor barrier system, provide monitoring frequencies and maintenance procedures for the system components and provide for post construction indoor air quality monitoring. The OMM Plan shall be approved by the regulatory agency with jurisdiction.

HAZ-2: Prior to the issuance of a grading permit, the Applicant shall submit a Soils Management Plan (SMP) to the City of Burbank Community Development Department Building & Safety Division that addresses the proper characterization and handling of potential VOC-impacted soils, and other contaminants of concern that may be present. The SMP shall require that, as grading, excavation, and trenching are performed, exposed soil shall be monitored for stained or discolored soil, wet or saturated soils, or odors. If impacted soil is encountered, the soil shall be analyzed to identify and characterize the impact and determine if soil remediation is required. Soil samples shall be analyzed by an appropriate State-certified laboratory using appropriate methods based on the parameters to be analyzed. When a new area of contamination is identified, it shall be characterized to assess its lateral and vertical extent. The likely excavation of impacted soil shall be followed by segregated stockpiling or direct-loading, waste profiling, and offsite disposal or recycling, which shall be performed in accordance with applicable federal, State, and local regulations.

E. NOISE

1. Vibration

Threshold: Would the Project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

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

Explanation: Project construction can generate varying degrees of groundborne vibration, depending on the construction procedure and the construction equipment used. Operation of some heavy-duty construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

The Federal Transit Administration's (FTA) Transit Noise and Vibration Impact Assessment Manual identifies various vibration damage criteria for different building classes. This evaluation uses the FTA architectural damage threshold for continuous vibrations at engineered concrete and masonry buildings of 0.3 inch per second (in/sec) peak particle velocity (PPV). As the nearest structures to Project construction areas are commercial structures, this threshold is considered appropriate. The types of construction vibration impact include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural.

The highest level of groundborne vibration would be generated during the building construction phase due to the potential operation of an impact pile driver. The nearest offsite structure (an office building to the east of the Project site) is located approximately 60 feet from proposed construction activities. At this distance, the maximum vibration velocities from impact pile drivers would be approximately 0.408 in/sec PPV, which would exceed the FTA significance threshold of 0.3 in/sec PPV. Therefore, groundborne

vibration generated from impact pile driver operations would be considered potentially significant.

As groundborne vibration generated from impact pile driver operations would exceed applicable thresholds, the Project would be required to implement Mitigation Measure NOI-2. Mitigation Measure NOI-2 would require the use of sonic pile drivers as an alternative to impact pile drivers. As shown in Table 5.9-8, the maximum vibration velocities from sonic pile drivers would be approximately 0.197 in/sec PPV at the nearest offsite building. Therefore, with implementation of Mitigation Measure NOI-2, groundborne vibration levels would not exceed the FTA's significance threshold of 0.3 in/sec PPV, and impacts would be less than significant.

Mitigation Measures:

NOI-2: The following measure shall be incorporated on all grading and building plans and specifications subject to approval of the City's Building and Safety Division prior to issuance of a grading permit:

- Sonic pile drivers shall be used as an alternative to impact pile drivers to reduce groundborne vibration levels. Impact pile driver operations shall be prohibited.

2. Cumulative Vibration

Threshold: Would the Project, combined with other related projects, result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

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

Explanation: Construction activities associated with the proposed Project and related projects may overlap. Despite the potential for overlap, groundborne vibration generated at the Project site during construction would not be in exceedance of the FTA threshold of 0.30 in/sec PPV for engineered concrete and masonry buildings, following implementation of Mitigation Measure NOI-2, which requires the use of sonic pile drivers to reduce groundborne vibration levels. In addition, there would be no vibration impacts associated with operations at the Project site. The closest related projects are the Media Studios North project, immediately southwest of the Project site, and the 3031 Thornton Avenue project, north of the Project site.

Although construction of the related projects could occur at the same time as the proposed Project, cumulatively significant construction vibration would generally only occur when construction activities on the sites occur near one another in a way that concentrates the vibration. The farther construction activities occur from one another on each respective project site, the quicker the vibration dissipates by the time it reaches a sensitive receptor. Additionally, because heavy construction equipment moves around a project site and would only occur for limited durations, average vibration levels at the nearest structures would diminish with increasing distance between the structures and construction activities. As such, cumulative construction vibration impacts would not occur. Both the proposed Project and related projects would be required to comply with the BMC limitations on allowable hours of construction and mitigate their respective construction vibration impacts, as required. Therefore, the Project's less than significant effects after mitigation associated with the generation of excessive groundborne vibration or groundborne noise levels would not be considered cumulatively considerable, and cumulative impacts would be less than significant.

Mitigation Measures: Refer to Mitigation Measure NOI-2

F. TRIBAL CULTURAL RESOURCES

1. Tribal Cultural Resources

Threshold: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code Section 5024.1(c)?

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

Explanation: The records search indicates that 15 cultural resources studies were conducted within a 0.5-mile radius of the Project site. Of these studies, none were of the Project site and three were located adjacent to the Project site. The results of the Cultural Resources Assessment identified no prehistoric or historic-period cultural resources within or adjacent to the Project site. Results of the site visit revealed that the ground surface is obscured by the existing Marriott Hotel, convention center, and paved surface parking lots. According to the Cultural Resources Assessment, there is a moderate potential of encountering historic period archaeological resources dating to the early-20th century within the Project site due the native and undisturbed soils that occur with the Project site and surrounding area.

As part of the AB 52 process, letters were sent by the City of Burbank inviting tribes to consult on the Project. The Gabrieleño Band of Mission Indians-Kizh Nation and the Fernandeño Tataviam Band of Mission Indians responded requesting consultation, stating that the Project site is situated within each of the tribes' ancestorial territory. As part of the consultation process, both tribes were provided access to the Cultural Resources Assessment and the Geotechnical Assessment, Geotechnical Assessment Addendum, and Geotechnical Investigation, Preliminary Geotechnical Assessment prepared for the Project. The City held separate meetings with both the Gabrieleño Band of Mission Indians-Kizh Nation and the Fernandeño Tataviam Band of Mission Indians to discuss the Project in greater detail. Both tribes indicated that based on the presence of significant tribal resources near the Project site, precautions were necessary when conducting ground disturbing activities on native/undisturbed soil levels. The tribes requested the inclusion of mitigation measures to address the potential for tribal cultural resources (TCRs) to be encountered within the Project site as a result of ground disturbing activities.

Based on the records search, literature review, field survey results, and tribal consultation results, there is the potential for unknown TCRs to be discovered onsite during site disturbance activities, resulting in the potential for a significant impact to TCRs. Mitigation Measures CUL-1 and CUL-2 in Section 5.2, Cultural Resources, of the Draft EIR, have been identified and reviewed by the Gabrieleño Band of Mission Indians-Kizh Nation and the Fernandeño Tataviam Band of Mission Indians in order to reduce potential impacts to TCRs in the event of discovery. Implementation of Mitigation Measures CUL-1 and CUL-2 would require a monitor qualified in the identification of archaeological and Native American resources during construction related ground-disturbing activities within the Project site and offsite sewer improvement area. The Project

Applicant shall also be required to make the Project site available to native tribe(s) that have ancestral ties to the region during ground disturbance activities for monitoring on their own behalf, if requested. If archaeological or Native American resources are inadvertently discovered during ground disturbing activities, the find would be evaluated by the Archaeological and Native American Monitor(s) and implement protocols in accordance with the provisions of PRC Section 21083.2 and State CEQA Guidelines Sections 15064.5 and 15126.4; refer also to Section 5.2, Cultural Resources, of the Draft EIR. Compliance with Mitigation Measures CUL-1 and CUL-2 would reduce potential impacts to TCRs to a less than significant level.

Mitigation Measures: Refer to Mitigation Measures CUL-1 and CUL-2.

SECTION IV.
FINDINGS ON SIGNIFICANT UNAVOIDABLE IMPACTS

Finding. The City Council hereby finds that, despite the incorporation of mitigation measures identified in the EIR and in these findings, the following environmental impacts cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is, therefore, included in Section VI:

A. GREENHOUSE GAS EMISSIONS

1. Emissions Generation

Threshold: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure below. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is, therefore, adopted. However, since most of the Project-related emissions come from mobile sources, which primarily depend on the prerogative of future employees and visitors regarding their preferred methods of transportation and fuel efficiency and emission standards are regulated at the State level, the City of Burbank finds that there are no other mitigation measures that are feasible to reduce GHG emissions below the significance threshold, 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 V 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 VI below), 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.

Explanation: *Project-Related Sources of Greenhouse Gas Emissions*

Per the GGRP, the City has adopted a GHG efficiency threshold of 3.12 $MTCO_2e$ per service population as the significance threshold for assessing impacts related to GHG emissions. The methodology for evaluating the Project's impacts related to GHG emissions focuses on the GHG efficiency threshold. Based on occupancy data for the period of June 2023 to June 2024 provided by Marriott Hotel, the average occupancy rate is 1.4 persons per reservation. This data is specific to the Los Angeles Marriott Burbank Airport Hotel. As such, the proposed 420 rooms would have an occupancy rate of approximately 588 persons. With the 85 proposed employees, the proposed Project would have a service population of 673 individuals.

The analysis also calculates the amount of GHG emissions that would be attributable to the Project using recommended emissions calculations models, as described below. The primary purpose of quantifying the Project's GHG emissions is to compare the Project's GHG efficiency ratio with the GGRP's GHG efficiency threshold. The estimated emissions inventory is also used to determine if there would be a reduction in the Project's incremental contribution of GHG emissions as a result of compliance with regulations and requirements adopted to implement plans for the reduction or mitigation of GHG emissions.

The proposed Project would result in direct and indirect emissions of CO_2, nitrous oxide (N_2O), and methane (CH_4) and would not result in other GHGs that would facilitate a meaningful analysis. Therefore, this analysis focuses on these three forms of GHG emissions. Direct Project-related GHG emissions include emissions from construction activities, area sources, mobile sources, and refrigerants, while indirect sources include emissions from energy consumption, water demand, and solid waste generation. Construction emissions would be required to comply with applicable regulations (i.e., SCAQMD Rule 402, Rule 403, etc.). Project design features include photovoltaic panels for on-site renewable energy production (11

percent of the total annual consumption), exceeding the most current Title 24 standards by 10 percent, installing energy efficient lighting, installing energy efficient appliances, low flow water fixtures, water efficient landscaping, and all-electric landscaping equipment. The Project's unmitigated GHG emission per service population is 6.94 $MTCO_2e$. As the proposed Project would exceed the GGRP efficiency threshold of 3.12 $MTCO_2e$ per service population even with incorporation of Project design features, the Project would be required to implement Mitigation Measure GHG-1. Mitigation Measure GHG-1 would require the incorporation of Tier 2 requirements of the 2022 CALGreen Code. Per the CALGreen Code, Tier 2 requirements are typically voluntary tiers that add additional requirements beyond the mandatory measures. Mitigation Measure GHG-1 includes the following features: preparation of a Transportation Management Plan, joining the Burbank Transportation Management Organization, owning a clean-fuel vehicle fleet, and no wood-burning or gas-powered fireplaces.

Direct Project-Related Source of Greenhouse Gas Emissions

Construction Emissions. Construction GHG emissions are amortized (i.e., total construction emissions divided by the lifetime of the Project, assumed to be 30 years), then added to the operational emissions. Construction of the proposed Project would result in a total of 60.59 $MTCO_2e$ (amortized over 30 years).

Area Sources. Area source emissions would be generated due to an increased demand for fuel associated with the development of the proposed Project. The primary use of fuel that produces area source emissions by the Project would be for landscaping. The proposed Project without Project design features would directly result in 9.57 $MTCO_2e$ per year. However, the Project would utilize all-electric landscaping equipment (e.g., lawnmowers, hedge trimmers, leaf blowers). As such, with incorporation of Project design features, the Project would not result in GHG emissions from area source emissions.

Mobile Source Emissions. The proposed Project would generate 4,315 daily trips. As previously stated, the trip generation provided by Fehr & Peers considers trips without passengers (valet, ridesharing, etc.). As such, the Project would result in approximately 4,044.00 $MTCO_2e$ per year of mobile source generated GHG emissions. However, as discussed, the proposed Project would incorporate Mitigation Measure GHG-1 which includes the following features: preparation of a Transportation Management Plan, joining the Burbank Transportation Management Organization, and owning a clean-fuel vehicle fleet. These features would help reduce GHG emissions relating to mobile sources. Specifically, the Transportation

Management Plan and the Burbank Transportation Management Organization would provide incentives to employees, such as employee carpooling programs, reduced public transit fares, and ridesharing opportunities. Additionally, the clean-fuel vehicle fleet would reduce GHG emissions from vehicles used by employees for work. However, as discussed above, the GHG reduction potential of these features are not quantifiable in CalEEMod. Even though these features are not quantifiable in CalEEMod, the incorporation of Mitigation Measure GHG-1 would reduce GHG emissions for mobile sources below 4,044.00 $MTCO_2e$ per year. However, this reduction would likely not reduce emissions to a less than significant impact.

Refrigerants. Refrigerants are substances used in equipment for air conditioning and refrigeration. Most of the refrigerants used today are hydrofluorocarbons (HFCs) or blends thereof, which can have high GWP values. All equipment that uses refrigerants has a charge size (i.e., quantity of refrigerant the equipment contains), and an operational refrigerant leak rate, and each refrigerant has a Global Warming Potential (GWP) that is specific to that refrigerant. CalEEMod quantifies refrigerant emissions from leaks during regular operation and routine servicing over the equipment lifetime, and then derives average annual emissions from the lifetime estimate. The proposed Project includes land uses that would have air conditioning and refrigeration onsite. The Project would directly result in a 67.90 $MTCO_2e$ per year from refrigerants.

Indirect Project-Related Sources of Greenhouse Gases

Energy Consumption. Electricity would be provided to the Project site via BWP. The proposed Project's energy consumption without Project design features would result in approximately 475.00 $MTCO_2e$ per year of GHG emissions. The analysis considers the incorporation of various design features such as exceeding the most recent Title 24 Building Energy Efficiency Standards by 10 percent, generating approximately 11 percent of the total annual energy consumption from onsite photovoltaic panels, installing high efficiency lighting, and requiring energy efficient appliances. The Project would indirectly result in 407.00 $MTCO_2e$ per year of GHG emissions due to energy consumption with Project design features.

Water Demand. The proposed Project would consume approximately 11.6 million gallons of water per year. The proposed Project's water consumption without Project design features would result in approximately 22.80 $MTCO_2e$ per year of GHG emissions. However, it should be noted that the Project would include Project design features such as installing low-flow fixtures, designing water efficient landscaping, and including water efficient irrigation. Emissions from indirect energy consumption due to extraction,

treatment, and transmission of water supply would result in 20.20 $MTCO_2e$ per year with incorporation of Project design features.

Solid Waste. Solid waste disposal at landfills associated with operations of the proposed Project would result in 71.80 $MTCO_2e$ per year.

Total Project-Related Sources of Greenhouse Gases

Project-related GHG emissions from direct and indirect sources without Project design features would total 4,751.66 $MTCO_2e$ per year. However, the Project would incorporate various design features (i.e., energy efficient appliances, onsite renewable energy generation, water efficient irrigation, etc.) that would reduce GHG emissions. As such, incorporation of these design features would reduce GHG emissions to approximately 4,671.49 $MTCO_2e$ per year.

Conclusion

The proposed Project with incorporation of Project design features would result in approximately 4,671.49 $MTCO_2e$ per year. Based on a service population of 673 individuals (588 per occupancy data and 85 employees), the proposed Project would have a GHG efficiency ratio of 6.94 $MTCO_2e$ per service population. This would exceed the GGRP efficiency threshold of 3.12 $MTCO_2e$ per service population. As previously discussed, any projects that exceed this GHG efficiency threshold would result in a significant impact and would be required to mitigate the GHG emissions to a maximum extent feasible.

The primary source of Project-related emissions would be from mobile-source emissions generated by the Project-related vehicle trips, followed by energy sector emissions and solid waste sector emissions. Most of the Project-related emissions come from mobile sources, which primarily depend on the prerogative of future employees and visitors regarding their preferred methods of transportation. In addition, fuel efficiency and emission standards are regulated at the State level, and these regulations are becoming more stringent over the years to reduce mobile source emissions. The proposed Project has development standards and design features that contribute to reducing GHG emissions. Design features include the following: all electric landscaping equipment, exceeding the most recent Title 24 standards, onsite renewable energy generation, energy efficient appliances, high efficiency lighting, drought tolerant landscaping, low flow fixtures, and water efficient irrigation. These design features would minimize GHG emissions during operation. However, it should be noted that even with the implementation of these design features, the Project's GHG

emissions would be slightly reduced but would continue to exceed the GHG efficiency threshold of 3.12 $MTCO_2e$ per service population as outlined by the GGRP. As previously discussed, any projects that exceed this GHG efficiency threshold would result in a significant impact and would be required to mitigate the GHG emissions to a maximum extent feasible.

Therefore, to reduce the GHG emissions to maximum extent, this analysis has used the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity: Designed for Local Governments, Communities, and Project Developers (Handbook), prepared by California Air Pollution Control Officers Association (CAPCOA), dated December 2021. CAPCOA is a non-profit association of the Air Pollution Control Officers from all 35 local air quality agencies (including SCAQMD) throughout California. This Handbook was given an Award of Excellence for Best Practices by the California American Planning Association and is integrated into CalEEMod to quantify GHG emission reduction from feasible measures. The Handbook provides methods to quantify GHG emission reductions from a specified list of measures, primarily focused on project-level actions. The Handbook also includes a method to assess potential benefits of different climate vulnerability reduction measures, as well as measures that can be implemented to improve health and equity, again at the project level. CAPCOA included a wide range of measures in the Handbook that are frequently used to reduce GHG emissions.

The Project would incorporate a majority of the applicable CAPCOA GHG reduction measures as a part of the Project's description. However, the Project would be required to implement Mitigation Measure GHG-1, which requires the Project applicant to implement additional features in the Project that would reduce GHG emissions, including preparing a Transportation Management Plan, which includes voluntary and mandatory trip reduction measures, such as discouraging single-occupancy vehicle trips and encouraging alternative modes of transportation, including, but not limited to, carpooling, taking transit, walking, and biking, implementing employee parking cash-outs and purchasing carbon offsets, thereby reducing VMT and GHG emissions to the maximum extent feasible. Pursuant to Mitigation Measure GHG-1, the Project applicant would also be required to join the Burbank Transportation Management Organization (TMO), which is a private-sector, non-profit organization that gathers employers, developers, building owners, and employees to develop policies, programs, and services to reduce transportation use and improve air quality. The Burbank TMO would require the Applicant to become a paying member to fund

services that reduce single-occupancy automotive travel and encourages participating members to use public transit, carpooling, vanpooling, walking, and biking to work.

Additionally, the Burbank TMO would also keep participating members updated about transit, bike, and carpool resources within the City; relevant construction and closures that may impact commutes; and transit route/fare changes. The Burbank TMO collects surveys from participating employees, utilization data, and commute trip lengths, which would help the City develop better future transportation plans and programs. As discussed above, these GHG reducing features that address mobile source emissions are not quantifiable in CalEEMod. However, even with the implementation of GHG reducing design features and Mitigation Measure GHG-1, Project-related GHG impacts would still exceed the City's GGRP thresholds and result in a significant and unavoidable impact.

The proposed Project would result in a GHG efficiency ratio of 6.94 $MTCO_2e$ per service population even after the incorporation of design features that would reduce GHG emissions. As previously discussed, incorporation of Mitigation Measure GHG-1 is not quantifiable within CalEEMod. Nevertheless, incorporation of Mitigation Measure GHG-1 would reduce GHG emissions below 6.94 $MTCO_2e$ per service population but would still result in emissions that exceed the applicable threshold. Thus, the Project's GHG emissions would still exceed the GGRP's GHG efficiency threshold of 3.12 MTCO2e per service population, and impacts in this regard would be significant and unavoidable.

Mitigation Measures:

GHG-1: Prior to the issuance of building permits, the Project applicant shall provide documentation (e.g., building plans, site plans) to the City of Burbank Community Development Department to verify implementation of the design requirements specified in this mitigation measure. Prior to the issuance of the certificate of occupancy, the City shall verify implementation of these design requirements:

- The Project applicant shall prepare a Transportation Management Plan with the help of certified Traffic Engineer which includes voluntary and mandatory trip reduction measures such as discouraging single-occupancy vehicle trips and encouraging alternative modes of transportation such as carpooling, taking transit, walking, and biking, implementing employee parking cash-outs, thereby reducing VMT and GHG emissions. The Transportation Management Plan shall grant all employees located within the Project site eligibility to participate. The

Transportation Management Plan shall be reviewed and approved by the Transportation Planning Division.

- The Project applicant shall join the Burbank Transportation Management Organization (TMO), which helps provide services to employees that encourages the use of public transit, carpooling, vanpooling, walking, and biking.

- The Project applicant shall demonstrate to the Planning Division that new vehicles owned and operated by the Project operators that provide transport between the Hollywood Burbank Airport and the Project will be clean-fuel vehicles.

- No wood-burning or gas-powered fireplaces shall be installed in the proposed development.

- All major appliances provided/installed (e.g., dishwashers, refrigerators, clothes washers and dryers, and water heaters) shall be electric-powered EnergyStar-certified or of equivalent energy efficiency, where applicable.

2. Cumulative Emissions Generation and Reduction Plans

Threshold: Would the Project, combined with other related projects, generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Would the project, combined with other related projects, conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG?

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure referenced below. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is, therefore, adopted. However, since most of the Project-related emissions come from mobile sources, which primarily depend on the prerogative of future employees and visitors regarding their preferred methods of transportation and fuel efficiency and emission standards are regulated at the State level, the City of Burbank finds that there are no other mitigation measures that are feasible to reduce GHG emissions below the significance threshold, 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 V 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 VI below), 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.

Explanation: Project-related GHG emissions are not confined to a particular air basin; instead, GHG emissions are dispersed worldwide. No single project is large enough to result in a measurable increase in global concentrations of GHG emissions. The California Natural Resources Agency has also clarified that the CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and, therefore, GHG emissions should be analyzed in the context of CEQA's requirements for cumulative impact analyses (see CEQA Guidelines Section 15064(h)(3)). A project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements to avoid or substantially lessen the cumulative problem within the area of the project.

As discussed in Impact Statement GHG-1, the proposed Project would exceed the City's GGRP GHG efficiency threshold of 3.12 MTCO2e per service population and would require the implementation of Mitigation Measure GHG-1. Mitigation Measure GHG-1 would require the Project applicant to implement features in the Project that would reduce GHG emissions, including preparing a Transportation Management Plan, joining the Burbank TMO, owning a clean-fuel vehicle fleet for the proposed Project, installing energy efficient appliances, and exceeding Title 24 by 10 percent. As the Project would exceed the City's GGRP GHG efficiency threshold, impacts would be significant. Any projects that exceed this GHG efficiency threshold would result in a significant impact and would be required to mitigate the GHG emissions to a maximum extent feasible. As such, the proposed Project would incorporate Mitigation Measure GHG-1. However, even with the implementation of GHG reducing design features and Mitigation Measure GHG-1, Project-related GHG impacts would still exceed the City's GGRP GHG efficiency thresholds and result in a significant and unavoidable impact. As such, the Project's incremental effects to GHG emissions would be cumulatively considerable, and cumulative GHG impacts would be significant and unavoidable.

Mitigation Measures: Refer to Mitigation Measure GHG-1.

B. NOISE

1. Noise Levels

Threshold: Would the Project result in generation of a substantial temporary or 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 of other agencies?

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure below. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is, therefore, adopted. However, since the 15 to 25 dBA attenuation provided by mufflers required by Mitigation Measure NOI-1 relies heavily on the speed of a vehicle, engine noise, and load on a vehicle, the maximum 25 dBA reduction would not be maintained throughout the construction period, therefore, the City of Burbank finds that there are no other mitigation measures that are feasible to reduce construction noise below the significance threshold, 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 V 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 VI below), 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.

Explanation: *Short-Term Construction Noise*

Construction activities generally are temporary and have a short duration, resulting in periodic increases in the ambient noise environment. Construction would include demolition, grading, paving, building construction, application of architectural coatings, and linear construction (offsite improvements and sewer improvements). Ground-borne noise and other types of construction-related noise impacts typically occur during the initial grading phase, which has the potential to create the highest levels of noise. Construction equipment produces maximum noise levels when

operating under full power conditions (i.e., the equipment engine at maximum speed). However, equipment used on construction sites typically operates under less than full power conditions or partial power. To more accurately characterize construction-period noise levels, the average (L_{eq}) noise level associated with each construction stage is calculated based on the quantity, type, and usage factors for each type of equipment that would be used during each construction stage. These noise levels are typically associated with multiple pieces of equipment simultaneously operating on part power.

Construction noise at the nearest receptors surrounding the Project site could be exposed to temporary and intermittent noise levels ranging from 56.5 to 71.1 dBA L_{eq} when construction activities occur near the Project site boundary and would have the potential to exceed the significance threshold of 63.7 dBA L_{eq}. Additionally, construction activities would occur across the entire Project site, and, therefore, the estimated noise levels were also calculated from the center of the Project site. Therefore, construction noise would be approximately 51.5 to 66.1 dBA L_{eq} from the center of the Project site at 640 feet and would still exceed the significance threshold of 63.7 dBA L_{eq}. Therefore, impacts would be significant.

The BMC and Burbank2035 have established allowable hours of construction (7:00 a.m. to 7:00 p.m. on weekdays, 8:00 a.m. to 5:00 p.m. on Saturdays, and exclude Sundays and holidays). Thus, pursuant to the BMC and Burbank2035, construction activities would be conducted during allowable daytime hours. These permitted hours of construction are required in recognition that construction activities undertaken during daytime hours are a typical part of living in an urban environment and do not cause a significant disruption. Thus, impacts would be less than significant. As discussed above, construction of the proposed Project would exceed the 63.7 dBA L_{eq} threshold and as such, a significant impact would occur. To ensure that noise generated during construction of the Project would be lessened to the maximum extent possible, the Project would be required to implement Mitigation Measure NOI-1, which would incorporate BMPs during construction and ensure nuisances do not occur. Implementation of Mitigation Measure NOI-1 would further minimize impacts from construction noise as it requires construction equipment to be equipped with properly operating and maintained mufflers. Nevertheless, even with incorporation of Mitigation Measure NOI-1, construction-noise impacts would remain significant. As such, impacts in this regard would be significant and unavoidable.

Sewer Main Infrastructure and Off-Site Infrastructure Improvements

As a condition of Project approval, the Project would be responsible for the design and construction of 1,580 feet of sewer main infrastructure improvements from the intersection of Wyoming Avenue and Ontario Street to the intersection of Burbank Boulevard and Frederick Street. Sewer main improvements would occur as close as 45 feet to the neighboring single-family residential units along Wyoming Avenue. Construction noise from the sewer main improvements could expose sensitive receptors to a maximum of 87.4 dBA L_{eq} (refer to Appendix H, Noise Data), which exceeds the significance threshold of 63.7 dBA L_{eq}.

However, it should be noted that sewer improvements would occur offsite as part of the Project's condition of approval and would not be concentrated at a single point but occur over 1,580 linear feet. Specifically, construction of the sewer main improvement would not have a fixed location, and construction would move as portions of the sewer main are replaced. Additionally, construction would not be concentrated at one location for an extended period of time. Furthermore, certain construction equipment would only be used during certain periods of construction (i.e., excavators would only be used during the excavation of the old sewer main and backfill) and would be powered down when not in use. As such, the actual noise levels from construction equipment used for the sewer main improvement would be less than the conservative noise levels of 87.4 dBA L_{eq}. Construction-related noise from the sewer main improvement would still exceed the 63.7 dBA L_{eq} significance threshold.

As part of the proposed Project, various off-site improvements would occur along North Avon Street and Thornton Avenue. Off-site improvements include the electrical connections, relocation of existing curbs, construction of Class IV bikeways, improvement of curbs, gutters, and driveways, and installation of ADA-compliant sidewalks. However, it should be noted that these improvements would occur along Thornton Avenue along the property's northeastern boundary and North Avon Street that connects to North Hollywood Way and Empire Avenue. Unlike the sewer main improvements, these off-site improvements would not occur close to existing sensitive receptors except for the electrical improvements, which would connect to existing BWP facilities at the Thornton Avenue and Ontario Street intersection. The closest residential uses are multi-family residential units located on Ontario Street, approximately 60 feet south of the Thornton Avenue and Ontario Street intersection. These off-site improvements would occur nearer to the Project site boundary and would be in areas where residences are not located nearby. Specifically, the closest residences to the proposed off-site improvements along Thornton Avenue and North

Avon Street are approximately 1,000 feet to the east. As such, construction noise from off-site improvements would be less than noise levels from sewer main improvements due to the farther distance from sensitive receptors. While the off-site improvements are located 1,000 feet from sensitive receptors, as a conservative analysis, construction noise levels would be representative of off-site improvements within the vicinity of the Project site. Additionally, off-site improvements would occur concurrently with the construction of the proposed Project. Thus, noise impacts from off-site improvements would also be significant.

The Project would be required to implement Mitigation Measure NOI-1, which would incorporate BMPs during construction and ensure nuisances do not occur. Implementation of Mitigation Measure NOI-1 would further minimize impacts from construction noise as it requires construction equipment to be equipped with properly operating and maintained mufflers which can reduce noise by up to 15 to 25 dBA. However, the 15 to 25 dBA attenuation provided by mufflers relies heavily on the speed of a vehicle, engine noise, and load on a vehicle. The maximum 25 dBA reduction would not be maintained throughout the construction period. As such, construction-related noise from the sewer main improvement would still have the potential to exceed the 63.7 dBA L_{eq} significance threshold even with incorporation of Mitigation Measure NOI-1. Therefore, construction noise impacts would be significant and unavoidable in this regard.

Construction Trip Noise Impacts

Construction activities would also cause increased noise along access routes to and from the Project site due to movement of construction workers, vendors, as well as haul trucks, which would generate a maximum of 198 one-way construction worker trips (99 round trips) and 77 vendor trips per day (approximately 39 round trips).

Per Applicant provided information, earthwork during the grading period would require 20 hauling roundtrips per day (or 40 one-way trips) over a period of 35 days for a total of 1,400 one-way trips (40 one-way trips per day times 35 days). However, the grading period modeled in CalEEMod would only last a period of 20 days. As such, modeling in CalEEMod provides a more conservative modeling of 70 one-way hauling trips (35 round trips) per day during the modeled grading period for a total of 1,400 one-way trips (70 one-way hauling trips times 20 days).

According to the California Department of Transportation (Caltrans), a doubling of traffic (100 percent increase) on a roadway would result

in a perceptible increase in traffic noise levels (3 dBA). Accordingly, a significant impact would occur if a doubling of traffic occurs with the implementation of the proposed Project. Existing ADTs in the Project vicinity range from 5,048 to 40,476 trips. The combined total of the Project's maximum construction trips described above (approximately 173 trips) would be nominal and not double existing traffic volumes; thus, any increase in traffic noise levels would be imperceptible. Mobile traffic noise from construction trips would also be temporary and would cease upon Project completion. Therefore, short-term haul truck noise impacts from construction traffic would be less than significant.

Operational Noise Impacts: Offsite Mobile Noise

Future development generated by the proposed Project would result in additional traffic on adjacent roadways, thereby increasing vehicular noise in the vicinity of existing and proposed land uses. A doubling of traffic volumes would result in a 3-dB increase in traffic noise levels, which is barely detectable by the human ear. Accordingly, a significant impact would occur if a doubling of traffic occurs with implementation of the proposed Project. The proposed Project would generate 4,315 daily trips.

Existing ADTs in the Project vicinity range from 1,528 to 33,439 trips. However, it should be noted that the Project's trip generation would be distributed amongst surrounding roadways. Based on the Project's ADTs and trip distribution, the Project's operational trip generation would not double existing traffic volumes. Thus, any increase in traffic noise along local roadways would be imperceptible (i.e., less than 3-dB increase in traffic noise levels). Impacts would be less than significant in this regard.

Operational Noise Impacts: Stationary Noise

Stationary noise sources associated with the proposed Project would include mechanical equipment, slow moving trucks, parking activities, and outdoor gathering areas. These noise sources are typically intermittent and short in duration and would be comparable to existing sources of noise experienced in the site vicinity. The 2022 California Energy Code Section 120.2, Required Controls for Space-Conditioning Systems, outlines nonresidential and hotel/motel requirements for conditioning and heating. Pursuant to the 2022 California Energy Code Section 120.2(e), all space-conditioning system would be installed with controls that would automatically shut off the system during periods of nonuse. Such controls require an automatic time switch control device, an occupancy sensor, and a four-hour timer that can be manually operated. As such, heating, ventilation, and air conditioning (HVAC) units in hotel uses would

only be operational when hotel rooms are occupied and would automatically shut off after a certain duration. Slow moving trucks movement would only occur during deliveries and trash collection activities, which happens occasionally. Noise from parking activities and outdoor gathering areas are dependent on hotel guests and would not be a constant noise source.

Operational Noise Impacts: Mechanical Equipment Noise

HVAC units would be installed on the roof of the proposed Hotel building. The proposed Project would also install an electric emergency generator; however, electrical generators would not produce substantial noise levels compared to traditional diesel generators. Traditional diesel generators generate noise due to the combustion process of fossil fuels, noise from the cooling fans, and loose-fitting parts that would generate noise from vibration. At 23 feet, noise generated from traditional generators would be approximately 93 dBA. The nearest sensitive receptors are the single-family residential uses located approximately 380 feet to the east of the proposed Hotel building. At this distance, noise from traditional generators would be approximately 69 dBA. However, the proposed Project would utilize an electrical generator which would not generate as much noise as a traditional generator because it does not have an internal combustion engine. Additionally, the generator would be enclosed and would be shielded from sensitive receptors. Therefore, noise generated from the electrical generator would be significantly less than traditional generators and would have noise shielding which would further reduce noise.

Typically, mechanical equipment (i.e., HVAC) would generate noise that is 55 dBA at 50 feet from the source. Based upon the Inverse Square Law, sound levels decrease by 6 dBA for each doubling of distance from the source. The nearest sensitive receptors are the single-family residential uses located approximately 380 feet to the east of the proposed Hotel building. At this distance, potential noise from HVAC units would be approximately 33 dBA. Therefore, HVAC noise levels would not be audible above existing ambient noise levels (61.2 dBA) near the single-family residential units to the east and would not increase the existing ambient noise levels by 3 dBA. It should be noted that intervening structures, such as the proposed Garage and adjacent buildings within the Media Studios Campus, would preclude direct line-of-sight of mechanical equipment from the closest sensitive receptors, further reducing noise levels. Additionally, noise levels from mechanical equipment would be consistent with BMC Section 9-3-208, which prohibits any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device from exceeding the ambient noise levels

(defined by BMC Section 9-3-208 to be 65 dBA at the Project site) by more than 5 dBA. Therefore, the nearest residents would not be directly exposed to substantial noise from onsite mechanical equipment. Impacts in this regard would be less than significant.

Operational Noise Impacts: Slow-Moving Trucks

The proposed Project may involve occasional deliveries and trash/recycling pickups from slow-moving trucks. Typically, a medium 2-axle truck for deliveries can generate a maximum noise level of 75 dBA at 50 feet. These are levels generated by a truck that is operated by an experienced “reasonable” driver with typically applied accelerations. Noise associated with deliveries and trash/recycling pickups would be consistent with the existing noise environment, as these activities already occur at the Project site and in the surrounding area. Additionally, slow-moving truck noise would be intermittent, short in duration, and would not generate excessive noise levels over an extended period of time. Intervening structures such as the proposed Garage and adjacent buildings within the Media Studios Campus would preclude direct line-of-sight of slow-moving trucks from the closest sensitive receptors, further reducing noise levels. Impacts resulting from truck delivery activities would be less than significant.

Operational Noise Impacts: Parking Noise

The proposed Project would construct a detached parking structure (Garage) on a portion of the site currently used for surface parking. In addition to the Garage, the existing SE Lot, including the area behind the convention center, would be regraded, repaved, restriped, and landscaped for a more efficient parking layout. However, this portion of the site is currently used for parking to serve the existing Marriott Hotel under existing conditions. Traffic associated with parking lots and garages is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale, such as the CNEL scale. However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys may be an annoyance to nearby noise-sensitive receptors.

Parking activities can result in noise levels up to 61 dBA at 50 feet. It is noted that noise associated with parking activities are instantaneous noise levels compared to noise standards in the CNEL scale, which are averaged over time. As a result, actual noise levels over time resulting from parking activities would be far lower than those identified. The proposed Garage would have intermittent noise due to the movement of vehicles. The nearest sensitive receptors to the proposed Garage would be located approximately 360 feet to the

east of the Project site. At this distance, noise levels from parking activities would range from 36 to 44 dBA. Therefore, noise associated with parking activities would not exceed the City's noise standards or the California Land Use Compatibility Standards. Additionally, parking activity noise would be partially masked by background noise from traffic along Ontario Street (61.2 dBA) and would not increase the existing ambient noise levels by 3 dBA. Further, parking lot noise currently exists within the surface parking lot onsite, and at the surface parking lot to the east of the Project site. Additionally, adjacent buildings within the Media Studios Campus would preclude direct line-of-sight of parking activities from the closest sensitive receptors, further reducing noise levels. Thus, the Project would not introduce a new source of noise when compared to existing conditions. Impacts would be less than significant in this regard.

Operational Noise Impacts: Outdoor Gathering Area Noise

Within the proposed Project boundaries, crowds have the potential to gather at the event terrace and two covered patios. The proposed Project would include a pool; however, it would be located within the Hotel interior and would not generate exterior noise. The nearest sensitive receptors to the potential outdoor gathering areas are the residential uses located approximately 380 feet to the east of the proposed Hotel building. At this distance, crowd noise at the nearest sensitive receptors would be approximately 21 dBA (based on the Inverse Square Law). Thus, crowd noise generated at the Project's outdoor gathering areas would not exceed the City's noise standards. Additionally, crowd noise from the proposed Project would be lower than existing ambient noise levels near the Project site (61.2 dBA) and would not increase the existing ambient noise levels by 3 dBA. As such, Project operational noise associated with outdoor gathering areas would not introduce an intrusive noise source when compared to existing conditions. Thus, impacts would be less than significant in this regard.

Conclusion

Temporary construction-related impacts would exceed the significance threshold of 63.7 dBA L_{eq}. To ensure that noise generated during construction of the Project would be lessened to the maximum extent possible, implementation of Mitigation Measure NOI-1 would be required. However, even with incorporation of Mitigation measure NOI-1, construction-related impacts would still be significant and unavoidable.

As described above, long-term operational noise impacts would be less than significant, and no mitigation measures are required.

Mitigation Measures:

NOI-1: The Project Applicant and/or Contractor shall implement the following noise-attenuating measures during construction of the proposed Project:

- Construction contracts shall specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers.

- A sign, legible at 50 feet from the property line shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the City of Burbank Community Development Department's Planning Division, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints.

- The project Applicant shall provide, to the satisfaction of the City of Burbank Community Development Department's Planning Division, a qualified "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Burbank Community Development Department's Planning Division. All signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.

- Prior to issuance of any Grading or Building Permit, the project Applicant shall demonstrate to the satisfaction of the City's Building Official that construction noise reduction methods shall be used where feasible. These reduction methods include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools.

- Construction haul routes shall be reviewed and approved by the City's Building Official and City Traffic Engineer and shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.

- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.

2. Cumulative Noise Standards

Threshold: Would the Project, combined with other related projects, result in the generation of a substantial temporary or 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 of other agencies?

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure below. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is, therefore, adopted. However, since the 15 to 25 dBA attenuation provided by mufflers required by Mitigation Measure NOI-1 relies heavily on the speed of a vehicle, engine noise, and load on a vehicle, the maximum 25 dBA reduction would not be maintained throughout the construction period, therefore, the City of Burbank finds that there are no other mitigation measures that are feasible to reduce construction noise below the significance threshold, 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 V 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 VI below), 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.

Explanation: *Construction*

Construction activities associated with the proposed Project and related projects may overlap, resulting in construction noise in the area. However, cumulative construction noise impacts would affect only the areas immediately adjacent to the construction site. The closest related projects are the Media Studios North Original Remaining Entitlement (Media Studios North) project, immediately

southwest of the Project site, and the 3031 Thornton Avenue project, north of the Project site (refer to Draft EIR Section 4.0). Construction of these related projects could occur at the same time as the proposed Project. The City of Burbank has discretionary authority over the Media Studios North and 3031 Thornton Avenue projects. It should be noted that plans for the Media Studios North project have not been submitted for the City's review and the 3031 Thornton Avenue project is undergoing review. Nevertheless, if development of these sites were to occur, construction noise impacts associated with these projects would be reduced through compliance with the City's standards and ordinances, and any necessary mitigation measures would be identified through the City's development review process. As discussed above, the proposed Project would result in a significant and unavoidable impact regarding short-term construction noise even with incorporation of Mitigation Measure NOI-1. Therefore, the Project's significant effects associated with a temporary increase in ambient noise would be considered cumulatively considerable, and cumulative impacts would be significant.

Operation

As outlined by the USDOT, a doubling of traffic volumes would result in a perceptible noise level (i.e., 3-dBA) increase. To analyze the cumulative operational traffic noise impact from the proposed Project, the combined traffic noise from the proposed Project and related projects in Burbank are analyzed. Although there may be a significant noise increase due to the proposed Project in combination with other related projects (combined effects), it must also be demonstrated that the proposed Project has an incremental effect. In other words, a significant portion of the noise increase must be due to the proposed Project. A significant impact would result only if both the combined (including an exceedance of the applicable exterior standard at a sensitive use) and incremental effects criteria have been exceeded. Noise is a localized phenomenon and reduces as distance from the source increases. Consequently, only the proposed Project and growth that would occur in the Project site's general vicinity would contribute to cumulative noise impacts.

According to the City of Burbank, related projects in Burbank would generate a total of 20,321 net daily trips. The Project would generate 4,315 daily trips, which would be approximately 21 percent of the total related projects' daily trips. Due to the level of Project-generated daily trips compared to the related projects' daily trips, the Project would not represent a substantial percentage of the increase in traffic, and an incremental effect would not occur. Additionally, it should be noted that Project-related trips are more likely to interact with related projects utilizing the same roadways. Trips generated

from related projects further away from the proposed Project would be unlikely to interact and as such, has a low potential to result in a cumulative considerable impact. A doubling of traffic volumes would not occur as a result of trips from nearby related projects and trips from the proposed Project. As such, the Project would not result in significant noise impacts due to increased traffic and the Project's cumulative impact would be less than significant.

Although related projects have been identified within the Project study area, the noise generated by stationary equipment at each related project site cannot be adequately quantified due to the conceptual nature of most of the related projects. However, each related project would require separate discretionary approval and CEQA assessment that would address potential noise impacts and identify necessary attenuation measures, where appropriate. Additionally, as noise dissipates as it travels away from its source, noise impacts from stationary sources would be limited to each of the respective sites and their vicinities. The closest related projects are the Media Studios North project, immediately southwest of the Project site, and the 3031 Thornton Avenue project, north of the Project site. All the existing and planned development in the Project area currently operate, or would operate, mechanical equipment and other stationary noise sources throughout the Project area. As such, the Project would not introduce new stationary noise that is not already contributing to the existing noise environment. As noted above, the proposed Project would not result in significant stationary noise impacts. The proposed Project would not result in stationary long-term equipment that would significantly affect surrounding sensitive receptors.

The Project's less than significant effects associated with a permanent increase in ambient noise would not be considered cumulatively considerable, and cumulative impacts would be less than significant.

Conclusion

Temporary construction-related impacts would exceed the significance threshold of 63.7 dBA L_{eq}. To ensure that noise generated during construction of the Project would be lessened to the maximum extent possible, implementation of Mitigation Measure NOI-1 would be required. Nevertheless, construction impacts from the proposed Project would still exceed thresholds and as such, would be cumulatively significant. Therefore, cumulative construction-related impacts would be significant and unavoidable.

Long-term operational noise impacts would not be cumulatively considerable; therefore, long-term cumulative operational noise impacts would be less than significant.

Mitigation Measures: Refer to Mitigation Measure NOI-1.

C. UTILITIES AND SERVICES SYSTEMS

1. New or Expanded Water Systems

Threshold: Would the Project, require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects?

Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure below. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is, therefore, adopted. However, since the 15 to 25 dBA attenuation provided by mufflers required by Mitigation Measure NOI-1 relies heavily on the speed of a vehicle, engine noise, and load on a vehicle, the maximum 25 dBA reduction would not be maintained throughout the construction period, therefore, the City of Burbank finds that there are no other mitigation measures that are feasible to reduce construction noise below the significance threshold, 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 V 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 VI below), 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.

Explanation: *Water Conveyance Facilities*

BWP provides water to existing development within the Project site and would provide water to the proposed Project. Fire water and domestic water would have lateral connection to the existing mains directly across from the Project site on Thornton Avenue

(approximately 50 feet from the property line). Recycled water service would connect to the main near the Thornton Avenue and Hollywood Way intersection (approximately 500 feet from the property line). In addition to using recycled water for irrigation of the proposed Project, the irrigation for the landscaping at the existing Marriott Hotel would also be upgraded to connect to recycled water services that the Project would extend to the site.

Construction activities associated with water facilities would be limited to providing new water lines within the site to connect to existing mains adjacent to the site. The Project would also be required to pay a water main replacement fee as determined by the City. New or expanded off-site water conveyance facilities would not be required. The potential environmental effects associated with construction of the proposed Project, including the proposed onsite water lines to serve the proposed development, were analyzed throughout the Draft EIR, and construction impacts have been determined to be less than significant with compliance with regulatory requirements and implementation of mitigation measures except for construction noise, which would be significant and unavoidable. To present a conservative impact analysis, the estimated noise levels were calculated for a scenario in which all heavy construction equipment were assumed to operate simultaneously. Therefore, construction noise associated with activities specific to the provision of new water lines are not isolated. Results also assume a clear line-of-sight and no other machinery or equipment noise that would mask Project construction noise. The shielding of buildings and other barriers that interrupt line-of-sight conditions would help further reduce noise levels. However, since construction activities could exceed the significance threshold for noise, impacts would be significant. The Project would be required to implement Mitigation Measure NOI-1, which would incorporate BMPs during construction activities. Implementation of Mitigation Measure NOI-1 would further minimize impacts from construction noise as it requires construction equipment to be equipped with properly operating and maintained mufflers. Nevertheless, even with incorporation of Mitigation Measure NOI-1, construction-noise impacts would remain significant. Since the proposed Project would result in the construction of new water facilities, which would contribute to significant environmental effects specific to construction noise, impacts would be significant and unavoidable in this regard.

Water Supply

As stated, BWP provides water to the Project site. BWP's 2020 UWMP indicates water supplies would meet the service area's water demands for normal, single-dry, and multiple dry-year conditions through 2045. The 2020 UWMP water demand forecasts are based

in part on adopted general plans. Burbank2035 identifies the development capacity associated with implementation of the Burbank2035 land use designations. The Burbank2035 General Plan Land Use Map designates the Project site as Regional Commercial. The Regional Commercial land use designation provides for regional employment and shopping destinations that serve both Burbank residents and residents of surrounding cities at a maximum FAR of 1.25. For non-residential designations, including the Regional Commercial land use designation, Burbank2035 development capacities assume development consistent with the maximum FAR. For the Regional Commercial land use designation, a 2035 development capacity of 4,643,665 square feet can be expected from implementation of land use policies established in Burbank2035.

The Project proposes development of a hotel with 420 rooms, which would increase the potable water demand within the Project site. The Project would also use recycled water for irrigation landscaping within the Project site, including upgrading the existing Marriott Hotel to connect to recycled water services for irrigation. Recycled water would also be used during grading and construction activities.

Development, as proposed, would result in a FAR of 1.13, which is less than the 1.25 maximum FAR allowed by the Regional Commercial land use designation, and, therefore, less than the development capacity assumptions identified in Burbank2035. Thus, the Project's anticipated water demand is accounted for in the 2020 UWMP, and there would be sufficient water supplies available to serve the Project development during normal, dry and multiple dry years. Impacts to water supply would be less than significant.

Mitigation Measures: Refer to Mitigation Measure NOI-1

2. New or Expanded Wastewater Services Systems

Threshold: Would the Project, require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects?

Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant

environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure below. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is, therefore, adopted. However, since the 15 to 25 dBA attenuation provided by mufflers required by Mitigation Measure NOI-1 relies heavily on the speed of a vehicle, engine noise, and load on a vehicle, the maximum 25 dBA reduction would not be maintained throughout the construction period, therefore, the City of Burbank finds that there are no other mitigation measures that are feasible to reduce construction noise below the significance threshold, 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 V 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 VI below), 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.

Explanation: *Wastewater Conveyance Facilities*

The City provides wastewater (sewer) service to existing development within the Project site and would provide wastewater services to the proposed Project. Sanitary sewer services would connect to the existing onsite main.

A Sewer Capacity Analysis was prepared by the City of Burbank Water Reclamation and Sewer Division to determine if offsite sewer improvement upgrades or additional treatment capacity would be required in order to serve the proposed Project. Offsite sewer improvement upgrades were determined to be needed in order to serve the proposed Project and a separate development (2311 N. Hollywood Way) that would utilize the same downstream portion of the offsite sewer. Therefore, the Project would be conditioned to design and construct approximately 1,580 feet of sewer main infrastructure improvements from the intersection of Wyoming Avenue and North Ontario Street to the intersection of West Burbank Boulevard and North Frederick Street. There are seven reaches of City sewer main, totaling approximately 1,580.5 feet, that the Project would be responsible to upsize from existing 12-inch pipe to upgraded 15-inch pipe. The Project would also be required to pay a

Sewer Facilities Charge as determined by the City. With the required improvements and payment of fair share costs for improvements, adequate conveyance infrastructure would be available to serve the proposed development.

The potential environmental effects associated with construction of the proposed Project, including the required offsite sewer improvements are analyzed throughout the Draft EIR, and construction impacts have been determined to be less than significant with compliance with regulatory requirements and implementation of mitigation measures except for construction noise, which would be significant and unavoidable; refer to Section 5.9, Noise, of the Draft EIR. Offsite sewer main improvements would occur as close as 45 feet to the neighboring single-family residential units along Wyoming Avenue. Construction noise from the sewer main improvements could expose sensitive receptors to maximum noise levels that would exceed the significance threshold; refer to Section 5.9 of the Draft EIR. Sewer improvements would not be concentrated at a single point but occur over 1,580 linear feet. Noise levels assumes that construction equipment would be used concurrently as a conservative analysis. However, certain construction equipment would only be used during certain periods of construction (i.e., excavators would only be used during the excavation of the old sewer main and backfill) and would be powered down when not in use. As such, the actual noise levels from construction equipment used for the sewer main improvement would be less than the conservative noise levels identified in Section 5.9 of the Draft EIR. As previously stated, the Project would be required to implement Mitigation Measure NOI-1, which would incorporate BMPs during construction activities. Implementation of Mitigation Measure NOI-1 would further minimize impacts from construction noise as it requires construction equipment to be equipped with properly operating and maintained mufflers. Nevertheless, even with incorporation of Mitigation Measure NOI-1, construction-noise impacts associated with the offsite sewer improvements would remain significant. Since the proposed Project would result in construction of new wastewater facilities, which could cause significant environmental effects specific to construction noise, impacts would be significant and unavoidable in this regard.

Wastewater Treatment

Development of the proposed Project would result in increased wastewater flows requiring treatment when compared to existing conditions. Wastewater generated by the proposed Project would be treated at the Burbank Water Reclamation Plant (BWRP). BWRP treats approximately nine million gallons per day (mgd) and has a design capacity of 12.5 mgd. Based on the Sewer Capacity Analysis

prepared by the City, the proposed Project would generate a peak wastewater discharge rate of 117.8 gallons per minute (gpm) or approximately 169,632 gallons per day (gpd). The projected wastewater generated by the Project represents approximately 4.8 percent of BWRP's available capacity of 3.5 mgd. Although the Project would be required to provide improvements to the wastewater conveyance infrastructure, the Water Reclamation and Sewer Division determined adequate capacity would be available at BWRP to treat the wastewater generated from the Project. Further, the Project is required to pay the applicable sewer fees to connect to and receive sewer service, which funds costs associated with the City's sewer system and BWRP. Thus, impacts to wastewater treatment facilities associated with the Project would be less than significant.

Mitigation Measures: Refer to Mitigation Measure NOI-1

3. New or Expanded Electrical, Natural Gas, or Telecommunications Facilities

Threshold: Would the Project, require or result in the relocation or construction of new or expanded electrical, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure below. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is, therefore, adopted. However, since the 15 to 25 dBA attenuation provided by mufflers required by Mitigation Measure NOI-1 relies heavily on the speed of a vehicle, engine noise, and load on a vehicle, the maximum 25 dBA reduction would not be maintained throughout the construction period, therefore, the City of Burbank finds that there are no other mitigation measures that are feasible to reduce construction noise below the significance threshold, 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 V 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 VI below), 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.

Explanation: Electrical power to the area is provided by BWP, and natural gas is provided by Southern California Gas Company (SoCalGas). Various companies provide telecommunications. The Project would be constructed to be all-electric, with no use of natural gas in its daily operations and systems. Therefore, natural gas connections would not be required. Local telecommunications companies operate and maintain transmission and distribution infrastructure in the Project area. The Project would not require new or upgraded telecommunication facilities.

BWP conducted a feasibility study to determine the capacity and improvements required to serve the proposed development. Electrical service would connect to existing BWP facilities at the Thornton Avenue and Ontario Street intersection and extend approximately 820 feet from the intersection into the Project site. In order to create a looped electrical service system, as required by BWP, the electrical service would then extend through the Project site from Thornton Avenue south to the Avon Street driveway (approximately 750 feet). From there, the service would extend an additional 595 feet in the public right of way on Avon Street, before connecting to the existing service from Empire Avenue and completing the “loop.” As a Condition of Approval, the Project Applicant would be required to enter into a service agreement with BWP to pay the required fees necessary to construct the identified improvements and provide electrical infrastructure and service to the site. Payment of the required fees by the Project Applicant, and construction of the infrastructure improvements by BWP, would ensure adequate electrical service is provided to the Project.

The potential environmental effects associated with construction of the proposed Project, including the proposed electrical infrastructure improvements, are analyzed throughout the Draft EIR, and construction impacts have been determined to be less than significant with compliance with regulatory requirements and implementation of mitigation measures except for construction noise, which would be significant and unavoidable. Offsite electrical improvements would occur as close as 60 feet to multi-family residential units along Ontario Street. Construction noise from the electrical improvements could expose sensitive receptors to maximum noise levels that would exceed the significance threshold. Although construction noise from the electrical improvements would be less than the noise levels from the sewer main improvements, impacts would also be significant. As previously stated, the Project would be required to implement Mitigation Measure NOI-1, which

would incorporate BMPs during construction activities. Implementation of Mitigation Measure NOI-1 would further minimize impacts from construction noise as it requires construction equipment to be equipped with properly operating and maintained mufflers. Nevertheless, even with incorporation of Mitigation Measure NOI-1, construction-noise impacts associated with the offsite electrical improvements would remain significant. Since the proposed Project would result in construction of new electrical facilities, which could cause significant environmental effects specific to construction noise, impacts would be significant and unavoidable in this regard.

Mitigation Measures: Refer to Mitigation Measure NOI-1

4. Cumulative New or Expanded Water Facility Systems

Threshold: Would the Project, combined with other related projects, require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects?

Would the Project, combined with other related projects, have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure below. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is, therefore, adopted. However, since the 15 to 25 dBA attenuation provided by mufflers required by Mitigation Measure NOI-1 relies heavily on the speed of a vehicle, engine noise, and load on a vehicle, the maximum 25 dBA reduction would not be maintained throughout the construction period, therefore, the City of Burbank finds that there are no other mitigation measures that are feasible to reduce construction noise below the significance threshold, 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 V 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 VI below), 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.

Explanation: Water service is provided by BWP. In addition to the Project, related projects within the City would receive water service from BWP.

Similar to the proposed Project, individual development projects in the City would be required to assess water demand associated with the proposed development and capacity of water conveyance systems to serve the development being proposed. Individual development projects would be required to provide on-site water infrastructure and improvements necessary to serve the development. Each applicant also must fund the costs of the water-related infrastructure needed to serve a particular site. All new facilities proposed or necessitated by related projects would be subject to applicable CEQA review and would be required to determine the potential for the construction or relocation of new or expanded water facilities to cause a significant environmental effect. Individual related projects would be required to comply with mitigation measures to reduce impacts associated with the improvements.

Even with implementation of Mitigation Measure NOI-1, the proposed Project, which includes new onsite water infrastructure to serve the Project, would result in a significant and unavoidable impact regarding short-term construction noise. Construction activities associated with the proposed Project and related projects may overlap, resulting in construction noise in the area. Therefore, the Project's significant effects associated with a temporary increase in ambient noise resulting from construction activities, which include new water facilities would be considered cumulatively considerable, and cumulative impacts would be significant.

The proposed Project would involve an increase in demand for water supplies. Related projects would also result in the need for water supply and incrementally increase the long-term demand for water service. Similar to the proposed Project, individual development projects would be required to assess the water demand and available water supplies to serve the development being proposed. Additionally, under the provisions of SB 610, related projects meeting the statutory requirements would be required to prepare a comprehensive Water Supply Assessment (WSA). The WSA would evaluate the quality and reliability of existing and projected water supplies, as well as alternative sources of water supply and measures to secure alternative sources if needed, on a project-by-project basis. Any new water facilities would undergo separate

environmental review and require compliance with all applicable City water supply ordinances, laws, and regulations.

BWP's 2020 UWMP indicates water supplies would meet the service area's water demands for normal, single-dry, and multiple dry-year conditions through 2045. The 2020 UWMP water demand forecasts are based in part on adopted general plans. Burbank2035 identifies the development capacity associated with implementation of the Burbank2035 land use designations, including the Project site's Regional Commercial land use designation. Burbank2035 development capacities assume development consistent with the maximum FAR. Since the Project would be consistent with the development capacities assumed for the UWMP, adequate water supplies would be available to serve the Project. Thus, the Project's less than significant effects to water supplies would not be cumulatively considerable and cumulative impacts would be less than significant.

5. Cumulative Wastewater Capacity

Threshold: Would the Project, combined with other related projects, require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects?

Would the Project, combined with other related projects, result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure below. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is, therefore, adopted. However, since the 15 to 25 dBA attenuation provided by mufflers required by Mitigation Measure NOI-1 relies heavily on the speed of a vehicle, engine noise, and load on a vehicle, the maximum 25 dBA reduction would not be maintained throughout the construction period, therefore, the City of Burbank finds that there are no other mitigation measures that are feasible to reduce construction noise below the significance threshold, 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 V 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 VI below), 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.

Explanation: The City provides wastewater conveyance and treatment for the Project site and related projects within the City. The proposed Project would involve an increase in wastewater generation requiring conveyance and treatment. Related projects would also result in increased wastewater generation. Similar to the proposed Project, individual development projects in the City would be required to assess the wastewater generation associated with the proposed development and capacity of conveyance systems and BWRP. Individual development projects would be required to provide on-site sewer infrastructure and improvements necessary to serve the development and pay the required Sewer Facilities Charge prior to issuance of a building permit. If upgrades to the sewer system are required, the related project would be required to provide the upgrades and/or pay its contribution toward the cost of the sewer infrastructure upgrades. All new facilities proposed or necessitated by related projects would be subject to applicable CEQA review, and related projects would be required to determine the potential for the construction or relocation of new or expanded wastewater facilities to cause a significant environmental effect. Individual related projects would be required to comply with mitigation measures to reduce impacts associated with the improvements. The Project would connect to the existing onsite main. However, as determined by the Sewer Capacity Analysis, offsite sewer improvement upgrades would be required, as the proposed Project and a related project (2311 N. Hollywood Way) would utilize the same downstream portion of the offsite sewer that necessitates improvements. Implementation of the improvements and payment of the required Sewer Facilities Charge would ensure adequate capacity is available to serve the increased wastewater resulting from the Project and related project.

Even with implementation of Mitigation Measure NOI-1, the proposed Project, which includes offsite sewer main improvements, would result in a significant and unavoidable impact regarding short-term construction noise. Construction activities associated with the proposed Project and related projects may overlap, resulting in construction noise in the area. Therefore, the Project's significant effects associated with a temporary increase in ambient noise

resulting from construction activities, which includes offsite sewer main infrastructure improvements, would be considered cumulatively considerable, and cumulative impacts would be significant.

The Project and related projects would generate increased wastewater requiring treatment at BWRP. As with the proposed Project, individual development projects are reviewed by to determine that adequate wastewater capacity would be available to serve the development being proposed at that time. Additionally, development projects are required to pay the applicable sewer fees to connect to and receive sewer service. These fees are collected to fund the costs associated with the City's sewer system, and BWRP. Based on the Sewer Capacity Analysis prepared by the City, adequate capacity would be available at BWRP to treat the wastewater generated from the Project. Thus, the Project's less than significant effects associated with the wastewater infrastructure upgrades and wastewater treatment capacity would not be cumulatively considerable, and cumulative impacts would be less than significant.

6. Cumulative Electrical, Natural Gas and Telecommunication Facilities

Threshold: Would the Project, combined with other related projects, require or result in the relocation or construction of new or expanded electrical, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure below. The City of Burbank hereby finds that implementation of the mitigation measure is feasible, and the measure is, therefore, adopted. However, since the 15 to 25 dBA attenuation provided by mufflers required by Mitigation Measure NOI-1 relies heavily on the speed of a vehicle, engine noise, and load on a vehicle, the maximum 25 dBA reduction would not be maintained throughout the construction period, therefore, the City of Burbank finds that there are no other mitigation measures that are feasible to reduce construction noise below the significance threshold, 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 V 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 VI below), 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.

Explanation: The Project would not utilize natural gas and therefore would not require natural gas facilities. The Project would not impact natural gas facilities.

The Project and the related projects would result in an increased demand for electricity and telecommunications services. Similar to the Project, the related projects would be required to coordinate their respective projects, sites, and requirements with the service providers to ensure adequate service could be provided or to determine the need for infrastructure improvements. All new facilities proposed or necessitated by related projects would be subject to applicable CEQA review, and projects would be required to determine the potential for the construction or relocation of new or expanded electricity and telecommunications facilities to cause a significant environmental effect. Individual related projects would be required to comply with mitigation measures to reduce impacts associated with the improvements.

The Project would be served by existing telecommunications facilities and would not require the construction of new facilities. The Project would connect to existing BWP facilities at the Thornton Avenue and Ontario Street intersection and extend approximately 820 feet from the intersection into the Project site. Per the requirements of BWP, in order to create a looped system, electrical service would then extend through the Project site from Thornton Avenue south to the Avon Street driveway (approximately 750 feet). From there, the service would extend an additional 595 feet in the public right of way on Avon Street, before connecting to the existing service from Empire Avenue and completing the “loop.” The potential environmental effects associated with the proposed Project, including the installation of electrical infrastructure to serve the proposed development, are analyzed throughout this EIR. Even with implementation of Mitigation Measure NOI-1, the proposed Project, which includes offsite electrical improvements, would result in a significant and unavoidable impact regarding short-term construction noise. Construction activities associated with the proposed Project and related projects may overlap, resulting in construction noise in the area. Therefore, the Project’s significant effects associated with a temporary increase in ambient noise resulting from construction activities, which includes electrical infrastructure improvements

would be considered cumulatively considerable, and cumulative impacts would be significant.

As a Condition of Approval, the Project Applicant would be required to enter into a service agreement with BWP to pay the required fees necessary to construct the identified improvements and provide electrical infrastructure and service to the Project site. Payment of the required fees by the Project Applicant, and construction of the infrastructure improvements by BWP, would ensure adequate electrical service is provided to the Project. Thus, the Project's incremental effects associated with the construction of telecommunication and electrical facilities would not be cumulatively considerable and cumulative impacts would be less than significant.

SECTION V.
FINDINGS ON PROJECT ALTERNATIVES

A. BACKGROUND

The Draft EIR analyzed two alternatives to the Project as proposed and evaluated these alternatives for their ability to avoid or reduce the Project's significant environmental effects while also meeting the majority of the Project's objectives. The City finds that it has considered and rejected as infeasible the alternatives identified in the Draft EIR and described below. This section sets forth the potential alternatives to the Project analyzed in the Draft EIR and evaluates them in light of the Project objectives, as required by CEQA.

Where significant impacts are identified, Section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions. Subsection (a) states:

> (a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

(b) Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (PRC Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

In Section 15126.6(c), the State CEQA Guidelines describe the selection process for a range of reasonable alternatives:

(c) The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project.

B. PROJECT OBJECTIVES

The following objectives have been established for the Project (Draft EIR):

- Enhance the continued economic revitalization and urbanization of the Hollywood Burbank Airport area with premium lifestyle and extended stay hotel brands catering to the modern business and leisure traveler.
- Construct and operate a Marriott-branded, business- and leisure-oriented urban hotel reflecting the character of Burbank and integrated into the overall site design of the existing onsite hotel facilities, immediately adjacent to and complementing the airport, existing and planned transit stations, and the convention center to attract and enhance customer travel for those visiting Burbank.
- Construct and operate additional conference/meeting/entertainment/dining space, fitness facilities for hotel guests and other patrons, and a ground-floor

central open courtyard with pool and deck space amenity area to provide additional outdoor space.

- Contribute to the economic health and well-being of Burbank through the development of a Project that would generate new construction and long-term jobs and provide additional long-term revenue for the City through visitor operations, enhanced property values, new visitor spending, and transient occupancy tax.
- Redevelop a portion of the surface parking lot area that is underutilized into a more economically productive use that complements the existing development on the property and is consistent with the City's ongoing re-envisioning efforts within the Golden State Specific Plan.
- Support environmentally conscious alternative modes of travel by constructing two new hotels within a half mile of two existing Metrolink stations, a planned high speed rail station, and the Hollywood Burbank Airport, and by promoting ride-sharing services and transportation demand management strategies in efforts to reduce local vehicle trips into and out of the City.
- Support and enhance statewide decarbonization efforts through the development of an all-electric Project free from fossil-fuel reliance; on-site generation and use of power through solar panels and battery storage; reducing vehicle emissions through an efficient guest drop-off and pick-up porte cochere design and by operating a valet-only parking garage for more efficient parking of guest's vehicles; and encouraging the replacement of gas-fueled cars with electric vehicles by providing hundreds of EV charging stations and EV ready plug-ins.

C. ALTERNATIVES CONSIDERED BUT REJECTED FROM FURTHER ANALYSIS

Section 15126.6(c) of the State CEQA Guidelines specifies that an EIR should (1) identify alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process; and (2) briefly explain the reasons underlying the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives; (ii) infeasibility; and/or (iii) inability to avoid significant environmental impacts.

The following alternatives were considered but rejected as part of the environmental analysis for the Project:

- "**Alternative Site" Alternative**

Description. The Alternative Site Alternative would involve developing the Project on another site within the City. This alternative would generally retain the same characteristics (e.g., proposed land uses, square footage, site plan, amenities, etc.) of the Project. In order to achieve the Project's objectives, the site would need to be located

within proximity to the Hollywood Burbank Airport, Metrolink station, and planned high speed rail station. With the exception of the existing site, no other sites in the area are under the Project Applicant's control; thus, no other sites were considered.

Conclusion. Development of the proposed Hotel and Garage on another site would not reduce the Project's significant and unavoidable impact associated with GHG emissions. There is the potential that the significant and unavoidable impacts relative to construction noise, including construction noise associated with the offsite sewer and electrical improvements, may be reduced or eliminated. However, this would be dependent upon the location of the alternative site and ambient noise conditions, and whether offsite infrastructure improvements would be required. In addition, development of the proposed Project on another site would not substantially lessen any of the Project's less than significant impacts, including those requiring mitigation. For example, an alternative site within the area would also likely require a vapor intrusion mitigation system and soils management plan (Mitigation Measures HAZ-1 and HAZ-2) due to regional groundwater conditions and historic industrial uses that have occurred within the area and require archaeological, paleontological, and/or tribal monitoring or worker environmental awareness training given the cultural sensitivity of the area (Mitigation Measures CUL-1 through CUL-3, and GEO-1).

- **"Office" Alternative**

Description. The Office Alternative would involve development of an office building on the existing surface parking lot within the Project site.

Conclusion. This alternative would not achieve a majority of the Project's objectives as an office use would not provide for a hotel catering to the business and leisure traveler in proximity to the Hollywood Burbank Airport, which continues to be in high demand and will only increase with the completion of the new airport terminal project; provide for a Marriott-branded urban hotel that complements the airport, existing and planned transit stations, and the convention center to attract and enhance customer travel visiting Burbank; provide additional meeting/entertainment/dining spaces; or provide for transit occupancy tax. Additionally, the Applicant is a hotel developer and operator and is not an office developer. Moreover, the current economic outlook and viability of successful development of additional office space and the ability to attract close to 100% occupancy post-Covid with the push for remote work is not favorable.

Development of an office is not anticipated to significantly reduce or eliminate the Project's significant and unavoidable impacts relative to construction noise, since construction activities and equipment would be similar and offsite sewer and electrical improvements would still be required to serve the use. Additionally, new employees and associated vehicle trips would result in mobile source emissions, similar to the Project. It is not anticipated that the Project's significant and unavoidable impact relative to greenhouse gas emissions would be significantly reduced or eliminated. Development of an office would continue to require implementation of mitigation measures specific to the Project site and existing environmental conditions. For example, development of an office use on the site would also require a vapor intrusion mitigation system and soils management plan (Mitigation Measures HAZ-1 and HAZ-2) due to regional groundwater

conditions and historic industrial uses that have occurred within the area and require archaeological, paleontological, and/or tribal monitoring or worker environmental awareness training given the cultural sensitivity of the area (Mitigation Measures CUL-1 through CUL-3, and GEO-1). As the Project Applicant is not an office developer and development of the site with an office use would not meet most of the Project objectives, the Office Alternative was rejected from further analysis within this EIR.

- **"Residential Mixed-Use" Alternative**

Description. A Residential Mixed-Use Alternative would involve development of residential uses with ground-floor residential amenities and retail/commercial tenant spaces on the Project site. The Residential Mixed-Use Alternative would maintain the same scale and height as the proposed Hotel with the potential for 192 dwelling units and approximately 30,000 square feet of residential amenities and ground floor retail space.

Conclusion. This alternative would not achieve a majority of the Project's objectives as a residential mixed-use development would not provide for a hotel catering to the business and leisure traveler in proximity to the Hollywood Burbank Airport; provide for a Marriott-branded urban hotel that complements the airport, existing and planned transit stations, and the convention center to attract and enhance customer travel visiting Burbank; provide additional meeting/entertainment/dining spaces; or provide for transit occupancy tax. Additionally, the Applicant is a hotel developer and operator and is not a residential developer. Moreover, uncertainty in the lending industry for multifamily market, rising labor and construction costs, and the decrease in rents for multifamily create a high level of uncertainty even for the most seasoned multifamily developer, let alone the uncertainty that it would bring to a hotel developer seeking to make a housing project pencil out at the Project site.

Development of a residential mixed-use alternative would not significantly reduce or eliminate the Project's significant and unavoidable impacts relative to construction noise, since construction activities and equipment would be similar and offsite sewer and electrical improvements would still be required to serve the use. It is not anticipated that the Project's significant and unavoidable impact relative to greenhouse gas emissions would be significantly reduced or eliminated. Development of residential mixed-use would continue to require implementation of mitigation measures specific to the Project site and existing environmental conditions. For example, development of residential mixed-use on the site would also require archaeological, paleontological, and/or tribal monitoring or worker environmental awareness training given the cultural sensitivity of the area (Mitigation Measures CUL-1 through CUL-3, and GEO-1). Due to the site's recognized environmental conditions associated with elevated VOCs in soil-gas (specifically PCE and TCE) beneath the Project site that may present a vapor intrusion risk, mitigation would be required to provide for residential development to occur. As previously noted, the Project Applicant is not a residential developer and development of the site with residential mixed-use would not meet the Project objectives, the Residential Mixed-Use Alternative was rejected from further analysis within this EIR.

- **"Reduced Parking" Alternative**

Description. A Reduced Parking Alternative would be the same as the proposed Project with regard to the Hotel but would reduce the parking garage in scale. A smaller/reduced garage would result in less construction and materials used, reducing construction impacts.

Conclusion. This alternative would not reduce the Project's significant and unavoidable impact associated with GHG emissions. The Project's significant and unavoidable impact relative to onsite construction noise would be reduced in terms of the duration of construction but the noise levels would be similar, and therefore, the impact would not be eliminated. Further, the Project's offsite construction noise impact associated with the sewer and electrical infrastructure improvements would not be reduced. Development of this alternative would continue to require implementation of mitigation measures specific to the Project site and existing environmental conditions. For example, development of a smaller/reduced garage on the site would still require a vapor intrusion mitigation system and soils management plan (Mitigation Measures HAZ-1 and HAZ-2) due to regional groundwater conditions and historic industrial uses that have occurred within the area and require archaeological, paleontological, and/or tribal monitoring or worker environmental awareness training given the cultural sensitivity of the area (Mitigation Measures CUL-1 through CUL-3, and GEO-1). Further, this alternative would not be consistent with the Parking Study or the Parking Management Plan for the proposed Hotel and, therefore, would not be consistent with the BMC. Thus, this alternative was rejected from further analysis within this EIR.

D. ALTERNATIVES CONSIDERED FOR FURTHER ANALYSIS

The alternatives selected for further detailed review within the EIR focus on alternatives that could reduce the Project's significant environmental impacts, while still meeting most of the basic Project objectives. Those alternatives include:

- **Alternative 1: No Project Alternative** (Draft EIR, page 7-6 through 7-10)
- **Alternative 2: Reduced Intensity Alternative** (Draft EIR, page 7-10 through 7-15)

1. Alternative 1: No Project Alternative

Description: The Project site is currently developed with the Marriott Hotel and 763 surface parking spaces. The existing Marriott Hotel is comprised of 488 hotel rooms, 5,200 square feet of restaurant space, and 46,500 square feet of meeting/banquet and convention space. The Marriott Hotel consists of one eight-story building (East Tower) and one nine-story building (West Tower), connected by a single-story structure on the ground level, totaling 277,600 square feet. The convention center portion of the Marriott Hotel consists of one single-story building with a mezzanine level totaling 39,000 square feet. Access to the site occurs from three driveways, one at Thornton Avenue, one at Hollywood Way, and one at Avon Street.

The No Project Alternative would retain the site in its current condition. The proposed Hotel and Garage, including all onsite and offsite improvements, would not be developed.

Impacts: As shown in Table 7-1 of the Draft EIR, Alternative 1 would result in similar impacts to the proposed Project in the following environmental topic areas: Land Use and Planning. Alternative 1 would result in greater impacts for the following environmental topic areas when compared to the proposed Project: Hydrology and Water Quality and Transportation. Alternative 1 would result in reduced impacts when compared to the proposed Project for Air Quality, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, Public Services, Tribal Cultural Resources, and Utilities and Service Systems. This alternative would eliminate the significant and unavoidable impacts that would occur with the proposed Project.

Attainment of Project Objectives: Given that no development would occur, the No Project Alternative would not meet any of the Project objectives.

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

2. Alternative 2: Reduced Intensity Alternative

Description: The Reduced Intensity Alternative would include the same uses (i.e., hotel, hotel-related amenities, and garage structure) as the proposed Project; however, the number of guestrooms, parking spaces in the garage, and electric vehicle (EV) parking spaces (chargers and EV ready) would be reduced by 25 percent. Ground floor and sixth floor guest amenities would remain the same as proposed under the Project. All additional onsite and offsite improvements would continue to occur under this alternative.

The Reduced Intensity Alternative would provide 315 total guestrooms (164 Residence Inn, 151 Aloft), 661 parking spaces in the garage structure and 337 total EV spaces (121 chargers, 216 EV ready). The Reduced Intensity Alternative would result in 61 employees. The Hotel building would be six stories, but the sixth level floor area would be approximately half of the area of the floors below it, resulting in a total hotel floor area of 206,083 square feet. The Garage would remain the same size as the proposed Project. Overall, Alternative 2 would provide 25 percent reduced development when compared to the Project.

Impacts: As shown in Table 7-1 of the Draft EIR, in comparison to the proposed Project, the Reduced Intensity Alternative would have similar impacts in all environmental topic areas except for air quality, energy, GHG emissions, noise, and public services. Although noise impacts would be reduced when compared to the proposed Project, the significant and unavoidable project and cumulative construction noise impacts, which include onsite and offsite infrastructure improvements, would not be eliminated. Additionally, the GHG impact would be slightly greater due to the increased $MTCO_2e$ per service population associated with the alternative. As with the proposed Project, the Reduced Intensity Alternative would meet all the Project objectives; however, the objectives under this alternative would not be met to the same extent as the proposed Project.

Attainment of Project Objectives: Given that the Reduced Intensity Alternative would develop the same uses as the proposed Project but at a reduced scale, this alternative would meet all the Project objectives identified. This alternative would enhance the continued economic revitalization and urbanization of the Hollywood Burbank Airport area with premium lifestyle and extended stay hotel brands catering to the modern business and leisure traveler; construct and operate a Marriott-branded, business- and leisure-oriented urban hotel reflecting the character of Burbank, immediately adjacent to and complementing the airport, existing and planned transit stations, and the convention center to attract and enhance customer travel visiting Burbank; construct and operate additional meeting/entertainment/dining space, fitness facilities for hotel guests and other patrons, and a ground-floor central open courtyard with pool and deck space amenity area to provide additional outdoor space; contribute to the economic health and well-being of Burbank through the development of a Project that would generate new construction and long-term jobs and provide additional long-term revenue for the City through visitor operations, enhanced property values, new visitor spending, and transient occupancy tax; redevelop a portion of the surface parking lot area that is underutilized into a more economically productive use that complements the existing development on the property and is consistent with the

City's ongoing re-envisioning efforts being undertaken as part of the Golden State Specific Plan; or support environmentally conscious alternative modes of travel by constructing two new hotels within a half-mile of two existing Metrolink stations, a planned high speed rail station, and the Hollywood Burbank Airport, and by promoting ride-sharing services and transportation demand management strategies in efforts to reduce local vehicle trips into and out of the City; and support and enhance statewide decarbonization efforts through the development of an all-electric Project free from fossil-fuel reliance; on-site generation and use of power through solar panels and battery storage; reducing vehicle emissions through an efficient guest drop-off and pick-up porte cochere design and by operating a valet-only parking garage for more efficient parking of guest's vehicles; and encouraging the replacement of gas-fueled cars with electric vehicles by providing hundreds of EV charging stations and EV ready plug-ins.. However, while this alternative would achieve the Project objectives, it would not do so to the same extent as the proposed Project. Specifically, a smaller hotel would not contribute to the economic health and well-being of Burbank through the generation of long-term jobs and additional long-term revenue for the City through visitor operations, enhanced property values, new visitor spending, and transient occupancy tax to the extent of the proposed Project. Furthermore, since the reduced alternative would result in half of a sixth floor, there would be a reduction in continuous roof-top space for solar collectors, which would also be less impactful for clean-energy generation than the full Project. The reduction in required parking spaces would also result in a reduction of EV charging stations/plug-ins, which would be counter-productive to replacing gas vehicles with EVs and further reduce the sustainability advantages of the proposed Project. While the Reduced Intensity alternative would involve redevelopment of a portion of the surface parking lot area that is underutilized into a more economically productive use, it would result in lower utilization of the site than can feasibly be accommodated.

Finding: The findings of the proposed Project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed Project and the elimination of the Reduced Density Alternative from further consideration.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives to a proposed Project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. Draft EIR Table 7.1, *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 contained within the Draft EIR, the No Project Alternative is identified as the Environmentally Superior Alternative. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). Accordingly, the Reduced Intensity Alternative is identified as the Environmentally Superior Alternative.

SECTION VI.
STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to State CEQA Guidelines Section 15093(a), the City Council must balance, as applicable, the economic, legal, social, technological, or other benefits of the Project against its unavoidable environmental risks in determining whether to approve the project. If the specific benefits of the project outweigh the unavoidable adverse environmental effects, those environmental effects may be considered acceptable.

Having reduced the adverse significant environmental effects of the Project to the extent feasible by adopting the mitigation measures; having considered the entire administrative record on the project; the City Council has weighed the benefits of the Project against its unavoidable adverse impacts after mitigation in regard to GHG emissions, noise, and utilities and service systems. While recognizing that the unavoidable adverse impacts are significant under CEQA thresholds, the City Council nonetheless finds that the unavoidable adverse impacts that will result from the Project are acceptable and outweighed by specific social, economic and other benefits of the Project.

In making this determination, the factors and public benefits specified below were considered. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would be able to stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Records of Proceeding.

The City Council, therefore, finds that for each of the significant impacts which are subject to a finding under CEQA Section 21081(a)(3) that each of the following social, economic, and environmental benefits of the Project, independent of the other benefits, outweigh the potential significant unavoidable adverse impacts and render acceptable each and every one of these unavoidable adverse environmental impacts:

1. The operation of two Marriott-branded hotel facilities will expand the City's tax base through recurring Transient Occupancy Tax (TOT), property tax, and local sales tax revenues generated by hotel guests, events, and dining patrons. These funds directly support municipal services, including emergency response, infrastructure maintenance, and community programs.

2. The Project generates significant short-term construction employment across skilled building trades and establishes long-term, permanent jobs in hotel management, hospitality, facility maintenance, and event operations.

3. By expanding conference, meeting, and dining space adjacent to the Hollywood Burbank Airport and convention facilities, the Project strengthens Burbank’s capacity to host regional business events, capturing local visitor spending that would otherwise leak to adjacent municipalities.

4. The Project eliminates onsite fossil-fuel combustion infrastructure (such as natural gas lines for space heating, domestic hot water, and cooking), preventing direct onsite fossil-fuel emissions.

5. The integration of roof-mounted photovoltaic solar panels paired with battery energy storage systems allows for real-time peak load shaving and clean onsite energy generation, reducing reliance on grid power during peak demand periods.

6. Providing the proposed active EV chargers and EV-ready plug-in spaces exceeds mandatory CALGreen Code baselines, directly addressing regional mobile-source emissions, which comprise the State's largest source of GHG emissions.

7. Located within one-half mile of two existing Metrolink commuter rail stations, the planned California High-Speed Rail station, and the Hollywood Burbank Airport, the Project enables business and leisure travelers to utilize regional passenger rail and air travel without relying on private automobiles.

8. Replacing low-density surface parking with a dual brand hotel with structured parking improves land use intensity, complements the existing and planned development within the area and preserves open space elsewhere by accommodating growth in an infill location.

9. Incorporates mitigation measures and alternatives analysis and meets all project objectives.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 2500 NORTH HOLLYWOOD WAY DUAL-BRAND HOTEL PROJECT

State Clearinghouse No. 201911003

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
CULTURAL RESOURCES						
Mitigation Measures						
CUL-1: The Applicant shall be required to retain the services of one or more monitor(s) who are qualified in the identification of archaeological and Native American resources. The monitor(s) shall meet the Secretary of the Interior's Professional Qualification Standards for archaeology, and shall be present during construction related ground disturbance activities including, but not limited to, site clearing (such as pavement removal, grubbing, tree removals) and/or excavation to depths greater than artificial fill (including boring, grading, excavation, drilling, potholing or auguring, and trenching) within the Project site and offsite sewer improvement area. A copy of the executed contract shall be submitted to the City of Burbank Community Development Department prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Archaeological Monitor shall complete monitoring logs daily, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The onsite monitoring shall end when grading and excavation activities of native soil (i.e., previously undisturbed) are completed, or when the Archaeological Monitor has indicated that the site has a low potential for cultural resources, whichever occurs first. The Applicant shall also be required to make the Project site available to native tribe(s) that have ancestral ties to the region during	Prior to the issuance of any permit for ground-disturbing activity/On-going during ground-disturbing activities	Executed contract/ Monitoring logs	Project Applicant; Contractor; Archaeological Monitor/ City of Burbank Community Development Department Planning Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
ground disturbance activities for monitoring on their own behalf, if requested – including the Gabrieleño Band of Mission Indians-Kizh Nation, the Fernandeño Tataviam Band of Mission Indians and any other tribe with ancestral ties to the region, as established by the Native American Heritage Commission.						
CUL-2: If an archaeological or Native American resource is inadvertently discovered during ground disturbing activities, work shall be halted in the immediate vicinity of the find (a 60-foot buffer around the find) until the find can be evaluated by the Archaeological and Native American Monitor(s) to determine if any discovered potential resource meets the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique resources (Public Resources Code 21083.2(g)). The City of Burbank Community Development Department shall be immediately notified. If the resource is determined to be potential a tribal cultural resource, the Applicant shall retain the services of a Native American Monitor to work in consultation with the Archaeological Monitor to delineate the resource. Work on areas outside of the buffered area may continue during the assessment period. The Applicant shall, in good faith, consult with the Tribe(s) on the disposition and treatment of any tribal cultural resource encountered during all ground disturbing activities. If the find is considered an "tribal cultural resource" the Archaeological Monitor, in cooperation with Native American Monitor, shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage, and treatment protocols shall be developed in	If resources are encountered during ground-disturbing activities	Disposition and treatment of any tribal cultural resource or if not a tribal cultural resource, preparation of a treatment plan and archaeological testing; data recovery, excavation, and archaeological mitigation if cannot be protected	Project Applicant; Contractor; Archaeological Monitor/ City of Burbank Community Development Department Planning Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines Sections 15064.5 and 15126.4. If a tribal cultural resource cannot be preserved in place or left in an undisturbed state, recovery, salvage, and treatment shall be required at the Project Applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation in an established accredited professional repository. If the resource is determined to be non-Native in origin, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the Project, additional work such as data recovery, excavation, and archaeological mitigation may be warranted to mitigate any significant impacts.						
CUL-3: In the event that human remains are discovered during onsite construction activities, the Archaeological Monitor shall immediately divert work at minimum of 50 feet and place an exclusion zone around the discovery location. The Archaeological Monitor shall then notify the construction manager who shall notify the County Coroner per Public Resources Code Section 5097.98, and Health and Safety Code Section 7050.5. The City of Burbank Community Development Department shall also be immediately notified. Work shall continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American,	If human remains are discovered during ground-disturbing activities	Notification of Los Angeles County Coroner/ Notification of Native American Heritage Commission if identified remains are Native American in origin	Project Applicant; Contractor; Archaeological Monitor/ City of Burbank Community Development Department Planning Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
the coroner shall notify the Native American Heritage Commission (NAHC) as mandated by State law who shall then appoint a Most Likely Descendent (MLD). Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented to the extent feasible in accordance with State CEQA Guidelines Section 15064.5(e).						
GEOLOGY AND SOILS						
Mitigation Measures						
GEO-1: Prior to commencement of ground-disturbing activities a qualified vertebrate paleontologist (as defined by the Society for Vertebrate Paleontology) shall develop Worker Awareness and Environmental Program (WEAP) Training for construction personnel. This training shall be presented to construction personnel and include what fossil remains may be found within the Project area and policies and procedures that must be followed in case of a discovery. Verification of the WEAP Training shall be provided to the Burbank Community Development Department.	Prior to commencement of ground-disturbing activities	Verification of development and provision of WEAP training for construction personnel	Project Applicant; Contractor; Qualified Vertebrate Paleontologist/ City of Burbank Community Development Department Planning Division			
GEO-2: Paleontological resources monitoring by a qualified vertebrate paleontologist (as defined by the Society for Vertebrate Paleontology) shall be required during ground disturbances (including grading, trenching, foundation work, and other excavations) in previously undisturbed sediments that exceed 10 feet in depth. The duration and timing of the monitoring shall be determined by the qualified paleontologist and the location and extent of the proposed ground disturbance. If the	On-going during ground-disturbing activities in previously undisturbed sediments that exceed 10 feet in depth	Executed contract/ Monitoring logs	Project Applicant; Contractor; Qualified Vertebrate Paleontologist/ City of Burbank Community Development Department Planning Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
qualified paleontologist determines that fulltime monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, the qualified paleontologist may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall not be required in artificial fill or for activities that do not reach 10 feet in depth.						
GEO-3: In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. The qualified paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources: • Salvage of Fossils. The qualified paleontologist (or paleontological monitor) shall recover significant fossils following standard field procedures for collecting paleontological resources, as described by the Society of Vertebrate Paleontology standards. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the	If fossils are discovered during ground-disturbing activities	If fossils are significant, documentation of salvage and preparation and curation of recovered fossils	Qualified Vertebrate Paleontologist/ City of Burbank Community Development Department Planning Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
fossil(s) can be removed in a safe and timely manner. • Preparation and Curation of Recovered Fossils. 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 University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the qualified paleontologist.						
GREENHOUSE GAS EMISSIONS						
Mitigation Measures						
GHG-1: Prior to the issuance of building permits, the Project applicant shall provide documentation (e.g., building plans, site plans) to the City of Burbank Community Development Department to verify implementation of the design requirements specified in this mitigation measure. Prior to the issuance of the certificate of occupancy, the City shall verify implementation of these design requirements: • The Project applicant shall prepare a Transportation Management Plan with the help of certified Traffic Engineer which includes voluntary and mandatory trip reduction measures such as discouraging single-occupancy vehicle trips and	Prior to the issuance of building permits; prior to the issuance of the certificate of occupancy	Approval of Transportation Demand Management Plan/Verification of design requirements	Project Applicant/ City of Burbank Community Development Department Planning Division and Transportation Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
encouraging alternative modes of transportation such as carpooling, taking transit, walking, and biking, implementing employee parking cash-outs, thereby reducing VMT and GHG emissions. The Transportation Management Plan shall grant all employees located within the Project site eligibility to participate. The Transportation Management Plan shall be reviewed and approved by the Transportation Planning Division. • The Project applicant shall join the Burbank Transportation Management Organization (TMO), which helps provide services to employees that encourages the use of public transit, carpooling, vanpooling, walking, and biking. • The Project applicant shall demonstrate to the Planning Division that new vehicles owned and operated by the Project operators that provide transport between the Hollywood Burbank Airport and the Project will be clean-fuel vehicles. • No wood-burning or gas-powered fireplaces shall be installed in the proposed development. • All major appliances provided/installed (e.g., dishwashers, refrigerators, clothes washers and dryers, and water heaters) shall be electric-powered EnergyStar-certified or of equivalent energy efficiency, where applicable.						

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
HAZARDS AND HAZARDOUS MATERIALS						
Mitigation Measures						
HAZ-1: Prior to the issuance of building permits, the Applicant shall include on the building plans an appropriate vapor intrusion mitigation system using a VOC-compatible vapor barrier that is incorporated into the design of new onsite structures, where there may be a potential for vapor intrusion risk to occupants. The elements of the vapor intrusion mitigation system shall include the design of an appropriate vapor barrier compatible with known VOCs, installation oversight to ensure compliance with VOC barrier manufacturers' warranty requirements, and subsequent post-installation VOC barrier integrity testing. The Applicant shall incorporate all requirements in the design of the Project as set forth by the applicable regulatory oversight agency for issuance of building permits, including the following measures: The proposed design of the vapor barrier shall be pre-approved by the applicable regulatory oversight agency (e.g., DTSC, the LARWQCB, or other appropriate local regulatory agency). The design of a physical vapor barrier beneath the structure(s) foundation shall prevent soil gas from seeping into breathing spaces inside the structure. The system shall include a passive or powered vapor mitigation system layer that draws soil gas out of the under-foundation base rock and directs that soil gas to a treatment system to prevent people from being exposed	Prior to the issuance of building permits	Review and approval of building plans *Following implementation*: Documentation of testing and vapor barrier installation; Submittal of Operations, Maintenance, and Monitoring (OMM) Plan	Project Applicant; Contractor/Regulatory Agency City of Burbank Community Development Department Building & Safety Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
outdoors. Any contaminants found in shallow soil vapor shall be mitigated to levels that are protective of human health for the proposed commercial uses. Upon completion, the Project Applicant shall prepare a report documenting the testing results and installed vapor mitigation method and submit the report to the regulatory agency with jurisdiction. An Operations, Maintenance, and Monitoring (OMM) Plan shall be prepared and implemented to maintain the vapor barrier system and confirm that the vapor barrier system continues to be protective of human health. The OMM Plan shall include details of methods for monitoring the vapor barrier system, provide monitoring frequencies and maintenance procedures for the system components and provide for post construction indoor air quality monitoring. The OMM Plan shall be approved by the regulatory agency with jurisdiction.						
HAZ-2: Prior to the issuance of a grading permit, the Applicant shall submit a Soils Management Plan (SMP) to the City of Burbank Community Development Department Building & Safety Division that addresses the proper characterization and handling of potential VOC-impacted soils, and other contaminants of concern that may be present. The SMP shall require that, as grading, excavation, and trenching are performed, exposed soil shall be monitored for stained or discolored soil, wet or saturated soils, or odors. If impacted soil is encountered, the soil shall be analyzed to identify and characterize the impact and determine if soil remediation is required. Soil samples shall be analyzed by an appropriate State-certified	Prior to the issuance of grading permit	Approval of Soils Management Plan	Project Applicant; Contractor/ City of Burbank Community Development Department Building & Safety Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
laboratory using appropriate methods based on the parameters to be analyzed. When a new area of contamination is identified, it shall be characterized to assess its lateral and vertical extent. The likely excavation of impacted soil shall be followed by segregated stockpiling or direct-loading, waste profiling, and offsite disposal or recycling, which shall be performed in accordance with applicable federal, State, and local regulations.						
NOISE						
Mitigation Measures						
NOI-1: The Project Applicant and/or Contractor shall implement the following noise-attenuating measures during construction of the proposed Project: • Construction contracts shall specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers. • A sign, legible at 50 feet from the property line shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the City of Burbank Community Development Department's Planning Division, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints.	Prior to the issuance of grading or building permit; On-going during construction	Approval of notices and signs; Proof of Noise Disturbance Coordinator; Verification during construction activities; Approval of construction haul routes	Project Applicant; Contractor/ City of Burbank Community Development Department Planning Division; City of Burbank Building Official; City of Burbank Public Works Department – Traffic Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
• The project Applicant shall provide, to the satisfaction of the City of Burbank Community Development Department's Planning Division, a qualified "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Burbank Community Development Department's Planning Division. All signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator. • Prior to issuance of any Grading or Building Permit, the project Applicant shall demonstrate to the satisfaction of the City's Building Official that construction noise reduction methods shall be used where feasible. These reduction methods include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools. • Construction haul routes shall be reviewed and approved by the City's Building Official						

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
and City Traffic Engineer and shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible. • During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.						
NOI-2: The following measure shall be incorporated on all grading and building plans and specifications subject to approval of the City's Building and Safety Division prior to issuance of a grading permit: • Sonic pile drivers shall be used as an alternative to impact pile drivers to reduce groundborne vibration levels. Impact pile driver operations shall be prohibited.	Prior to the issuance of grading permit	Review and approval of grading and building plans	Project Applicant; Contractor/ City of Burbank Community Development Department Building and Safety Division			
TRIBAL CULTURAL RESOURCES						
Mitigation Measures						
Refer to Mitigation Measures CUL-1 and CUL-2.	--	--	--			
UTILITIES AND SERVICE SYSTEMS						
Mitigation Measures						
Refer to Mitigation Measure NOI-1.	--	--	--			

EXHIBIT B TO ATTACHMENT 1

ORDINANCE NO._____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT NO. 26-1, A DEVELOPMENT AGREEMENT, AND A DEVELOPMENT REVIEW FOR THE 2500 NORTH HOLLYWOOD WAY DUAL-BRAND HOTEL PROJECT

(PROJECT NO. 16-0003953, PLANNED DEVELOPMENT, DEVELOPMENT AGREEMENT, AND DEVELOPMENT REVIEW)

City Attorney's Synopsis

This Ordinance approves Planned Development No. 26-1, a Development Agreement, and Development Review for the 2500 North Hollywood Way Dual-Brand Hotel Project. The Ordinance replaces existing Planned Development No. 89-1 with Planned Development No. 26-1 and establishes the zoning regulations and development standards applicable to the Project Site, including the existing Marriott Hotel and convention center and the proposed 420-room dual-brand Aloft and Residence Inn hotel, detached parking garage, and related site improvements.

THE COUNCIL OF THE CITY OF BURBANK FINDS, DETERMINES, AND DECLARES THAT:

A. AWH Burbank Hotel II, LLC ("Applicant") submitted applications for a Planned Development rezone, Development Agreement, and Development Review for Project No. 16-0003953, located on an approximately 11.76-acre site at 2500 North Hollywood Way that is currently zoned Planned Development No. 89-1 (PD 89-1) and designated Regional Commercial by the Burbank2035 General Plan (the "Project"). The entitlement application includes the following:

(4) **Planned Development**. The Applicant requests approval of a Planned Development to rezone the approximately 11.76-acre Project Site from Planned Development No. 89-1 (PD 89-1) to Planned Development No. 26-1 (PD 26-1). Pursuant to BMC Sections 10-1-19118 through 10-1-19134, the Planned Development would establish site-specific land uses, development standards, and regulations governing the existing Marriott Hotel and convention center, the proposed 420-room dual-brand Aloft and Residence Inn hotel, detached parking garage, and related site improvements.

(5) **Development Agreement**. The Applicant requests approval of a ten-year Development Agreement between the City and Applicant pursuant to BMC Sections 10-1-1997 et seq., attached hereto as Exhibit A and incorporated herein by this reference. The Development Agreement establishes the applicable development regulations, vesting provisions, Project obligations, Conditions of Approval, and public and community benefits governing implementation of the Project during the term of the Agreement.

(6) **Development Review**. The Applicant requests approval of a

Development Review pursuant to BMC Sections 10-1-1909 through 10-1-1912 for the proposed 420-room dual-brand hotel, detached four-story parking garage, and associated site and public improvements. The Development Review is required to review the Project's site plan, building design, circulation, parking, landscaping, and related improvements for consistency with the applicable provisions of the BMC, including the development standards established by PD 26-1.

B. A Draft Environmental Impact Report ("Draft EIR") was prepared for the Project in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"), the State CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.), and the City's CEQA procedures. The Draft EIR was circulated for a 45-day public review and comment period from December 16, 2024, through January 29, 2025. A Final Environmental Impact Report ("Final EIR"), dated October 2026, was subsequently prepared and includes the Draft EIR, comments received during the public review period, responses to comments, and the Project's Mitigation Monitoring and Reporting Program ("MMRP"). The Final EIR was made available to the public and provided to commenters on the Draft EIR more than ten (10) days prior to the City Council's consideration of the Final EIR and the Project at a duly noticed public hearing.

C. On October 12, 2026, the Planning Commission held a duly noticed public hearing on Project No. 16-0003953, including the proposed Planned Development, Development Agreement, Development Review, and associated environmental review. The Planning Commission considered the staff report and recommendations of the City Planner, the Project application and plans, the proposed Planned Development zoning regulations, the proposed Development Agreement, the proposed Conditions of Approval, the Final EIR, and evidence presented at the public hearing. Following its consideration of the Project, the Planning Commission voted to adopt a resolution recommending that the City Council certify the Final EIR, adopt the required CEQA Findings of Fact and Statement of Overriding Considerations and MMRP, and adopt an ordinance approving the Planned Development, Development Agreement, and Development Review, subject to the Project Conditions of Approval.

D. The Planning Commission determined that the findings required for approval of the Planned Development, Development Agreement, and Development Review could be made. Specifically, the Planning Commission found that the proposed Planned Development is consistent with the Burbank2035 General Plan and satisfies the applicable findings and design criteria set forth in BMC Sections 10-1-19127 and 10-1-19124; that the Development Agreement is consistent with the Burbank2035 General Plan pursuant to BMC Section 10-1-19110; and that the Development Review is consistent with all applicable provisions of the Burbank Municipal Code pursuant to BMC Section 10-1-1912(A).

E. In accordance with California Government Code Section 65860, the proposed Planned Development and this Ordinance were determined to be consistent with the Burbank2035 General Plan, including the Regional Commercial land use designation and the applicable goals, policies, and objectives of the Land Use and Mobility Elements.

F. On _____, __ 2026, the City Council, at its regular meeting, held a duly noticed public hearing on Project No. 16-0003953, including Planned Development No.

26-1, a Development Agreement, and Development Review for the 2500 North Hollywood Way Dual-Brand Hotel Project, which would allow development of a new 420-room dual-brand Aloft and Residence Inn hotel, a detached parking garage, and related site and public improvements at 2500 North Hollywood Way. As part of its consideration of the Project, the City Council also considered the environmental review prepared pursuant to the CEQA, including the Draft EIR, Final EIR, comments and responses to comments, CEQA Findings of Fact, Statement of Overriding Considerations, and MMRP.

G. Notice of the public hearing was provided in accordance with BMC Section 10-1-19127.

H. The City Council considered the report and recommendations of the City Planner, the action and recommendation of the Planning Commission as evidenced by Planning Commission Resolution No. ___, and all evidence, testimony, and other information presented at the public hearing.

I. Resolution No _____, the City Council certified the Final EIR for the Project as having been completed in compliance with CEQA and adopted the required CEQA Findings of Fact, Statement of Overriding Considerations, and MMRP.

J. The City Council finds that the findings required for approval of the Planned Development, Development Agreement, and Development Review can be made, as set forth below.

FINDINGS FOR A PLANNED DEVELOPMENT:

Pursuant to BMC Sections 10-1-19127 and 10-1-19124, the following findings and design criteria apply to the proposed Planned Development:

1. *The Planned Development is consistent with the General Plan and applicable community plans.*

   This finding can be made. The Project is consistent with several goals and policies of the Burbank2035 General Plan, including Land Use Goal 1, Policy 1.1 (Quality of Life); Land Use Goal 2, Policies 2.2 and 2.3 (Sustainability); Land Use Goal 6, Policy 6.1 (Economic Vitality and Diversity); and Land Use Goal 11, Policies 11.1 through 11.4 (Regional Commercial Land Use). The Project Site is designated Regional Commercial, which is intended to accommodate larger-scale commercial and employment destinations that serve both the local community and the broader region, including hotel, convention, dining, entertainment, and other visitor-serving uses, while promoting high-quality development and access by multiple modes of transportation. The Project would advance these objectives by further developing an established hotel and convention center site, redeveloping an underutilized portion of the site, generating new employment, visitor spending, and transient occupancy tax revenue, and providing public infrastructure and transportation improvements. Enhanced sidewalks, pedestrian lighting, bicycle facilities, a pedestrian paseo, Metrolink shuttle service, and transportation demand management measures would also support the General Plan's emphasis on accessibility, sustainable

infill development, economic vitality, and the continued success of Regional Commercial centers.

2. *The design criteria identified in BMC Section 10-1-19124 are satisfied*.

   The This finding can be made. BMC Section 10-1-19124 establishes nine design criteria for Planned Developments. The Project satisfies these criteria as follows:

   A. Comprehensive Design. The proposed Planned Development provides a comprehensive regulatory and development framework for the entire 11.76-acre Project Site, including the existing Marriott Hotel and convention center, the proposed dual-brand hotel and parking garage, landscaping, circulation, parking, permitted uses, and future development standards. The Project is also substantially consistent with the Regional Commercial General Plan designation.

   B. Open Areas, Circulation, Parking, and Pedestrian Amenities. The Project provides coordinated internal circulation, 1,051 on-site parking spaces, landscaped areas, bicycle facilities, pedestrian lighting, and pedestrian connections throughout the Project Site. The Project also includes a lighted pedestrian paseo providing a connection between Thornton Avenue and Avon Street. These improvements integrate the proposed hotel and garage with the existing hotel and convention center, while providing enhanced bike and pedestrian improvements within the adjacent public right-of-way to the benefit of the surrounding community.

   C. Compatibility with Adjoining Land Uses. The Project Site is already developed with hotel and convention uses and is surrounded predominantly by commercial, office, transportation, and airport-related uses. The proposed hotel would provide an additional visitor-serving use on the property. Project design features and Conditions of Approval addressing building placement, circulation, landscaping, lighting, construction, enhanced bike and pedestrian infrastructure within the adjacent public right-of-way and operation further support compatibility with surrounding uses.

   D. Private Circulation. Internal drive aisles, hotel drop-off and valet areas, pedestrian pathways, bicycle facilities, loading areas, and access points have been designed to provide for the safe and efficient movement of vehicles, pedestrians, and bicyclists throughout the Project Site.

   E. Public Street System. The Project includes improvements along Thornton Avenue, Avon Street, and surrounding streets to improve pedestrian, bicycle, and vehicular circulation. These improvements include sidewalks, bicycle facilities, pedestrian lighting, and other public right-of-way improvements. Conditions of Approval also require final review and approval of off-site improvement, signing, striping, and circulation plans.

F. Residential Common and Recreational Facilities. This criterion is not applicable because no residential uses are proposed as part of the Project.

G. Architectural Design and Appearance. The proposed hotel and parking structure have been designed as coordinated components of the overall Project Site. The proposed Planned Development also requires a comprehensive Master Sign Program and establishes development standards addressing building setbacks, height, landscaping, and other design features to maintain a coordinated appearance throughout the site.

H. Variety of Uses and Facilities. The Project Site would continue to provide hotel and convention uses and would add a second dual-brand hotel with associated guest amenities. Together, these uses provide a range of visitor-serving and commercial facilities that complement the existing convention center and nearby airport and transit facilities.

I. Energy Conservation. The Project incorporates energy-conservation and sustainability measures, including energy-efficient systems and photovoltaic generation with battery storage equipment.

FINDINGS FOR A DEVELOPMENT AGREEMENT:

Pursuant to BMC Section 10-1-19110, the proposed Development Agreement must be consistent with the Burbank2035 General Plan and any applicable specific plans:

1. *The proposed Development Agreement is consistent with the Burbank2035 General Plan and any applicable specific plans.*

   This finding can be made. There is no applicable specific plan governing the Project Site; therefore, pursuant to BMC Section 10-1-19110, the Development Agreement is evaluated for consistency with the Burbank2035 General Plan. As discussed above, the Project is consistent with the Regional Commercial land use designation and advances the General Plan's economic development and mobility objectives by providing additional visitor-serving commercial development, employment opportunities, transportation improvements, and other community benefits.

   The Development Agreement would establish the framework for implementation of the Project over a ten-year term, including the respective rights and responsibilities of the City and Developer, and would incorporate the Project's Conditions of Approval and environmental mitigation requirements. It would also secure a range of community benefits, including monetary contributions for public safety, transit, Metrolink maintenance, and neighborhood protection; ongoing maintenance of specified public right-of-way improvements; transportation demand management measures; sustainability requirements; and off-site pedestrian, bicycle, and utility improvements. Collectively, these provisions support orderly development of the Project Site while providing tangible benefits to the City and community. Therefore, staff finds that the

proposed Development Agreement is consistent with the Burbank2035 General Plan and satisfies the requirements of BMC Section 10-1-19110.

FINDINGS FOR A DEVELOPMENT REVIEW:

Pursuant to BMC Section 10-1-1912(A), a Development Review application may be approved when the review authority finds that the application and Project are consistent with all applicable provisions of the Burbank Municipal Code:

1. *The Project is consistent with all applicable provisions of the Burbank Municipal Code.*

   This finding can be made. The Project has been reviewed for compliance with the proposed Planned Development zoning regulations and other applicable provisions of the BMC. The Project's proposed use, FAR, building height, setbacks, parking, loading, circulation, landscaping, and other development features are consistent with the standards established by the proposed Planned Development, as conditioned.

   The proposed hotel would be integrated into the existing hotel and convention center site through coordinated internal drive aisles, a new hotel entrance and porte-cochere along Thornton Avenue, pedestrian connections, and a lighted paseo extending between Thornton Avenue and Avon Street. The detached parking garage would consolidate a substantial portion of the required parking while retaining surface and event parking. The Project would provide 1,051 on-site parking spaces, exceeding the 1,021 spaces identified as necessary under the Project's Parking Utilization and Demand Analysis.

   The Project plans also include landscaping, pedestrian lighting, bicycle facilities, valet circulation, loading areas, and associated on- and off-site circulation improvements. The Conditions of Approval require further review and approval of construction, grading, utility, off-site improvement, traffic-control, and parking-management plans prior to issuance of applicable permits. Based on the Project plans and Conditions of Approval, staff finds that the Project can comply with all applicable provisions of the BMC and that the finding required by BMC Section 10-1-1912(A) can be made.

THE COUNCIL OF THE CITY OF BURBANK DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. All findings set forth above are true and correct and incorporated herein as if restated in their entirety.

SECTION 2. AMENDMENT TO THE ZONING MAP. The City Planner is instructed to change the zoning designation of the approximately 11.76-acre Project Site at 2500 North Hollywood Way from Planned Development No. 89-1 (PD 89-1) to Planned Development No. 26-1 (PD 26-1) on the City's Official Zoning Map.

SECTION 3. EXECUTING OF THE DEVELOPMENT AGREEMENT. The City Manager is hereby authorized to execute and deliver the Development Agreement and

any easements, covenants, and other documents necessary to implement and carry out the Development Agreement, with such non-substantive changes, insertions, or omissions as may be approved by the City Attorney. The City Clerk is hereby authorized to attest to such execution.

SECTION 4. CONTINUED EFFECT OF PLANNED DEVELOPMENT. The expiration, termination, invalidation, or unenforceability of the Development Agreement shall not affect the validity or enforceability of the Project Site's zoning designation as Planned Development No. 26-1 (PD 26-1) or the zoning and development regulations adopted pursuant to this Ordinance. PD 26-1 and its applicable development regulations shall remain in full force and effect unless and until amended or repealed in accordance with applicable law. Upon the Development Agreement ceasing to be in effect, any vested development rights granted thereunder shall also cease; however, PD 26-1 and its applicable development regulations shall remain in effect without such vested rights.

SECTION 5. SEVERABILITY. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance, which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

SECTION 6. **ENVIRONMENTAL ASSESSMENT.** The City Council has reviewed and considered the environmental effects of the Project in accordance with the CEQA and the State CEQA Guidelines. Prior to adoption of this Ordinance, the City Council, by Resolution No. _____, certified the Final EIR for the Project, adopted the required CEQA Findings of Fact and Statement of Overriding Considerations, and adopted the MMRP. The City Council finds that the environmental impacts of the Project, including the actions approved by this Ordinance, have been adequately analyzed in the Final EIR. The mitigation measures identified in the MMRP are incorporated into and made enforceable through the Project approvals. The City Planner, or designee, is authorized and directed to file a Notice of Determination in accordance with CEQA.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption**.**

PASSED AND ADOPTED this__day of _____, 2026.

_____
Nikki Perez
Mayor

Approved as to Form:
Office of the City Attorney

Attest:

_____ _____

Kimberley Clark, City Clerk

Jill Vander Borght
Chief Assistant City Attorney

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

I, Kimberley Clark, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No._____ was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the_____day of ___, 2026, by the following vote:

AYES:

NOES:

ABSENT:

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California within 14 days following its__, 2026 adoption.

_____

Kimberley Clark, City Clerk

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City of Burbank
275 East Olive Avenue
P.P. Box 6459
Burbank, California 91510
Attention: City Clerk

This document is exempt from the payment of a recording fee
pursuant to Government Code Section 27383

DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BURBANK AND

AWH BURBANK HOTEL II, LLC

PLANNED DEVELOPMENT NO. 2026-1 (PROJECT NO. 16-0003953)

“2500 NORTH HOLLYWOOD WAY” PROJECT

DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BURBANK AND **AWH BURBANK HOTEL II, LLC**

PLANNED DEVELOPMENT NO. 2026-1
(PROJECT NO. 16-0003953)

THIS DEVELOPMENT AGREEMENT (the "Agreement") is entered into this _____, _____, by and among the CITY OF BURBANK, a charter city and municipal corporation (the "City"), and AWH BURBANK HOTEL II, LLC ("AWH BURBANK HOTEL II, LLC", "Owner" or "Applicant"). The City and Owner are from time to time hereinafter referred to individually as a "party" and collectively as the "parties."

R E C I T A L S

A. To strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development, the California Legislature adopted Government Code Section 65864 et seq. (the "Development Agreement Statute"), which authorizes the City to enter into an agreement with any person or business entity having a legal or equitable interest in real property to establish certain development rights regarding the development of such property.

B. Pursuant to Government Code Section 65865, the City has adopted rules and regulations establishing procedures and requirements for the consideration of development agreements. Such rules and regulations are codified in the Burbank Municipal Code ("BMC") at Sections 10-1-1997 et seq. (the "Development Agreement Ordinance"). This Development Agreement has been processed, considered, and executed in accordance with State law and the Development Agreement Ordinance.

C. The City has also adopted BMC Sections 10-1-19118 et seq. (the "Planned Development Ordinance"), establishing the procedures and requirements for the consideration and establishment of planned developments. The Planned Development Ordinance requires that the approval of a planned development be subject to an applicant entering into a development agreement pursuant to the Development Agreement Ordinance. The Planned Development Ordinance sets forth the intent of the City Council in enacting the Ordinance as an alternative process to accommodate major and unique developments, including those with combinations of uses and modified development standards, which would create a desirable, functional and community environment under the controlled conditions of a development plan.

D. The Applicant is the legal owner of the 11.76-acre site located at 2500 North Hollywood Way, as more particularly described in Attachment A (the "Project Site").

E. It is the intent of the Applicant to develop the Project Site as a planned

development pursuant to the Planned Development Ordinance, consisting of a new seven-story, 420-room dual brand hotel (the "Hotel") and a separate, detached four-story parking garage (the "Garage," and together with the Hotel, the "Project"). The Garage will provide up to 766 valet-only parking spaces. An additional 285 surface parking spaces will be provided on the Project Site, for a total of 1,051 on-site parking spaces. The proposed Hotel and Garage will be located on the same parcel as the existing Marriott Hotel. No changes to the existing Marriott Hotel are proposed. Attachment B provides a complete description of the Project. As required by the Planned Development Ordinance, the development plan for the Project Site is further described in a Project Report and Site Plan, both of which are on file with the City Planner. The Project Report, Site Plan, and Conditions of Approval collectively describe and govern development of the Project.

F. At the time this Agreement is approved and executed by the City, the Applicant will have secured various land use approvals, entitlements, and other approvals relating to the development of the Project and the Project Site. These approvals are collectively referred to in this Agreement as the "Project Approvals" and include, without limitation, the following:

(1) **Planned Development Zoning**. On _____, following duly noticed public hearings and Planning Commission review and recommendation, the City Council approved the Planned Development zone change for the Project Site, Planned Development No. 2026-1 ("PD 2026-1"). Pursuant to the Planned Development Ordinance, PD 2026-1 and this Agreement authorize development of the Project in accordance with the Project Approvals. See Attachment B for a complete description of the Project and Attachment E for the applicable PD 2026-1 zoning regulations.

(2) **Development Review**. On _____, the City Council approved the Development Review Application, required pursuant to Burbank Municipal Code Section 10-1-19126, for the construction of the proposed Project as part of Ordinance No. _____.

(3) **Conditions of Approval**. Certain Project Approvals were approved subject to Conditions of Approval, which for the purposes of this Agreement, shall also be considered included in any reference to the Project Approvals are incorporated into and constitute part of the Project Approvals. The Conditions of Approval are attached hereto as Attachment D and incorporated herein by this reference.

G. Development of the Project and the Project Site in accordance with this Agreement shall provide for orderly growth consistent with the goals, policies, and other provisions of the Burbank2035 General Plan (the "General Plan"). The Applicant desires to obtain the binding agreement of the City that the City, notwithstanding changes in City policy, ordinances, approval processes, or the makeup of the City's governing body, will permit the Applicant to construct, develop, use, and operate the Project as a Planned Development in accordance with the City's ordinances, rules, regulations, and official policies governing permitted land uses, density and intensity of uses, dedications, impact fees, and other exactions, as well as applicable design, improvement, and construction standards and specifications governing the Project, the Planned Development, and the Project Site (the "Existing Development Regulations"), in effect as of the Effective Date,

and without requiring the Applicant to dedicate property, construct public improvements, or make financial contributions to the City in lieu of public improvements, except as expressly set forth in this Agreement.

H. On _____, following a duly noticed public hearing, the Planning Commission adopted Resolution No. _____ recommending that the City Council approve this Agreement.

I. On _____, after a duly noticed public hearing, the City Council took the following actions: (1) certified the Environmental Impact Report ("EIR") for the Project pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 et seq., ("CEQA"), and adopted the applicable CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; (2) made appropriate findings that the provisions of this Agreement are consistent with the General Plan; and (3) introduced Ordinance No. _____ approving and authorizing the execution of this Agreement. On _____, the City Council adopted Ordinance No _____.

J. For the reasons recited herein, the Applicant and the City have determined that the Project's Planned Development is the type of development for which this Agreement is appropriate. This Agreement will eliminate uncertainty in planning and provide for the orderly development of the Project Site; ensure a desirable and functional community environment; provide for employment generating uses; provide a distinctive and high-quality hotel and entertainment environment that maximizes the commercial uses on-site and supports the needs of the area and businesses and attracts future businesses, employers and visitors to the surrounding area; and provides other public benefits to the City and its residents by otherwise achieving the goals and purposes of the Development Agreement Statute, the Planned Development Ordinance, and the Development Agreement Ordinance.

K. In exchange for the public benefits that will result from the development of the Project and the Project Site pursuant to this Agreement, the Applicant desires to receive the assurance that it may proceed with the Project in accordance with the Existing Development Regulations in effect as of the Effective Date, subject to the terms, conditions, and exceptions set forth in this Agreement.

L. The parties agree that this Agreement will promote and encourage the development of the Project by providing the Applicant and its lenders with a greater degree of certainty regarding the Applicant's ability to expeditiously and economically complete development of the Project, and that the consideration to be received by the City pursuant to this Agreement and the rights granted to the Applicant hereunder constitute sufficient consideration to support the covenants and agreements of the City and the Applicant. By entering into this Agreement, the City desires to vest in the Applicant, to the fullest extent permitted by law, the development rights provided by this Agreement and the Project Approvals.

M. The City Council has determined that the Planned Development is consistent with and satisfies the relevant provisions of the BMC, including applicable goals and policies of the City's General Plan. The City Council has further determined that the

provisions of this Agreement are consistent with the relevant provisions of the BMC and the City's General Plan.

N. All actions taken by the City with respect to the Project have been duly taken in accordance with all applicable legal requirements, including CEQA and applicable requirements for notice, public hearings, findings, votes, and other procedural matters.

NOW, THEREFORE, in consideration of the promises, covenants, and provisions set forth herein, the parties agree as follows:

AGREEMENT

ARTICLE 1.
GENERAL PROVISIONS

Section 1.01. Incorporation. The preamble, the Recitals, and all defined terms set forth therein are hereby incorporated into this Agreement as if set forth herein in full.

Section 1.02. Covenants. The provisions of this Agreement shall constitute covenants or servitudes that shall run with the land comprising the Project Site and the burdens and benefits thereof shall bind and inure to the benefit of each of the parties hereto, and any successors or assigns of City, and to any "Successor Interests," as that term is defined in Article 2 of this Agreement, of Applicant.

Section 1.03. Effective Date. This Agreement shall become effective on the thirty-first (31st) day following the adoption of the Ordinance approving this Agreement (the "Effective Date").

Section 1.04. Term. The term of this Agreement shall commence on the Effective Date and shall continue for ten (10) years, unless it is terminated earlier or extended in accordance with this Agreement.

ARTICLE 2.
DEFINITIONS

"Agreement" shall mean this Development Agreement.

"Applicant" shall mean AWH BURBANK HOTEL II, LLC, the Owner, and the Developer, or any successor in interest, assignee, or transferee that assumes the applicable rights and obligations of these parties pursuant to Article 11 of this Agreement. For purposes of this Agreement, including the Conditions of Approval, any reference to "Applicant" shall mean AWH BURBANK HOTEL II, LLC, the Owner, and the Developer, or such successor in interest, assignee, or transferee, as applicable.

"Approved Project Plans" shall mean the plans approved by the City as part of the Project Approvals and attached hereto as Attachment F, as such plans may be modified or amended in accordance with this Agreement.

"CEQA" shall have the meaning set forth in Recital I of this Agreement.

"City" shall mean the City of Burbank, a charter city and municipal corporation.

"City Council" shall mean the City Council of the City of Burbank, or its designee.

"Conditions of Approval" shall mean the conditions listed in Attachment D.

"Development Agreement Statute" shall mean Government Code Sections 65864 through 65869.5.

"Director" shall mean the Community Development Director of the City of Burbank, or their designee.

"Effective Date" shall have that meaning set forth in Section 1.03 of this Agreement.

"Existing Development Regulations" shall mean 1) City laws, ordinances, rules, regulations, policies, motions, directives, mitigation measures identified as the Applicant's responsibility in the Environmental Impact Report and the Mitigation Monitoring and Reporting Program, conditions, standards, specifications, dedications, other exactions, and impositions of the City, whether enacted or adopted by the City or its electorate through the initiative or referendum process, that are in effect as of the Effective Date and that establish or regulate the design, density, permitted land uses, occupancy, improvement, construction standards, impact fees, dedications, and exactions applicable to the Project, except as otherwise expressly set forth in this Agreement; and 2) the Project Approvals, this Agreement, the Conditions of Approval (Attachment D), PD 2026-1 Zoning Regulations (Attachment E), the Approved Project Plans (Attachment F), and the Mitigation Monitoring and Reporting Program (Attachment H).

"General Plan" shall mean the Burbank2035 General Plan of the City of Burbank, or any subsequently adopted general plan of the City.

"Hotel Operator" shall mean one or more persons or entities responsible for the operation and management of either or both components of the dual-brand Hotel and holding all City business tax registrations or other approvals required for such operation at the Project Site.

"Major Change" shall mean any proposed change or modification to the Approved Project Plans that does not constitute a Minor Change.

"Minor Change" shall mean a limited change or modification to the Project or Approved Project Plans that remains in substantial conformance with the Project Approvals and does not materially alter the Project as approved. Minor Changes may include, but are not

limited to, modifications to the placement or size of structures, building design, materials or colors, landscaping, or parking layout.

For purposes of this definition, a change is in "substantial conformance" when it: (1) does not alter the findings required for approval of the underlying Project Approvals; (2) does not materially alter the approved project description, permitted uses, development intensity, operations, Conditions of Approval, or public benefits; and (3) does not result in new or substantially more severe significant environmental impacts requiring additional environmental review under CEQA..

"New Law" shall mean any law that becomes effective after the Effective Date, including any City law, ordinance, resolution, rule, or regulation.

"Project" shall mean the development proposal as more particularly described in Attachment B, as may be modified or amended in accordance with this Agreement.

"Project Approvals" shall mean (1) Ordinance No. _____ approving PD 2026-1, the Development Review, and this Agreement; (2) Resolution No. _____, certifying the EIR and adopting the applicable CEQA findings, a Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program; (3) the Conditions of Approval; and (4) the Approved Project Plans; (5) any other approvals and entitlements relating to the development of the Project and the Project Site approved prior to the Effective Date.

"Project Site" shall mean the real property located at 2500 North Hollywood Way, as more particularly described in Attachment A.

"Subsequent Applications" shall mean applications submitted by Applicant after the Effective Date for additional land use approvals, entitlements, or permits necessary or desirable for development of the Project as proposed. Subsequent Applications may include, without limitation, applications for the amendment of any Project Approvals.

ARTICLE 3.

OBLIGATIONS OF APPLICANT AND CITY

Section 3.01. Obligations of Applicant. In consideration of the City entering into this Agreement, and as an inducement for the City to obligate itself to carry out the covenants and conditions set forth in this Agreement, and to effectuate the promises, purposes and intentions set forth in this Agreement, the Applicant hereby agrees as follows:

(a) Compliance with Agreement and Project Approvals. The Applicant shall comply with this Agreement and the Project Approvals, as may be amended or modified in accordance with this Agreement. The Parties acknowledge that the execution of this Agreement by the City is material consideration for the Applicant's acceptance of, and agreement to comply with, the terms and conditions of this Agreement and the Project Approvals. Nothing in this Section shall limit the Applicant's right to appeal or otherwise challenge a decision of the City to the extent permitted by applicable law or this Agreement.

Section 3.02. Obligations of City. In consideration of the Applicant entering into this Agreement, and as an inducement for the Applicant to obligate itself to carry out the covenants and conditions set forth in this Agreement, and to effectuate the promises, purposes and intentions set forth in this Agreement, the City hereby agrees as follows:

(a) Compliance with Agreement and Project Approvals. The City shall comply with this Agreement and the Project Approvals, and shall process and act on all Project Approvals and Subsequent Applications as provided in this Agreement, and pursuant to the Existing Development Regulations, subject to the terms, conditions, and exceptions set forth herein.

ARTICLE 4.

DEVELOPMENT OF PROJECT AND PROJECT SITE

Section 4.01. Vested Right to Develop. Subject to the terms and conditions stated herein, Applicant shall have the vested right (but not the obligation) to develop the Project, in whole or in phases as permitted by this Agreement, as described in Attachment B, on the Project Site as a planned development in accordance with this Agreement, the Project Approvals, and the Existing Development Regulations. The City shall use good faith and reasonable efforts to process all development permits and other approvals required to develop the Project in accordance with this Agreement, the Project Approvals, and the Existing Development Regulations. Except where discretionary review is expressly required by this Agreement or applicable law, subsequent permits necessary to implement the Project as approved shall be processed ministerially to the extent permitted by law. The Project shall not be subject to the application of any subsequent building moratoria or restrictions on development that are inconsistent with this Agreement, including, but not limited to, those related to or affecting the rate, timing, phasing, or sequencing of construction of the Project.

Section 4.02. Existing Development Regulations.

(a) General Rule and Exception.

(1) In accordance with Government Code Section 65866, the City and the Applicant, each to the extent legally permissible, agree that during the Term of this Agreement, the Existing Development Regulations and the Project Approvals shall govern the Project and Project Site with respect to, including, without limitation, design, density, floor area ratio (FAR), grading, construction, remodeling, and reconstruction. Except as otherwise provided in this Agreement, no amendment to, revision of, or addition to any Existing Development Regulation, without the Applicant's written approval, whether adopted or approved by the City Council or any office, board, or other agency of the City, or by the people of the City through referendum or initiative measure, shall be effective or enforceable by the City with respect to the Project or Project Site, except as expressly provided in this Agreement.

(2) Notwithstanding the foregoing, the City has the absolute right to apply the following new rules, regulations, ordinances, and official policies, which may conflict with the Existing Development Regulations to the Project and the Project Site:

a) The California Building Standards Code in effect at the time of application for any building permit shall apply to such building permit. The edition of the California Building Standards Code applied to the Project shall remain in effect, provided that:

i. The building permit application remains active and has not expired pursuant to the Burbank Municipal Code; and

ii. If a building permit application expires and cannot be extended or renewed, a new building permit application shall be required, and the edition of the California Building Standards Code in effect at the time of the new application shall apply to the Project; and

iii. The Project shall comply with any subsequently enacted state or federal building standard, law, or regulation that is required by law to apply to the Project regardless of the date of the applicable building permit application.

b) Changes in state or federal law pursuant to Section 4.03(d) of this Agreement;

c) New or amended health and safety laws or regulations to the extent the City finds, based upon substantial evidence in the record, that such laws or regulations are necessary to address an imminent threat to the health and safety of the public related to the Project and Project Site, provided that such laws or regulations are generally applicable to all properties in the City.

(b) Police Power. The City, through the exercise of its police power, shall not establish, enact, increase, or impose any laws, ordinances, rules, regulations, or official policies applicable to the Project or Project Site that conflict with the Existing Development Regulations or the Project Approvals, except as authorized herein.

(c) Mitigation Measures Pursuant to CEQA. In connection with the City's review of any Subsequent Application or proposed modification to the Project, and to the extent permitted or required by CEQA, the City shall promptly commence and diligently process any environmental review required by CEQA. The Parties acknowledge that the Environmental Impact Report ("EIR"), Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program ("MMRP") adopted for the Project (included as Attachment H to this Agreement) adequately disclose and analyze the environmental impacts of the Project as approved, including the mitigation measures applicable to the Project. Nothing in this Agreement shall require additional CEQA review except to the extent such review is required by CEQA in connection with a Subsequent Application or modification to the Project.

Except as required by CEQA in connection with a Subsequent Application or modification to the Project, the City shall not impose additional mitigation measures on the Applicant beyond those set forth in the Conditions of Approval, the MMRP, and this Agreement.

(d) New Laws. Notwithstanding any other provision of this Agreement, this Agreement shall not preclude the City or the voters in the City, by subsequent action, from enacting or imposing any New Law that does not conflict with the Existing Development Regulations or the Project Approvals (the "Non-Conflicting New Law"). Non-Conflicting New Law(s) may include: (1) imposition of new or increased taxes, or city or area-wide assessments; (2) New Laws that are found by the City, based upon substantial evidence in the record, to be necessary to protect the health and safety of the public and that are generally applicable to all properties in the City; and (3) zoning ordinances that regulate the manner in which business activities may be conducted or prohibit a particular type of business activity on a citywide basis, provided that such ordinances or regulations do not conflict with the uses permitted by the Project Approvals on the date of their enactment. To the extent any such conflicts occur, the Project shall be deemed a legal nonconforming use.

All City actions applying any New Law to the Project or Project Site shall be consistent with this Agreement, the Existing Development Regulations, and the Project Approvals. If the City denies any Subsequent Application on the basis that it does not comply with a New Law that is consistent with this Agreement, the City shall follow the applicable procedures set forth in Section 4.03 of this Agreement.

(e) Processing Fees. Pursuant to law, including without limitation, Government Code Sections 66005, 66013, 66014, and 66016 (or any successor statutes), the City shall charge the Applicant only those application and processing fees that represent the reasonable costs to the City of processing Subsequent Application and other applications submitted pursuant to this Agreement (the "Processing Fees"). The City may charge the Applicant the Processing Fees in effect on a citywide basis at the time an application is submitted.

(f) Impact Fees. Applicant shall pay City development impact fees as set forth in BMC Section 10-1-2201 et seq., at the applicable rates, in effect as of the Effective Date (the "Development Impact Fees"). The Development Impact Fees shall be payable no later than the issuance of a certificate of occupancy for any portion of the Project. Following expiration or termination of this Agreement, the Applicant shall pay all applicable City development impact fees then in effect at the time of issuance of a building permit for the Project. The City shall not impose any new categories of City development impact fees or increases to the vested Development Impact Fee rates during the Term of this Agreement. Nothing in this subsection will limit the City's ability to impose any other fees unrelated to these defined Development Impact Fees. These other fees include Processing Fees, Utility Fees, or other fees, charges, dedications, easements, conditions, or improvements expressly authorized by this Agreement, the Project Approvals, applicable state or federal law, or required in connection with a Subsequent Application initiated by the Applicant.

(g) Utility Fees. Except as otherwise stated in this Agreement, the Applicant shall pay to the City all applicable standard and non-discriminatory utility fees, rates, charges, and costs, including, but not limited to, hook-up charges and aid-in-construction fees, in accordance with the applicable electrical, water or other utility rates and rules in effect at the time of application for service or as otherwise set forth in a separate agreement between the Applicant and the City. Utility fees, rates, charges, and costs are not vested by this Agreement and may be adjusted during the Term

in accordance with the City's applicable utility rates and rules. Utility Fees shall not be due prior to the issuance of a building permit for the project.

(h) Dedications. Except as otherwise expressly provided for in this Agreement or the Project Approvals, the City shall not require the Applicant to dedicate any real property or grant any easement other than dedications and easements required by the Conditions of Approval or otherwise expressly required by the Project Approvals.

(I) Insurance. Before beginning construction on the Project Site, and when actual work on the Project is being performed by the Applicant, its contractors, or subcontractors, the Applicant shall obtain and shall keep in force the insurance described in subsections below. The City (including its respective directors, officers and employees), to the extent such parties have insurable interests, shall be included as an additional insured under all of the policies set forth below. The endorsement shall further provide that the insurer shall provide thirty (30) days written notice to the City prior to any cancellation, except ten (10) days written notice for cancellation for non-payment. Said insurance shall include:

(1) Workers' Compensation and Employer's Liability Insurance for all persons employed by the Applicant at the Project Site. The Applicant shall require its general contractor and each subcontractor to maintain Workers' Compensation and Employer's Liability Insurance for all employees employed by the general contractor or subcontractor at the Project Site. The Applicant agrees to indemnify the City and its officers, agents, employees and representatives, for any damage resulting from failure to obtain and maintain such insurance.

(2) Commercial General Liability Insurance having a limit of Five Million Dollars ($5,000,000) per occurrence, providing coverage for general liability (bodily injury and property damage), blanket contractual liability, and personal injury.

(3) Automobile Liability Insurance, including owned, hired and non-owned vehicles, having a combined single limit of One Million Dollars ($1,000,000).

Section 4.03. Cooperation/Implementation.

(a) City Efforts.

(1) To the maximum extent permitted by law, the City shall use good faith and reasonable efforts to prevent any New Law from invalidating all or any part of this Agreement and the Project Approvals. The City agrees to use good faith and reasonable efforts with the Developer to keep this Agreement in full force and effect. The City makes no representation as to the applicability of prevailing wage laws to any portion of the Project.

(2) The Applicant reserves the right to challenge any New Law should it become necessary to protect the development rights vested in the Project and Project Site pursuant to the Existing Development Regulations and this Agreement.

(b) Covenant of Good Faith and Fair Dealing. The City and the Applicant shall use good faith and reasonable efforts and shall take and employ all necessary actions to ensure that the Applicant's vested rights to develop the Project and Project Site, secured through this Agreement, can be enjoyed, and that the Applicant's financial and other obligations that benefit the City can be permitted.

(c) Life of Project Approvals. The term of the Project Approvals (including, without limitation, the Planned Development and the Development Review [but not including permits issued for the construction of the Project]) shall automatically be extended for the longer of: (1) the Term of this Agreement; or (2) the term normally applicable to such Project Approval under controlling law.

(d) Changes in the State and Federal Law. Pursuant to Government Code Section 65869.5, and notwithstanding any other provision of this Agreement, this Agreement shall not preclude the application to the Project Site of any new law that is required by changes in state or federal laws or regulations ("Changes in the Law"), the terms of which are specifically required to be applied to developments such as the Project. The City shall not apply to the Project any such law or regulation that is inconsistent with this Agreement until the Community Development Director makes a finding that such law or regulation is necessary to comply with such Changes in the Law. In the event the Changes in the Law prevent or preclude compliance with one or more provisions of this Agreement, such provisions of the Agreement shall be modified or suspended as may be necessary to comply with the Changes in the Law, and City and Applicant shall take such action as may be required pursuant to this Agreement.

(e) Timing of Project Construction and Completion. The Applicant may develop the project in one (1) or two (2) phases, subject to the requirements of this Agreement and the Project Approvals. If developed in two phases, Phase I shall include demolition of existing pavement and construction of the proposed parking structure, and Phase II shall include demolition of existing pavement and construction of the proposed hotel. The offsite improvements required under this Agreement and the Conditions of Approval shall be completed prior to issuance of a certificate of occupancy for the proposed hotel.

Except as otherwise expressly required by this Agreement or the Project Approvals, the Applicant may determine the timing of construction of the Project within the Term of this Agreement.

(f) Processing.

(1) Upon submission by the Applicant of all appropriate applications and processing fees for any Subsequent Application (such applications and processing fees are collectively referred to herein as the "Application"), the City shall promptly commence and diligently complete all steps necessary to process and act on the Application, including, without limitation: (a) notice and holding of all required public hearings, if required pursuant to the Existing Development Regulations or this Agreement; and (b) action on the Application in accordance with this Agreement, the Existing Development Regulations, and applicable law.

(2) The City may deny an Application only if the Application does not comply with this Agreement, the Existing Development Regulations, the Project Approvals, or other applicable law permitted to be applied pursuant to this Agreement. The City, upon satisfactory completion by the Applicant of all required administrative procedures, actions and payments of appropriate processing fees, if any, shall, in a timely fashion, proceed to complete all required steps necessary for the implementation of this Agreement and the development by the Applicant of the Project and the Project Site. Concurrent with each application for a building permit, the Applicant shall provide the City with a compliance certificate ("Certificate") in a form approved by the Community Development Director, which shall describe the Application's consistency with the Project Approvals. The Certificate shall be distributed to relevant City departments for review. The City shall use its best efforts to complete the first review within sixty (60) days of submission of a complete Certificate and complete application for building permit. The City shall use its best efforts to complete subsequent reviews within thirty (30) days of resubmission of a complete Certificate and complete application for building permit.

(3) If the City denies any such Application on the basis that it does not comply with a New Law, the New Law must be one that may lawfully be applied to the Project pursuant to this Agreement, and the City shall specify in writing the basis for its decision. The City and the Developer shall, with due diligence and in good faith, cooperate to identify reasonable modifications, rather than denying any Applications for Project Approvals, whenever reasonably possible. Article 5 of this Agreement provides further processing guidelines.

(4) The Applicant shall provide the City, in a timely manner, all documents, applications, plans, payments of appropriate processing fees, if any, and other information necessary for the City to carry out its obligations under this Agreement, and shall cause the Applicant's planners, engineers, and all other consultants to submit, in a timely manner, all required materials and documents. It is the express intent of the Applicant and the City to cooperate and diligently work to process Applications necessary in connection with the development of the Project and Project Site.

(g) Other Governmental Permits. Subject to the Applicant's rights under Section 4.03(e), the Applicant shall apply in a timely manner for such other permits, approvals, grants, agreements, and other entitlements ("Other Governmental Permits") as may be required by other agencies having jurisdiction over, or in connection with the development of, or provision of services to, the Project or Project Site. The City shall reasonably and expeditiously cooperate with the Applicant in connection to obtaining such Other Governmental Permits.

Section 4.04. Permitted Uses and Development Standards. The permitted uses, density and intensity of use, maximum height, and other development standards and provisions for reservation or dedication of land and other terms and conditions of development applicable to the Project shall be as set forth in the Project Approvals, including the Conditions of Approval (Attachment D), PD-2026-1 Zoning Regulations (Attachment E), and Approved Project Plans (Attachment F), and as otherwise provided in this Agreement.

Section 4.05. Project Approvals Independent. The Project Approvals constitute independent actions and approvals by the City. If any provision of this Agreement, or the application of any provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid or unenforceable, or if this Agreement terminates for any reason, then such invalidity, unenforceability, or termination of this Agreement or any part hereof shall not, by itself, affect the validity or effectiveness of the Project Approvals or other land use approvals and entitlements previously granted by the City. In such cases, such approvals and entitlements will remain in effect pursuant to their own terms, provisions, Conditions of Approval and applicable law.

Nothing in this Section shall preclude the Applicant from filing new entitlement applications if any Project Approvals or other entitlement expires. Any such application shall be reviewed in accordance with the laws, regulations, and procedures applicable at the time the application is submitted, unless otherwise expressly provided by this Agreement or applicable law. The provisions of this Section 4.05 relating to the continued validity of Project Approvals previously granted by the City shall survive the expiration or termination of this Agreement.

ARTICLE 5.
AMENDMENT

Section 5.01. Amendment of the Project Approvals. The Project Approvals may be amended or modified from time to time in accordance with this Section 5.01. Notwithstanding the foregoing, any amendment or modification to this Agreement shall be processed in accordance with Section 5.02 of this Agreement.

(a) Administrative Amendment to the Project Approvals. Upon the written request of the Applicant, the Community Development Director or their designee shall determine whether a requested amendment or modification to the Project Approvals (a "Project Approvals Amendment") constitutes a Minor Change, as defined in Article 2 of this Agreement.

If the Community Development Director determines that the Project Approvals Amendment constitutes a Minor Change it shall be treated as an "Administrative Amendment," and may be approved by the Community Development Director without a public hearing. Once approved, the applicable Project Approvals and any affected attachment to this Agreement shall be deemed amended to reflect the approved Administrative Amendment. A memorandum shall be recorded to reflect the Administrative Amendment.

Notwithstanding the foregoing, no Administrative Amendment will become effective until after thirty (30) days' notice has been provided to the City Council and posted in the same manner as a City Council Agenda. If a member of the City Council requests consideration of the Administrative Amendment within the 30-day notice period, the Administrative Amendment shall not become effective unless there is a final determination by the City Council approving it. In the event City Council requests consideration of an Administrative Amendment, staff shall agendize the matter for City Council discussion within 30 days of such request or as soon as reasonably practical following such request.

The 30-day notice period shall not apply to an Administrative Amendment that the Community Development Director determines in writing is necessary to address an immediate health or safety concern, or to avoid a material delay to active Project construction resulting from unforeseen site or construction conditions, City-required modifications, or other circumstances not caused by or within the reasonable control of the Applicant, and that otherwise satisfies all requirements for an Administrative Amendment under this subsection. Such Administrative Amendments shall become effective upon approval by the Community Development Director, provided that notice of the decision is subsequently provided to the City Council within 30-days of said decision.

This subsection shall not apply to certain proposed changes to the Approved Project Plans, which shall be processed pursuant to Section 5.01(c).

(b) Non-Administrative Amendment to the Project Approvals. A requested Project Approvals Amendment that does not constitute a Minor Change, pursuant to Section 5.01(a), shall be considered a "Non-Administrative Amendment" and shall be reviewed and processed in accordance with BMC Section 10-1-19133, or any successor provision that replaces or supersedes that section, this Agreement, and all other applicable laws and regulations.

This subsection shall not apply to certain proposed changes to the Approved Project Plans, which shall be processed pursuant to Section 5.01(c).

(c) Amendment to the Approved Project Plans. Proposed revisions to the Approved Project Plans ("Changes to the Approved Project Plans") shall be classified and processed as either a Minor Change or Major Change, as provided below.

(1) Minor Change to the Approved Project Plans. If the Community Development Director determines that a proposed Change to the Approved Project Plans constitutes a Minor Change, as defined in Article 2 of this Agreement, the Community Development Director may approve the revised plans without a public hearing, subject to the requirements of this Agreement and applicable law. The decision of the Community Development Director shall be final unless appealed to the Planning Commission within fifteen (15) calendar days after the date of the decision.

Notwithstanding the foregoing, the Community Development Director may, at their discretion, refer a proposed Minor Change to the Planning Commission for consideration and decision. The matter shall be presented to the Planning Commission as a staff report and shall not require a public hearing. The Planning Commission's decision shall be final unless appealed to the City Council within fifteen (15) calendar days after the date of the decision.

Before any decision of the Community Development Director or Planning Commission becomes final under this subsection, notice of the decision shall be provided by posting in the same manner as agendas and by publication at least ten (10) calendar days prior to the end of the applicable appeal period.

The 15-calendar day appeal period shall not apply to a Minor Change to the Approved Project Plans that the Community Development Director determines in writing is necessary

to address an immediate health or safety concern, or to avoid a material delay to active Project construction resulting from unforeseen site or construction conditions, City-required modifications, or other circumstances not caused by or within the reasonable control of the Applicant, and that otherwise satisfies all requirements for a Minor Change to the Approved Project Plans under this subsection. Such Minor Change to the Approved Project Plans shall become effective upon approval by the Community Development Director, provided that notice of the decision is subsequently provided by posting in the same manner as agendas and by publication within ten (10) business days from the decision date.

The City agrees that notwithstanding the foregoing, whenever possible, in the interest of expediting the Project for the benefit of both the Applicant and the City, the City shall use its best efforts to make all determinations regarding the Changes to the Approved Project Plans promptly and in accordance with this Agreement.

(1) Major Change to the Approved Project Plans. If the Community Development Director determines that a proposed Change to the Approved Project Plans constitutes a Major Change, as defined in Article 2 of this Agreement, the proposed change shall be processed as a Non-Administrative Amendment pursuant to Section 5.01(b).

Section 5.02. Amendment of This Agreement.

(a) Generally. This Agreement may be amended from time to time, in whole or in part, by mutual consent of the Parties or their successors in interest, in accordance with BMC Section 10-1-19133, or any successor provision that replaces or supersedes that section, this Agreement and applicable law, including Government Code Sections 65867, 65867.5, and 65868.

(b) Administrative Amendment to this Agreement. Notwithstanding Sections 5.01 and 5.02(a), the Community Development Director may approve a minor, technical, or non-substantive amendment to this Agreement that does not materially modify the rights or obligations of either party and that does not materially modify: (1) the Term; (2) provisions relating to reservation and dedication of land, or conditions, terms, restrictions, and requirements applicable to subsequent discretionary actions; (3) monetary contributions, public benefits, or other financial obligations of the Applicant pursuant to this Agreement; or (4) any Conditions of Approval.

Administrative Amendments to this Agreement shall be processed pursuant to Section 5.01(a).

ARTICLE 6.

COOPERATION IN THE EVENT OF LEGAL CHALLENGE

In the event of any administrative or legal action, or other proceeding challenging the validity or legality of any of the Project Approvals, environmental determination under the California Environmental Quality Act or National Environmental Policy Act, or this

Agreement (a "Challenge"), the Applicant shall agree that the Applicant, including their successors and assignees, will defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action or proceeding brought against the City, its agents, officers, or employees to attack, set aside, void or annul any such approval of the City, or any action taken to provide an environmental determination under the California Environmental Quality Act or National Environmental Policy Act by its agents, officers, employees, agencies, commissions, or City Council. The indemnification shall include damages awarded against the City, if any, cost of suit, attorney's fees, administrative expenses, and other costs and expenses incurred in connection with such action, including, but not limited to, all such City costs and expenses incurred by enforcing this indemnification provision. The obligations set forth in this Article shall apply to Challenges to the Project Approvals, this Agreement, and any Subsequent Applications or approvals relating to the Project, whether or not substantially similar indemnification language is separately included in the applicable approval or Conditions of Approval.

If a claim, action, or proceeding described above is brought, the City shall promptly notify the Applicant of the existence of the claim, action or proceeding and the City shall reasonably cooperate in the defense of such claim, action, or proceeding. Nothing in this Article shall prohibit the City from participating in the defense of any Challenge. In the event that the Applicant is required to defend the City in connection with any Challenge, the City shall retain the right to: (1) approve the counsel to so defend the City; (2) approve all significant decisions concerning the manner in which the defense is conducted; and (3) approve any and all settlements, which approval shall not be unreasonably withheld. The City shall also have the right not to participate in such defense, except that the City agrees to cooperate with the applicant in the defense of such Challenge.

In the event City must bring legal action against Applicant to enforce this Article, the City shall be entitled to all reasonable attorneys' fees and costs incurred in such action.

The filing of a third-party Challenge against the City or the Applicant relating to this Agreement or to other development issues affecting any portion of the Project site or the Project shall not hinder, delay or stop the development, processing or construction of the Project, processing or approval of any Subsequent Applications, or issuance of ministerial permits or approvals, unless the third party obtains a court order preventing the activity.

ARTICLE 7.
DEFAULT; REMEDIES; TERMINATION

Section 7.01. General Provisions.

(a) Failure or unreasonable delay by the Applicant to perform any term, provision, or condition of this Agreement for a period of ninety (90) days after written notice thereof in accordance with Article 10 (a "Notice of Default") from the City shall constitute a default under this Agreement, subject to extensions of time only by mutual consent in writing. The time of notice shall be measured from the date of certified mailing. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time in which said default must be satisfactorily cured. If the nature

of the alleged default is such that it cannot reasonably be cured within such 90-day period, the commencement of the cure within such time period and the diligent prosecution of the cure to completion shall be deemed a cure within such period.

(b) During any period of curing, the Applicant shall not be considered in default for the purposes of termination or institution of legal proceedings. If the default is cured, then no default shall exist, and the noticing party shall take no further action.

(c) Subject to the foregoing, after notice and expiration of the 90-day period without cure or commencement of cure in accordance with Section 7.01(a), the City, at its option, may institute legal proceedings pursuant to this Agreement and may give notice of intent to terminate this Agreement pursuant to Government Code Section 65868. Following such notice of intent to terminate, the matter shall be scheduled for consideration and review by the Planning Commission and City Council in the manner set forth in Government Code Sections 65865, 65867, and 65868, and Burbank Municipal Code Sections 10-1-19115 and 10-1-19116.

(d) Following consideration of the evidence presented in said review before the City Council, if the City Council terminates this Agreement, the City shall give written notice of termination of this Agreement to the Applicant by certified mail. Written notice of termination of this Agreement shall be effective immediately upon certified mailing to the defaulting party.

(e) Evidence of the Applicant's default may arise in the regularly scheduled Annual Review of this Agreement as described in Section 7.02.

(f) If the City fails to process or act upon a Subsequent Application within the time periods required by this Agreement, or the City otherwise defaults under the provisions of this Agreement, the Applicant shall provide the City with written notice of such default in accordance with Article 10. If the City fails to cure the default within ninety (90) days after receipt of such notice, subject to any applicable extension under Section 7.03, the Applicant may exercise the remedies available under this Agreement, including the right to terminate this Agreement as provided herein.

In addition to any other remedies of the Applicant, the Applicant may, at its option, terminate or modify the terms of the Agreement to remedy the effect of City's default. If the Applicant desires to terminate or modify the terms of this Agreement, any amendment to this Agreement shall be processed in accordance with Section 5.02 and applicable law. To the extent a requested amendment also requires modification of other Project Approvals or the Approved Project Plans, the applicable provisions of Section 5.01 shall also apply.

Section 7.02. Annual Review.

(a) During the first quarter of each calendar year, beginning with the first full calendar year during the Term of this Agreement, the City shall review the good faith compliance by the Applicant with the terms of this Agreement. This review shall be conducted by the Community Development Director and shall be limited in scope to

compliance with the terms of this Agreement pursuant to California Government Code Section 65865.1, provided that, if the City Council imposes a mitigation, monitoring, and reporting program pursuant to CEQA, which is to be completed simultaneously with the annual review of this Agreement, then the scope of the annual review may include implementation of ongoing mitigation measures that are the Applicant's responsibility pursuant to the Project Environmental Impact Report.

(b) During this review, the Applicant shall be required to demonstrate good faith compliance with the material terms of this Agreement. At the conclusion of this review, the Community Development Director shall in writing make findings and determinations, based on substantial evidence in the record, whether or not the Applicant has complied in good faith with the terms and conditions of this Agreement. If the Community Development Director finds and determines that the Applicant has not complied with such terms and conditions, then the Community Development Director shall deliver to the Applicant a notice of a public hearing before the Planning Commission in accordance with Burbank Municipal Code Sections 10-1-19114 and 10-1-19115, and if applicable, before the City Council in accordance with Burbank Municipal Code Sections 10-1-19115 and 10-1-19116.

(c) The City shall deliver to the Applicant a copy of all staff reports and documents to be used or relied upon in conducting the review and, to the extent practical, related attachments concerning the Applicant's performance hereunder, at least ten (10) days prior to any such periodic review. The Applicant shall be permitted to respond, orally at the public hearing and by written statement, to the City's evaluation of the Applicant's performance.

(d) In the event that the City fails to either (1) conduct the annual review or (2) notify the Applicant in writing (following the time during which the review is to be conducted) of the City's determination as to compliance or noncompliance with the terms of this Agreement and such failure remains uncured as of sixty (60) days following the anniversary of the Effective Date in any year during the Term of this Agreement, such failure shall be deemed an approval by the City of the Applicant's compliance with the terms of this Agreement for that Annual Review period.

(e) With respect to any year for which an Annual Review of compliance with this Agreement is conducted and compliance is approved, or with respect to any year in which the City is deemed to approve of the Applicant's compliance with this Agreement pursuant to the preceding paragraph, the City, upon request of the Applicant, shall provide Applicant with a written Notice of Compliance, pursuant to Article 10 of this Agreement.

Section 7.03. Enforced Delay; Extension of Time of Performance. Performance by either party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, strikes, walk-outs, inability to obtain labor and/or supplies, riots, floods, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the City, enactment of conflicting state or federal laws or regulations, or similar bases for excused performance which are not within the reasonable control of the party to be excused. An administrative

or legal/equitable challenge or proceeding addressing the validity of this Agreement, any other Project Approvals, the EIR, or any permit, approval, agreement or other entitlement or action of a governmental agency necessary or desirable for the development of the Project pursuant to this Agreement shall constitute an excusable delay only to the extent such Challenge actually delays or prevents the Applicant's performance under this Agreement. Upon the request of either party hereto, an extension of time for such cause shall be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon. The Term set forth in Section 1.04 of this Agreement may be extended for the period during which a Challenge actually prevents or materially delays development of the Project, as documented by the Applicant and reasonably determined by the City, or as otherwise mutually agreed upon by the Parties in writing.

Section 7.04. Time is of the Essence. The Parties understand and agree that time is of the essence, and each represent and warrant to carry forth their duties as stated herein in a timely and prompt manner and in accordance with any schedule for determinations, responses or actions that may be applicable or prescribed by this Agreement, applicable codes, statutes, ordinances, and regulations.

Section 7.05. Remedies. In the event that one of the Parties defaults under the terms and conditions of this Agreement, beyond any applicable notice and cure period, the other Party shall have all legal rights, including the right to institute a legal action to cure, correct, or remedy any default, to enforce any covenant or agreement herein, to enjoin any threatened or attempted violation thereof, to recover damages for any default, to enforce by specific performance the obligations and rights of the Parties hereto, or to obtain any other remedies consistent with the purpose of this Agreement, subject to the dispute resolution provisions herein if a dispute as to an interpretation of this Agreement is in issue. In addition, both City and Applicant shall have the right to terminate this Agreement in accordance with Sections 7.01(c) and 7.01(f), respectively.

(a) Dispute Resolution; Issuance of Interpretations by the Community Development Director. Should a dispute arise between the Parties concerning the proper interpretation of this Agreement, the Community Development Director shall issue a written interpretation of the disputed provision of this Agreement within thirty (30) days' receipt of a written request by the Applicant, but only after consultation with the City Attorney, any affected City department, the Applicant and their counsel.

(b) Appeals of Interpretations. The Applicant may appeal any interpretation issued by the Community Development Director, or the failure to timely issue an interpretation, to the Planning Commission, which shall act within forty-five (45) days of receipt of a written appeal. The Applicant may appeal any interpretation adopted by the Planning Commission, or the failure of the Planning Commission to timely adopt an interpretation, to the City Council, which shall act within forty-five (45) days of receipt of a written appeal.

(c) Litigation. If the City Council fails to timely render an interpretation within forty-five (45) days after a written appeal is filed with the City Council by the Applicant, or if the Applicant contests the interpretation adopted by the City Council, the Applicant may institute legal action, including, but not limited to, an action for declaratory

relief pursuant to Code of Civil Procedure Section 1060 et seq., to interpret this Agreement after complying with the administrative procedures of this subsection.

Section 7.06. California Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California. If a legal action is brought by a third party, Article 6 of this Agreement shall apply.

ARTICLE 8.

MORTGAGEE PROTECTIONS

Section 8.01. Encumbrance of Applicant's Interest.

The Applicant shall have the absolute right to encumber and/or collaterally assign or grant a security interest in the Applicant's right, title and interest in, to and under this Agreement and the Project Site pursuant to one or more mortgages or other form of debt or equity financing (each a "Permitted Mortgage"), provided that each such Permitted Mortgage is given for the purpose of securing funds to be used for financing the acquisition of the Project Site or any portion thereof, the construction of the Project thereon, including any offsite improvements, and any other expenditures reasonably necessary and appropriate to develop the Project in accordance with this Agreement. The City acknowledges that a mortgagee may require certain modifications to this Agreement, and the City agrees, upon request, from time to time, to meet with Applicant and/or representatives of any such mortgagee to negotiate in good faith any such request for modification. The City further agrees that it will not unreasonably withhold its consent to any such requested modification to this Agreement provided such modifications are processed in accordance with Article 5 above related to procedures for amendment of this Agreement. Any mortgagee and its successors and assignees shall be entitled to the rights and privileges set forth in this section.

Section 8.02. Mortgagee Protections.

Provided that any mortgagee or beneficiary under a Permitted Mortgage (each, a "Mortgagee") provides the City with a conformed copy of each Permitted Mortgage, which contains the name and address of such Mortgagee, the City hereby covenants and agrees to faithfully perform and comply with the following provisions with respect to such Permitted Mortgage:

(a) No Termination. No action by the Applicant, or the City to cancel, surrender, or materially modify the terms of this Agreement or the provisions of this Article 8 shall be binding upon a Mortgagee without its prior written consent.

(b) Notices. If the City shall give any Notice of Default to the Applicant hereunder, the City shall simultaneously give a copy of such Notice of Default to the Mortgagee at the address designated by it. No Notice of Default given by the City to the Applicant shall be binding upon or affect said Mortgagee unless a copy of said Notice shall be given to Mortgagee pursuant to this Section. In the case of an assignment of such Permitted Mortgage or change in address of such Mortgagee, said assignee or Mortgagee, by written notice to City, may change the address to which such copies of

Notices are to be sent. City shall not be bound to recognize any assignment of such Permitted Mortgage unless and until the City shall be given written notice thereof, a copy of the executed assignment, and the name and address of the assignee. Thereafter, such assignee shall be deemed to be the Mortgagee hereunder with respect to the Permitted Mortgage being assigned. If such Permitted Mortgage is held by more than one person, corporation or other entity, no provision of this Agreement requiring the City to give notices or copies thereof to said Mortgagee shall be binding upon the City unless and until all of said holders shall designate in writing one of their number to receive all such notices and copies thereof and shall have given to the City an original executed counterpart of such designation.

(c) Performance of Covenants. The Mortgagee shall have the right to perform any term, covenant or condition and to remedy any default by the Applicant hereunder within the time periods specified herein, and the City shall accept such performance with the same force and effect as if furnished by the Applicant; provided, however, that said Mortgagee shall not be subrogated to the rights of the City.

(d) Default by the Applicant. In the event of a default by the Applicant, which has not been cured by the Applicant or as to which there is no cure period hereunder, the City agrees not to terminate this Agreement (1) unless and until the City provides written notice of such default to any Mortgagee and such Mortgagee shall have failed to cure such Default within ninety (90) business days after the later of delivery of such notice or expiration of any applicable Applicant cure period, and (2) as long as:

(1) In the case of a default, which cannot practicably be cured by the Mortgagee without taking possession of the Property, (a) the Mortgagee has delivered to the City, prior to the date on which the City shall be entitled to give notice of termination, a written instrument wherein the Mortgagee unconditionally agrees that (subject to such delays as may be incident to obtaining a relief from stay in the case of a bankruptcy/dissolution event) it will commence and diligently pursue cure of such default promptly following its obtaining possession and; (b) said Mortgagee shall proceed diligently to obtain possession of the Property (including possession by receiver) (subject to such delays as may be incident to obtaining a relief from stay in the case of a bankruptcy/dissolution event) and, upon obtaining such possession, shall proceed diligently to cure such default; and

(2) In the case of a default, which is not susceptible of being cured by the Mortgagee, the Mortgagee shall institute foreclosure proceedings and diligently prosecute the same to completion (subject to such delays as may be incident to obtaining a relief from stay in the case of a bankruptcy/dissolution event) (unless in the meantime it shall acquire the Applicant's right, title and interest hereunder, either in its own name or through a nominee, or by assignment in lieu of foreclosure) and upon such completion of acquisition or foreclosure such default shall be deemed to have been cured.

The Mortgagee shall not be required to obtain possession or to continue in possession as Mortgagee of the Property pursuant to Subsection 8.02(d)(1) above, or to continue to prosecute foreclosure proceedings pursuant to Subsection 8.02(d)(2) above, when such default shall be cured. Nothing herein shall preclude the City from exercising

any of its rights or remedies with respect to any other default by the Applicant during any period of such forbearance, but in such event the Mortgagee shall have all of its rights provided for herein. If the Mortgagee, its nominee, or a purchaser in a foreclosure sale, shall acquire title to the Applicant's right, title and interest hereunder and shall cure all defaults that are susceptible of being cured by the Mortgagee or by said purchaser, as the case may be, then prior Defaults which are not susceptible of being cured by the Mortgagee or by said purchaser shall no longer be deemed defaults hereunder.

References herein to defaults that are "not susceptible of being cured" by a Mortgagee or purchaser (or similar language) shall not, be deemed to refer to any default which the Mortgagee or purchaser is not able to cure because of the cost or difficulty of curing such default, but rather shall be deemed to refer only to defaults specifically relating to the identity of the Applicant, which by their nature can be cured only by the Applicant (such as the owner's bankruptcy/dissolution event or an owner control change).

(e) Foreclosure. Foreclosure of any Permitted Mortgage, or any sale thereunder, whether by judicial proceedings or by virtue of any power contained in a Permitted Mortgage, or any conveyance of the Project from the Applicant to a Mortgagee or its designee through, or in lieu of, foreclosure or other appropriate proceedings in the nature thereof, shall not require the consent of the City or constitute a breach of any provision of or a default under this Agreement, and upon such foreclosure, sale or conveyance, the City shall recognize the purchaser or other transferee in connection therewith as the Applicant hereunder provided that such purchaser or transferee assumes, subject to the terms of Section 8.02(d) above, each and all of the obligations of the Applicant hereunder pursuant to an assumption agreement satisfactory to the City. If any Mortgagee or its nominee or assignee shall acquire the Applicant's right, title and interest hereunder as a result of a judicial or non-judicial foreclosure under any Permitted Mortgage, or by means of a deed in lieu of foreclosure, or through settlement of or arising out of any pending or contemplated foreclosure action, such Mortgagee shall thereafter have the right to assign or transfer the Applicant's right, title and interest hereunder to an assignee upon obtaining the City's consent with respect thereto, which consent shall not be unreasonably withheld or delayed. Upon such acquisition of the Applicant's right, title and interest hereunder as described in the preceding sentence by either Mortgagee, or the assignee or nominee of Mortgagee, or the purchaser from Mortgagee, assignee or nominee, the City shall immediately execute and deliver a new agreement or amend this Agreement with such party. Subject to the terms of Section 8.02(d) above, such new agreement or amended Agreement shall be substantially the same in form and content to the provisions of this Agreement, except with respect to the parties thereto, and the elimination of any requirements which have been fulfilled by the Applicant prior thereto, and said agreement shall have priority equal to the priority of this Agreement. Upon execution and delivery of such new agreement or amended Agreement, the City shall cooperate with the new Applicant, at the sole expense of said new Applicant, in taking such action as may be necessary to cancel and discharge this Agreement and to remove the Applicant named herein from the Property.

In no event shall such Mortgagee be liable for any defaults or monetary obligations of the Applicant arising prior to acquisition of title to the Project Site by such Mortgagee, except that any such Mortgagee shall not be entitled to a building permit or occupancy certificate

until all delinquent and current fees and other monetary or nonmonetary obligations due under this Agreement for the Project Site have been satisfied.

(f) Disaffirmation. If this Agreement is terminated by reason of (i) any default or (ii) as a result of a bankruptcy proceeding, this Agreement is disaffirmed by a receiver, liquidator, or trustee for the Applicant or its property, the City, if requested by any Mortgagee, shall negotiate in good faith with such Mortgagee for a new development agreement for the Project with the most senior Mortgagee requesting such new agreement. This Agreement does not require any Mortgagee or the City to enter into a new development agreement pursuant to this Section.

(g) No Obligation to Cure. Except as set forth herein, nothing herein contained shall require any Mortgagee to cure any default of the Applicant referred to above or to construct or complete the construction of the Project, or to guarantee such construction or completion.

(h) Separate Agreement. The City shall, upon request, execute, acknowledge and deliver to each Permitted Mortgagee, an agreement prepared at the sole cost and expense of the Applicant, in form satisfactory to each Permitted Mortgagee, between the City, the Applicant and the Permitted Mortgagees, agreeing to all of the provisions hereof.

(i) Form of Notice. Any Mortgagee under a Permitted Mortgage shall be entitled to receive the notices required to be delivered to it hereunder provided that such Mortgagee shall have delivered to each party a notice substantially in the following form:

> The undersigned, whose address is (to be inserted with notice) does hereby certify that it is the Mortgagee (as such term is defined in that certain Development Agreement dated as of _____ between the City of Burbank and AWH Burbank Hotel II, LLC [the "Development Agreement"]) of the parcels of land described on Attachment "A" attached hereto, which parcels are owned by AWH Burbank Hotel II, LLC. In the event that any notice shall be given of a default of a party to the Development Agreement (a "Party"), a copy thereof shall be delivered to the undersigned who shall have the rights of a Mortgagee to cure the same, as specified in the Development Agreement. Failure to deliver a copy of such notice shall in no way affect the validity of the notice to the Party, but no such notice shall be effective as it relates to the rights of the undersigned under the Development Agreement with respect to the Permitted Mortgage, including the commencement of any cure periods applicable to the undersigned, until actually received by the undersigned.

(j) Estoppel Certificate. The City shall execute an estoppel certificate in form and substance reasonably satisfactory to the Mortgagee or the Applicant, if the Applicant has requested the certificate, upon the reasonable request of the Mortgagee or the Applicant. The Mortgagee or Applicant requesting the estoppel certificate shall apply for the relevant city application and pay associated processing fees. This estoppel

certificate shall be administratively issued by the Community Development Director within a reasonable amount of time.

(k) Limitation of Liability. Upon acquiring title to the Property, the Mortgagee shall have no obligation or liability to the City beyond the Mortgagee's interest, if any, in the Project Site and the City shall look exclusively to such interest in the Project Site for payment and discharge of any obligations imposed upon the Mortgagee under this Agreement or any other document entered into in connection therewith. Mortgagee shall be released and relieved of any liability under the Agreement and under any other document entered into in connection therewith upon the assignment of Mortgagee's rights upon or subsequent to foreclosure of its collateral or acquisition in lieu of foreclosure.

(l) Further Assurances. The City and the Applicant agree to cooperate in including in this Agreement, by suitable amendment, any provision that may be reasonably requested by the Mortgagee or any proposed Mortgagee for the purpose of (i) more fully or particularly implementing the Mortgagee protection provisions contained herein, (ii) adding Mortgagee protections consistent with those contained herein and which are otherwise commercially reasonable, and (iii) allowing such Mortgagee reasonable means to protect or preserve the security interest of the Mortgagee in the collateral, including its lien on the Project Site and the collateral assignment of this Agreement; provided, however, in no event shall the City be obligated to modify any of the Applicant's obligations or the City's rights under this Agreement in any manner not already contemplated in this Article 8.

ARTICLE 9.
MISCELLANEOUS

Section 9.01. No Agency, Joint Venture or Partnership. It is specifically understood and agreed by and between the Parties hereto that the Project and Project Site development is a private development, and that the Applicant shall have full power over and exclusive control of the Project and Project Site, subject only to the obligations of the Applicant under this Agreement. The City and the Applicant hereby renounce the existence of any form of agency relationship, joint venture or partnership between the City and the Applicant and agree that nothing contained herein or in any document executed in connection herewith shall be construed as creating any such relationship between the City and the Applicant.

Section 9.02. Severability. If any term, provision, covenant or condition of this Agreement or the application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the parties.

Section 9.03. Other Necessary Acts. Each party shall execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to carry out this Agreement and other Project Approvals in order to provide and secure to the other party the full and complete enjoyment of its rights and privileges hereunder.

Section 9.04. Construction. Each reference in this Agreement and in the other Project Approvals to this Agreement shall be deemed to refer to the named document or plan as such document or plan may be amended from time to time, whether or not the particular reference refers to such possible amendment. This Agreement has been reviewed and revised by legal counsel for both the City and the Applicant, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

Section 9.05. Other Miscellaneous Terms. The singular shall include the plural; the masculine gender shall include the feminine; "shall" is mandatory; "may" is permissive. If there is more than one signer of this Agreement, the signers' obligations are joint and several.

Section 9.06. Covenants, Easements, No Dedication or Lien. The provisions of this Agreement shall constitute covenants and easements including public easements for utilities and fire access, which shall run with the land comprising the Project Site for the benefit thereof, and the burdens and benefits hereof shall bind and inure to the benefit of each of the parties hereto and all successors in interest to the parties hereto for the Term of this Agreement. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, the title to the Project Site, other than those dedications required herein.

Section 9.07. Cooperation in Carrying Out Agreement. Each Party shall take such actions and execute and deliver to the other all such further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to the other Party the full and complete enjoyment of its rights and privileges hereunder.

Section 9.08. Certificate of Performance. Upon the completion of the Project, or any phase thereof, or upon performance of this Agreement or its earlier revocation and termination, the City shall provide Applicant, upon Applicant's request, with a statement ("Certificate of Performance") evidencing said completion, termination or revocation and the release of Applicant from further obligations hereunder, except for any further obligations which survive such completion, termination or revocation. The Certificate of Performance shall be signed by the appropriate agents of Applicant and the City and shall be recorded against title to the Property in the official records of Los Angeles County, California. Such Certificate of Performance is not a notice of completion as referred to in California Civil Code Section 8182.

ARTICLE 10.
NOTICES

Section 10.01. Method of Notice.

(a) Any notice or communication (hereafter, a "Notice") required hereunder by the City or the Applicant must be in writing, and may be given, by either Party

or its counsel, either personally, by overnight carrier providing receipted delivery (such as Fed Ex or UPS), or by registered or certified mail (return receipt requested). If given by registered or certified mail, a Notice shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as a party to whom Notices are to be sent, or (ii) five (5) days after the registered or certified letter containing such Notice, properly addressed, with postage prepaid, is deposited in the United States mail. If given by overnight carrier or personally delivered, a Notice shall be deemed to have been given when received or refused by the Party to whom it is addressed. A courtesy copy of the Notice may be sent by facsimile or electronic mail transmission. Any Party hereto may at any time, by giving ten (10) days written notice to the other Party hereto, designate any other address in substitution of the address to which such notice or communication shall be given.

(b) Such notices shall be given to the Parties at their addresses set forth below:

If to City to:

City of Burbank
275 E. Olive Avenue
Burbank, CA 91502
Attention: Community Development Director

With a Copy to:

Office of City Attorney
City of Burbank
275 E. Olive Avenue
Burbank, CA 91502
Attention: City Attorney

If to Applicant or Developer, to:

AWH BURBANK HOTEL II, LLC
1040 Avenue of the Americas, 9th Floor
New York, NY 10018
Attention: Timothy Osiecki, President Development

With a Copy to:

AWH BURBANK HOTEL II, LLC
1040 Avenue of the Americas, 9th Floor
New York, NY 10018
Attention: Chad Cooley,

Co-Founder & Managing Partner

ARTICLE 11.
ASSIGNMENT

Section 11.01. Transfers

(a) Applicant may assign or transfer its rights and obligations under this Agreement with respect to the Project Site, or any portion thereof, to any person during the Term of this Agreement upon City's approval of an Assignment and Assumption Agreement between Applicant and its assignee(s) that clearly delineates the parties' obligations for construction of all offsite improvements, implementation of all mitigations measures and remedial action plans, and the construction, operation and maintenance of all public benefits set forth in this Agreement, the Conditions of Approval and the Mitigation, Monitoring, and Reporting Program.

ARTICLE 12.
ENTIRE AGREEMENT, COUNTERPARTS' ATTACHMENTS, RECORDING

Section 12.01. Generally. This Agreement that consists of ___ pages and 5 attachments, constitutes the final and exclusive understanding and agreement of the Parties, and supersedes all negotiations and any previous agreements between the Parties with respect to all or any part of the subject matter hereof.

Section 12.02. Waivers. All waivers of the provisions of this Agreement shall be in writing and signed by the Parties.

Section 12.03. Attachments. The following attachments are attached to this Agreement and incorporated herein for all purposes:

Attachment A – Project Site Legal Description

Attachment B – Project Description

Attachment C – Amendment to the Zoning Map

Attachment D – Conditions of Approval

Attachment E – Planned Development 2026-1: Planned Development Zoning Regulations

Attachment F – Approved Project Plans

Attachment G – Sections of the Burbank Municipal Code Referenced in the Planned Development 2026-1, Planned Development Zoning Regulations

Attachment H – Mitigation, Monitoring, and Reporting Program (MMRP): Project Mitigation Measures

Section 12.04. Recordation of Agreement. No later than ten (10) days after the Effective Date, the City Clerk shall record at the Developer's expense an executed original of this Agreement in the Official Records of the County of Los Angeles.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto on the day and year first above written.

"CITY" "OWNER"	"APPLICANT", "DEVELOPER" and
CITY OF BURBANK, a municipal corporation	AWH BURBANK HOTEL II, LLC a Delaware Limited Partnership
Justin Hess City Manager	By: _ Its:
	By: _ Its:

ATTEST:

_____, City Clerk

APPROVED AS TO FORM FOR CITY
Office of the City Attorney

By: Kane Thuyen
Senior Assistant City Attorney

ACKNOWLEDGMENT FOR
CITY OF BURBANK

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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

On , before me, , Notary Public, personally appeared , who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

(SEAL)

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

On , before me, , Notary Public, personally appeared , who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(SEAL)

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

On , before me, _ , Notary Public, personally appeared , who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(SEAL)

ATTACHMENT A

PROJECT SITE
LEGAL DESCRIPTION

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

Parcel A:

Parcel 1 of Parcel Map No. 24868, in the City of Burbank, County of Los Angeles, State of California, as shown on map filed in book 279 pages 84 to 86 of Parcel Maps, in the Office of the County Recorder of said County.

Parcel B:

Non-exclusive easements over Parcel 2 of the above referenced Parcel Map set forth in Reciprocal Parking and Maintenance Agreement ("Reciprocal Agreement") recorded December 24, 1997 as Instrument No. 97-2019758 for Pedestrian, Vehicular Ingress and Egress and Parking on the terms and conditions set forth therein.

Assessor's Parcel Number: 2464-004-015

ATTACHMENT B

PROJECT DESCRIPTION

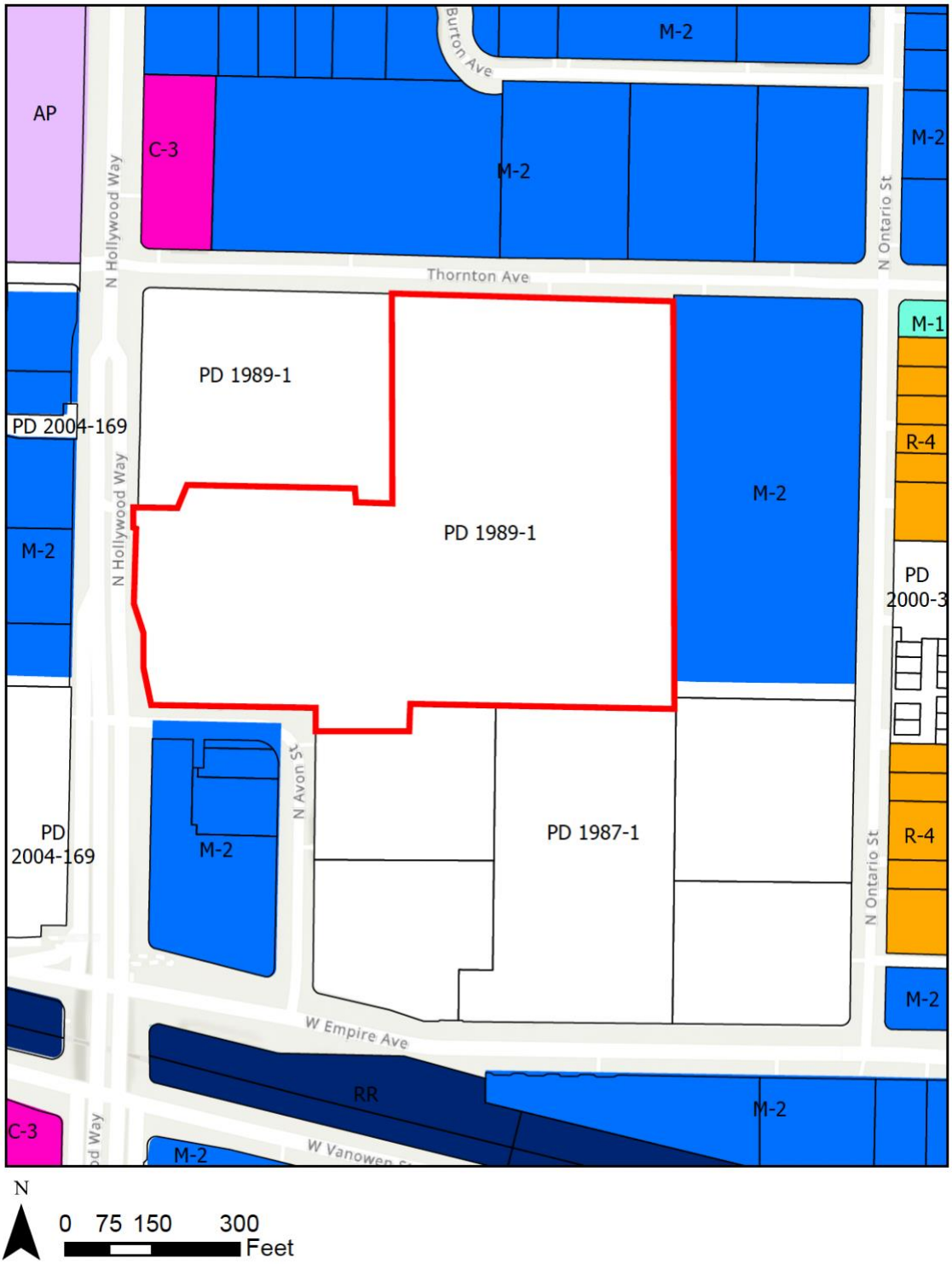
A PLANNED DEVELOPMENT (PD 2026-1), TEN-YEAR DEVELOPMENT AGREEMENT, AND DEVELOPMENT REVIEW PERMIT (PROJECT NO. 16-000395) FOR A NEW SEVEN-STORY DUAL BRAND HOTEL WITH 420 ROOMS (THE HOTEL), CONSISTING OF APPROXIMATELY 262,338 SQUARE FEET, AND A SEPARATE DETACHED FOUR-STORY PARKING GARAGE (THE GARAGE). THE GARAGE WOULD CONSIST OF 208,040 SQUARE FEET OF PARKING, PROVIDING UP TO 766 PARKING SPACES OF VALET PARKING, WITH AN ADDITIONAL 285 PARKING SPACES AT GRADE (TOTAL OF 1,051 PARKING SPACES PROVIDED). THE PROPOSED HOTEL AND GARAGE WOULD BE LOCATED WITHIN THE SAME PARCEL AS A SEPARATE AND EXISTING 488 ROOM MARRIOTT HOTEL AND AN EXISTING CONVENTION CENTER OF 39,000 SQUARE FEET. NO CHANGES TO THE EXISTING 488 ROOM MARRIOTT HOTEL AND 39,000 SQUARE FEET CONVENTION CENTER ARE PROPOSED. ADDITIONALLY, LARGER EVENTS WOULD OCCUR ON THE PROPERTY APPROXIMATELY FOUR TIMES PER YEAR. THESE EVENTS WOULD OCCUR ON THE SOUTHEASTERN CORNER OF THE PROPERTY, WITHIN THE PARKING AREA EAST OF THE CONVENTION CENTER. SUFFICIENT PARKING CAPACITY WOULD BE PROVIDED FOR THESE EVENTS THROUGH THE IMPLEMENTATION OF PARKING MANAGEMENT PLANS AND/OR THE SECURING OF OFFSITE PARKING DURING THE DAYS OF EACH EVENT. FURTHER, THE PROJECT INCLUDES CONSTRUCTION OF OFFSITE PUBLIC IMPROVEMENTS (SIDEWALKS, BICYCLE LANES AND UTILITY IMPROVEMENTS) ALONG THORNTON AVENUE, AVON STREET AND OTHER SURROUNDING STREETS. THE PROJECT APPROVAL INCLUDES CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT, AND ADOPTION OF FINDINGS OF FACTS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION, MONITORING, AND REPORTING PROGRAM.

THE PROJECT IS LOCATED ON A 11.76 ACRE SITE AT 2500 NORTH HOLLYWOOD WAY IN BURBANK, CALIFORNIA.

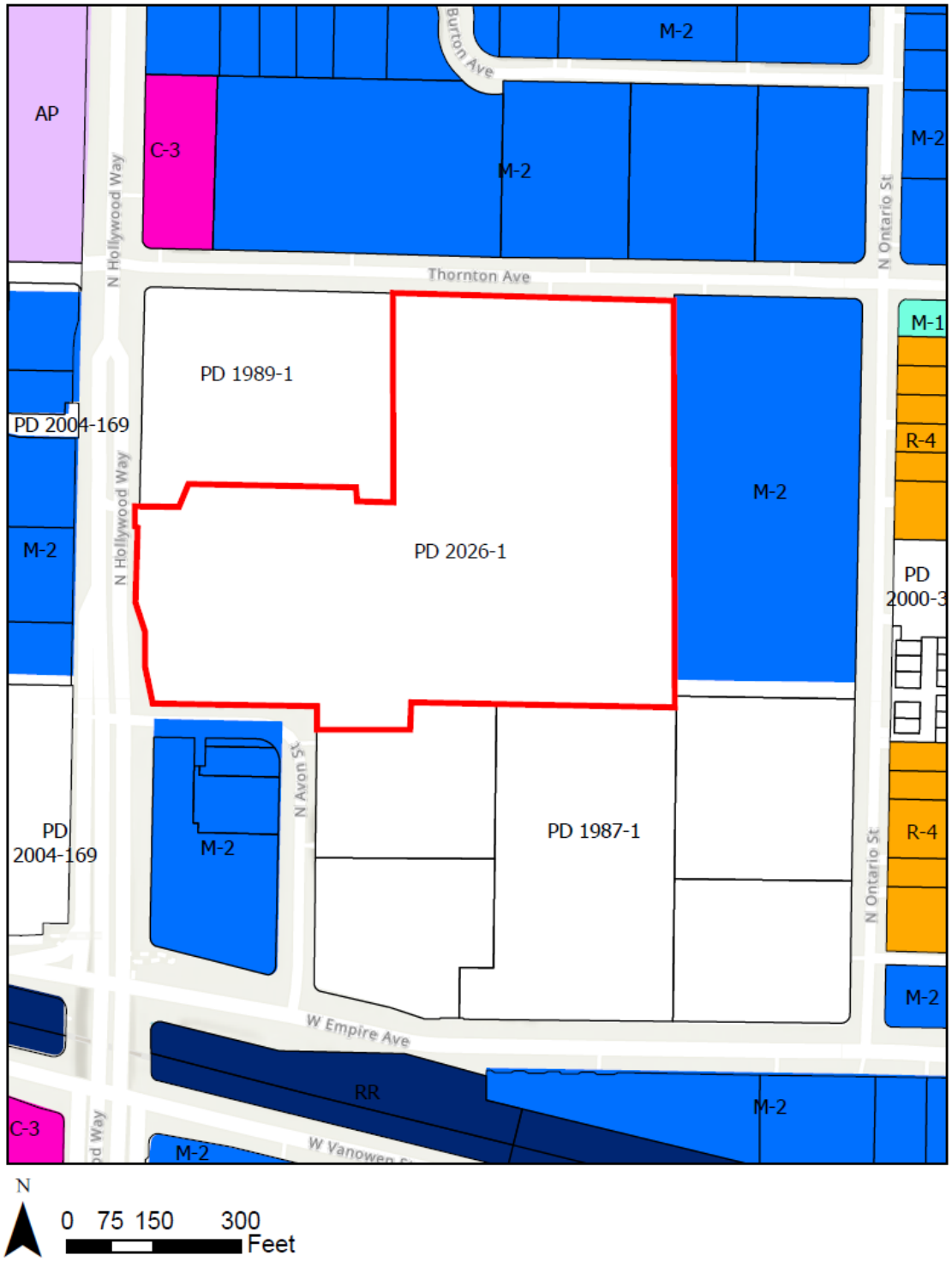
ATTACHMENT C

AMENDMENT TO THE ZONING MAP

EXISTING ZONING DESIGNATION



PROPOSED ZONING DESIGNATION



ATTACHMENT D

CONDITIONS OF APPROVAL

PROJECT NO. 16-0003953
PLANNED DEVELOPMENT (PD 2026-1), DEVELOPMENT AGREEMENT AND DEVELOPMENT REVIEW
(2500 NORTH HOLLYWOOD WAY – AWH BURBANK HOTEL II, LLC)

GENERAL AND ADMINISTRATIVE

1. Project 16-0003953 (Planned Development No. 2026-1, Development Agreement and Development Review) allows for the construction of a new seven-story dual-brand hotel (the Hotel), consisting of 420 rooms and a separate, detached four-story parking garage (the Garage). The Garage would consist of valet-only parking, providing up to 766 parking spaces. An additional 285 parking spaces would be provided outside of the parking garage as surface parking. A total of 1,051 parking spaces would be provided on-site. The proposed Hotel and Garage would be located within the same parcel as the existing Marriott Hotel. No changes to the existing Marriott Hotel are proposed. Additionally, larger events would occur on the property approximately four times per year. These events would occur on the southeastern corner of the property, within the parking area east of the convention center. Parking for such events shall be provided through the implementation of parking management plans and/or the securing of temporary offsite parking during the days of each event.

2. Development and operations on the Project Site shall remain in substantial conformance with the Approved Project Plans approved by the City Council and dated _____, 20___, and included as Attachment F to the Development Agreement, as well as the Conditions of Approval, Planned Development No. 2026-1 Zoning Regulations, and Development Agreement. Any proposed modification to the Approved Project Plans or Project Approvals shall be reviewed and processed in accordance with Article 5 of the Development Agreement.

3. Applicant shall comply with all Federal, State, and local laws. Violations or convictions of any of those laws in connection with the use could lead to revocation of this Approval after written notice to Applicant, a reasonable opportunity to cure, and failure to cure subject to the provisions of Article 7 of the Development Agreement.

4. The Project Approvals shall be subject to enforcement, modification, suspension, or revocation only to the extent authorized by applicable law and the Development Agreement if it is determined that the approved uses are being operated in violation of the Project Approvals, these Conditions of Approval, or applicable law, or in a manner that constitutes a public nuisance. Any amendment, modification, or termination of the Development Agreement shall be processed in accordance with the applicable provisions of the Development Agreement and applicable law.

MITIGATION MEASURES

5. The Applicant shall comply with all mitigation measures included in the Project's Mitigation Monitoring and Reporting Program, included as Attachment H to the Development Agreement.

PUBLIC/COMMUNITY BENEFITS

6. Prior to the issuance of a Certificate of Occupancy, the Applicant shall pay a one-time fair-share contribution in the amount of $30,000 towards future fire equipment replacement cost to service mid-rise structures.

7. Prior to the issuance of a Certificate of Occupancy, the Applicant shall pay a one-time fair-share contribution in the amount of $30,000 towards future police equipment replacement cost to maintain the level of service in the Golden State Area.

8. Prior to the issuance of a Certificate of Occupancy, the Applicant shall pay a one-time fair-share contribution in the amount of $80,000 to the City of Burbank towards the operations of a Burbank Bus fixed-route transit system servicing the Golden State Area.

9. Prior to the issuance of a Certificate of Occupancy, the Applicant shall pay a one-time fair-share contribution in the amount of $20,000 to the City of Burbank towards annual maintenance of the Metrolink Stations serving the Golden State Area.

10. Prior to the issuance of a Certificate of Occupancy, the Applicant shall pay a one-time fair-share contribution in the amount of $250,000 to the City of Burbank towards neighborhood protection physical enhancements. This could include traffic calming measures such as curb extensions, median islands, speed bumps, speed signs, striping or other improvements consistent with the Burbank2035 General Plan Mobility Element (Neighborhood Protection Programs).

11. The Applicant shall be required to maintain, for the life of the Project, all improvements within the public right-of-way within and adjacent to the Project (along Avon Street, Hollywood Way and Thornton Avenue). The Applicant shall enter into an Operation and Maintenance Agreement, or similar agreement as prepared by the City Attorney to maintain the improvements within the public right-of-way adjacent to the Project.

    For the purposes of this Condition of Approval, and this Condition only, improvements within the public right-of-way shall mean: all sidewalks inclusive of curb and gutter, trees and landscaping, bike lanes, bike facilities, signage/striping, and Green Streets Design Features consistent with Burbank Municipal Code Section 7-3-102 et seq. Improvements within the public right-of-way does not include any streetlights, storm drains, transit stops and shelters, sanitary sewers, or any subsurface items within the public right-of-way, which are to be maintained by the appropriate utility provider and not the Applicant.

12. The Applicant shall design all public right-of-way within, and adjacent to the Project -- as well as onsite landscaping and parking areas, to meet the City's Green Street Policy whenever physically feasible as determined by the Public Works Director or their designee.

13. The Applicant shall enter a good faith discussion with the City to join and participate in a parking district, should the City establish a parking district in the Golden State Area, within which the Project Site is located, during the term of this Development Agreement for this Project. Joining and participating in the parking district shall mean making on-site parking at the Project Site available for public use at the sole discretion of the Applicant.

14. Prior to the issuance of building permits, the Applicant shall demonstrate that the Project is designed to meet the CAL Green Tier I energy efficiency criteria. In addition, the Project shall incorporate the following energy and emission saving features:

    a. CAL Green Tier 1 requires recycle and/or salvage at least 65 percent of non-hazardous construction and demolition debris. The Project shall recycle and balance on-site all nonhazardous construction and demolition debris.
    b. The Project shall use water efficient landscaping and native drought tolerant plants.
    c. The Project shall include easily accessible recycling areas dedicated to the collection and storage of non-hazardous materials such as paper, corrugated cardboard, glass, plastics, metals, and landscaping debris (trimmings).
    d. The Project shall include efficient heating, ventilation, and air conditioning (HVAC) systems.
    e. The Project shall include passive cooling/healing features.

15. Prior to the issuance of building permits, the Applicant shall demonstrate that the new 420-room Proposed Hotel is designed to be all-electric, with no use of natural gas in its onsite daily operations and systems.

16. The Applicant shall provide 10% of the energy of the Proposed Hotel and Parking Garage through an on-site photovoltaic system. This shall be provided to the extent reasonably feasible, as determined by the City's Community Development Department and Burbank Water and Power.

17. Prior to the issuance of building permits, the Applicant shall demonstrate the Project will comply with the City of Burbank Sustainability Action Plan for 50 percent waste diversion by including solid waste disposal areas that can accommodate the collection and separation of recyclables and green waste.

18. Prior to the issuance of building permits the Construction Contractor shall obtain a California Department of Tax and Fee Administration (CDTFA) Job Site Sub-Permit for the jobsite (the Project Site at 2500 North Hollywood Way), therefore, enabling the

contractor to make a direct allocation of local tax on materials consumed and fixtures sold to the City of Burbank where the jobsite is located rather than an indirect allocation through the countywide pool. Proof or the CDTFA Job Site Sub-Permit shall be submitted to the City of Burbank Community Development Department's Planning and Building and Safety Divisions.

CDD – PLANNING DIVISION

19. Prior to issuance of any grading and/or demolition permits, whichever occurs first, a Construction Management Plan (CMP) shall be submitted for review and approval by the Community Development Director, the City Engineer and the Building Official. The requirement for a CMP shall be incorporated into the Project specifications and subject to verification by the Community Development Director, City Engineer and Building Official or their designees prior to final plan approval. The CMP shall, at a minimum, address the following:

    a. Traffic control for any street closure, detour, or other disruption to traffic circulation.

    b. Identify the routes that construction vehicles shall utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the Project Site, traffic controls and detours, and proposed construction phasing plan for the Project.

    c. Require the Project Applicant to keep all haul routes clean and free of debris, including but not limited to gravel and dirt as a result of its operations. The Project Applicant shall clean adjacent streets, as directed by the City Engineer (or representative of the City Engineer), of any material that may have been spilled, tracked, or blown onto adjacent streets or areas.

    d. Use of local streets shall be prohibited unless otherwise provided for in the CMP and consistent with the City approved Truck Haul Routes.

    e. Haul trucks entering or exiting public streets shall at all times yield to public traffic.

    f. If hauling operations cause any damage to existing pavement, streets, curbs, and/or gutters along the haul route, the Project Applicant shall be fully responsible for repairs. The repairs shall be completed to the satisfaction of the City Traffic Engineer.

    g. All construction-related parking and staging of vehicles shall be kept out of the adjacent public roadways and shall occur on-site or at a nearby site approved by the City Engineer or their designee as part of the CMP.

    h. The CMP shall meet standards established in the current California Manual on Uniform Traffic Control Device as well as City of Burbank requirements.

20. Prior to commencement of construction, the Applicant or contractor shall develop a Traffic Control Plan (TCP) and submit it to the Public Works City Engineer or their designee for review and approval. This can be included as part of the CMP.

21. Plans submitted for plan check shall include a Construction Employee Parking Plan (CEPP) for contractor/ subcontractor vehicles and construction vehicles, including on-site and off-site (if applicable) parking, for review and approval by the Community Development Director or their designee prior to issuance of building permit. The Applicant and/or on-site primary general contractor (superintendent) shall have responsibility for monitoring and enforcing the approved CEPP. The CEPP shall include the following:

    a. During construction activities when construction worker parking cannot be accommodated on the Project Site, the CEPP shall identify alternate parking location(s) for construction workers and the method of transportation to and from the Project site (if beyond walking distance) for approval by the City prior to commencement of construction.

    b. Provide all construction contractors with written information on where their workers and their subcontractors are permitted to park and provide clear consequences to violators for failure to follow these regulations. This information would clearly state that no parking is permitted on residential streets.

22. An Interim Parking Operations Plan shall be prepared by the Project Applicant and provided to the Community Development Director or their designee for review and approval prior to the issuance of demolition and building permits. The Interim Parking Operations Plan shall identify interim parking operations for employees and patrons of the existing hotel and convention center throughout construction.

23. The Applicant shall submit a photometric lighting plan at the time of Plan Check review (prior to building permit issuance) that identifies all: exterior structure lighting; landscape and perimeter lighting; or rooftop lighting. The photometric plan shall ensure that there will be no spillover lighting or glare on adjacent streets or properties, to the extent feasible, to the satisfaction of the Community Development Director or designee. All building-mounted lighting that will be directed onto the Project shall be shielded or designed in a way so as not to illuminate adjacent public rights-of-way. The Project shall comply with Title 9, Chapter 1, of the BMC, and the latest edition of the California Building Code (CBC), California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and Building Energy Efficiency Standards.

24. The Emission Reduction Features below shall be included as part of the Project. These are not applicable to the improvements existing on the Project Site as of the date of this Approval:

a. The Project shall exceed the 2022 Title 24 Standards by 10%.

b. All appliances installed as part of the Project shall be ENERGY STAR-certified.

c. The Project shall install solar panels on-site capable of generating 10% of the Proposed Hotel's actual annual energy consumption, as described in Condition 16.

d. The Project shall use low-flow water fixtures as defined in the CA Plumbing Code.

e. The Project shall utilize zero-emission landscaping equipment. Landscaping equipment includes chainsaws, chippers, lawn mowers, leaf blowers/vacuums, mowers, tillers, and trimmers. This requirement shall extend to landscaping contractors.

f. During construction, the contractor shall:

    1. enforce requirements that limit the idling of heavy-duty diesel vehicles.
    2. ensure that exposed surfaces are routinely watered.
    3. ensure that unpaved construction roads are routinely watered.
    4. ensure that vehicle speeds are limited on unpaved surfaces.
    5. ensure that paved roads are routinely swept.

g. The Project shall comply with the requirements of the Migratory Bird Treaty Act (MBTA) to avoid disturbance of nesting birds and to protect nesting birds if they are present onsite during construction. Specifically, in conformance with the MBTA, tree removal activities shall take place outside of the nesting season (February 15 to September 15) to the greatest extent practicable. To the extent that vegetation removal activities must occur during the nesting season, a biological monitor shall be present during the removal activities to ensure that no active nests would be impacted, or a preconstruction nesting bird survey is to be completed within three days prior to construction to document all active bird nests. If active nests are found, a 300- foot buffer (500 feet for raptors) would be established until the fledglings have left the nest.

25. Emergency backup power may be provided through solar and battery energy storage systems, provided such systems comply with all applicable requirements of the California Building Code and other applicable laws and regulations.

26. The Applicant shall provide a FAA Determination of No Hazard to Air Navigation Letter to the Community Development Director prior to the issuance of demolition and building permits.

27. All new development, expansion, change of use, building alteration, or other work proposed on or after the effective date of Planned Development No. 2026-1 shall comply with the applicable Planned Development Zoning Standards and the Project plans approved by the City (“Approved Plans”), included in Attachments E and F,

respectively, as well as any applicable provisions of BMC Sections 10-1-1801 and following, related to Nonconforming Land, Uses and Structures.

The existing hotel, convention center, and associated improvements lawfully established on the Project Site prior to the effective date of Planned Development No. 2026-1 shall be considered legal nonconforming uses and structures, as applicable, pursuant to BMC Sections 10-1-1801 and following. Such existing development shall not be required to conform to the Planned Development Zoning Standards solely as a result of the approval of Planned Development No. 2026-1. However, any new addition, expansion, substantial alteration, or change of use proposed to the existing development after the effective date of Planned Development No. 2026-1 shall comply with the applicable Planned Development Zoning Standards and BMC Sections 10-1-1801 and following.

28. Allowable uses on-site and hours of operation shall only be permitted as established in the Planned Development Zoning Standards, included in Attachment E, attached hereto and incorporated herein by reference.

29. Uses serving alcohol shall comply with the requirements established in the Planned Development Zoning Standards, included in Attachment E, attached hereto and incorporated herein by reference.

30. On-site parking shall be required as established in the Planned Development Zoning Standards, included in Attachment E, attached hereto and incorporated herein by reference.

31. Prior to the issuance of a Certificate of Occupancy, the Applicant shall prepare and submit a Parking Management Plan (PMP) to the Community Development Director, or their designee, for review and approval. On-site parking shall be managed and operated consistent with the PMP. The PMP can be updated from time to time. However, any updates to the PMP shall require an approval from the Community Development Director, or their designee.

32. A comprehensive Master Sign Program shall establish allowed signage on the entire Project Site. The Master Sign Program shall be prepared and approved as established in the Planned Development Zoning Standards, included in Attachment E, attached hereto and incorporated herein by reference.

33. Windows of the proposed hotel building shall be recessed per the window recess requirements established in the Planned Development Zoning Standards, included in Attachment E, attached hereto and incorporated herein by reference.

34. The Applicant shall maintain legal vehicular ingress and egress access across the Project Site for the benefit of the abutting property located at 2550 North Hollywood Way, sufficient to provide 2550 North Hollywood Way with continuous vehicular

access to a public right-of-way. The Applicant shall not terminate, obstruct, or otherwise materially impair such access without prior written approval of the City.

This requirement shall terminate upon a written determination by the Community Development Director that 2550 North Hollywood Way has secured permanent, lawful vehicular access to a public right-of-way independent of the Project Site.

CDD – TRANSPORTATION DIVISION

35. Per the City's Burbank2035 General Plan Mobility Element, the City has set specific sidewalk width requirements for Burbank's streets. Based on Table M-2: Sidewalk Standards (page 4-21) of the Burbank2035 General Plan and the Regional Commercial land use designation for the Project Site, the Project must provide a standard width of 15-foot parkways (from edge of curb to property line). The construction of any new sidewalk to meet this requirement shall be constructed in accordance with the City's Burbank2035 General Plan Mobility Element, Table M-2: Sidewalk Standards (page 4-21) and the City of Burbank's Public Works Standard Plans. Construction of off-site transportation improvements along Thornton Avenue (i.e., 23-foot parkway) meets the General Plan requirements.

36. Prior to the issuance of any Certificate of Occupancy for any portion of the Project, the Applicant shall provide all the following pedestrian circulation measures to the satisfaction of the City, consistent with the Approved Plans and Attachment F. There should be no conflict between the Approved Plans and this condition.

    a. The Project shall provide the following measures to enhance transit, bicycle, and pedestrian connectivity:
        1. Shade canopy with trees along the parkway surrounding the Project Site.
        2. Pedestrian lighting along Thornton Avenue per Burbank Water and Power standards.
        3. Pedestrian lighting along all internal designated pedestrian pathways throughout the Project Site.
        4. Circulation plan that shows the path of travel for vehicles, pedestrians, and bicyclists throughout the Project Site.
    b. The Project shall provide pedestrian circulation improvements that connect and provide public pedestrian access between Thornton Avenue to Avon Street, and are accessible at all times, unless limited public access is warranted for safety or security reasons for events held at the Project Site. In the event pedestrian access is temporarily limited or restricted at the aforementioned pedestrian access path, the Project operator shall install temporary detour signage directing pedestrians to an alternative accessible route around the restricted area. This shall include a lighted, pedestrian paseo located along the

western side of the existing Convention Center Facility located within the Project Site.

37. The Project shall provide the following Transportation Demand and Trip Reduction Measures because the Project's non-residential square footage is 100,000 square feet and greater:

    a. A bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees and residents are likely to see it. Information in the area shall include, but is not limited to, the following:

        1. Current maps, routes and schedules for public transit routes serving the Project Site.
        2. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators.
        3. Ridesharing promotional material supplied by commuter-oriented organizations.
        4. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information.
        5. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the Project Site.

    b. Not less than ten percent of the total required parking spaces for the hotel and commercial portion of the project shall be located as close as is practical to the employee entrance(s) and shall be reserved for use by potential employee carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the Project Site plan upon application for a Building Permit Application, to the satisfaction of the Community Development Director or their designee. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/striped as demand warrants; provided that at all times at least two (2) spaces will be signed/striped for carpool/vanpool vehicles.

    c. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven feet two inches shall be provided for those spaces and access ways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.

        1. Applicant shall demonstrate provision and location of designated vanpool spaces.

    d. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers.

1. Applicant shall demonstrate provision of designated vanpool pick up and drop off locations.

e. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development.

f. Safe and convenient access from the external circulation system to bicycle parking facilities onsite shall be provided.

38. Bicycle racks or other secure bicycle parking shall be provided equal to or greater than 5% of the required vehicle parking spaces. The parking shall consist of short term and long-term bicycle parking at a ratio of 85% of the parking as long-term parking and 15% of the parking as short-term parking. Long-term bicycle parking means bicycle parking which accommodates employees, hotel patrons and others expected to park more than two hours. This parking shall be provided in a secure, weather-protected location. Short-term bicycle parking means bicycle parking which accommodates visitors, customers, messengers, and others expected generally to depart within two hours. Racks are relatively low-cost devices that typically hold between two to eight bicycles. The racks are secured to the ground and are generally located in highly visible areas. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather.

a. Specified bicycle parking facilities and locations (e.g., provision of racks, lockers, or locked room) shall be to the satisfaction of the City. Project plans submitted into Building Plan Check shall show the location, type, and supply of bicycle parking that is being provided.

1. Bicycle parking facilities shall be located on a hard paved surface, be painted with a protective coating to prevent normal wear and tear, and be well maintained in a state of good repair.

2. If a bicycle parking space is intended to serve short-term users (anyone who will only be staying less than two-hours) the bicycle parking space is required to be no farther than the nearest off-street automobile parking space.

3. A good rule of thumb for short-term bicycle parking is to place the parking space in an area that is visible from the street or the interior of the building it serves (through windows or doorways).

For short or long-term bicycle parking (more than two-hours), the location of an off-street bicycle parking space is required to be in a highly visible and well lighted area. To meet these requirements, bicycle parking may be placed in the front, side, or rear setback of the building that it serves (all applicable landscaping, emergency access, and ADA requirements still apply). All bicycle parking facilities shall provide signage which is clearly legible upon the approach to every automobile entrance to the parking

facility indicating the availability and location of bicycle parking. With prior approval, long-term bicycle parking may be located indoors.

39. Prior to the issuance of any Certificate of Occupancy for any portion of the Project, the Applicant shall construct offsite improvements along Thornton Avenue consistent with Exhibit 1 of Attachment D.

    Notwithstanding the foregoing, modifications to these improvements may be required if it is determined by the Public Works Director, or their designee, that implementation of the improvements as proposed is technically infeasible or impractical. When making a finding of "technically infeasible," the Director will consider limitations to successfully implementing the improvements due to existing or planned physical or site constraints, including any constraints within the Public Right-Of-Ways or conflicts with existing or planned utilities. When making a finding of "impractical," the Director will consider factors such as, but not limited to, the safety and utility of a development feature based on site-specific conditions, and long-term maintenance requirements. These improvements shall be constructed to the satisfaction of the Public Works Director or their designee.

40. Applicant shall designate safe and convenient, publicly accessible locations for Transportation Network Carriers (TNCs) to pick up or drop off passengers on-site. Prior to the issuance of a Certificate of Occupancy, and from time to time at the discretion of the Community Development Director or their designee, the Applicant shall provide the City a TNC Management Plan and must coordinate with TNCs to direct drivers and riders to hail rides on-site.

41. Applicant, Property Owner, or the operator(s) of the Hotel (Hotel Operator(s)) shall provide shuttles from both Metrolink Burbank Airport North and Burbank Airport South stations to the Hotel for the use of Hotel guests, visitors, and staff. Operation of these shuttle services may be conducted through a pre-existing or entirely new fixed scheduled route with headways separated by no more than 30 minutes and matching operating service hours at both Metrolink stations. Shuttle services may also, or entirely, be offered on-demand and/or scheduled in advance while matching operating service hours at both Metrolink stations. The shuttle operation and services may be provided via a third-party service at the sole discretion of the Applicant, Property Owner, or Hotel Operator(s). Shuttle services shall be advertised to guests, visitors, and employees consistent with the City of Burbank's Transportation Demand Management ordinance and Burbank Transportation Management Organization.

42. Applicant, Hotel Operator and any commercial tenants of the Hotel shall be a member(s) of the Burbank Transportation Management Organization (TMO), shall comply with the applicable requirements of Burbank Municipal Code Sections 10-1-2132 through 10-1- 2139. Applicant//Hotel Operator/commercial tenants of the Hotel shall participate in all TDM strategies and programs of the TMO, and shall pay any applicable annual membership fee as required by the TMO and/or the City of Burbank. This includes, but is not limited to:

a. Committing to reduce peak hour commute trips by 38 percent;

b. Participating in the annual travel mode survey. All members are required to report trip reductions to the TMO annually via a travel mode survey, which is completed by each employee for a one-week period;

c. Maintaining an on-site trained transportation coordinator who is responsible for implementation of all trip reduction efforts, or alternatively provide a hired, third-party trained transportation coordinator who visits the Project Site to provide information and implement programs in a manner subject to the approval of the Community Development Director or their designee;

d. Applicant shall, upon request, provide a monthly transit subsidy or transit pass to any employee of the Hotel. The subsidy amount shall be equal to the cost of 75 percent of the cost of a monthly or 30-day Metro TAP pass. Applicant may require evidence of use by the recipient of the transit pass as a condition of receiving the subsidy. The number of transit passes/subsidies offered to employees of the Hotel shall not exceed a number equal to 20 percent of the total number of employees located at the Hotel. Applicant shall no longer be obligated to provide transit pass subsidies/passes or a transportation coordinator if the Hotel achieves the 38 percent reduction in commute trips as documented by the Hotel annual travel mode survey conducted as part of the TMO.

CDD – BUILDING AND SAFETY DIVISION

43. The Project shall comply with Title 9, Chapter 1, of the Burbank Municipal Code, and the 2025 edition, of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and Building Energy Efficiency Standards, including all intervening Code cycles.

44. Plans and reports submitted for Plan Check Review are to be submitted electronically. For more information about the online submittal process, please contact the Building and Safety Division at 818-238-5220 or via email at: building@burbankca.gov.

45. All the Project's Conditions of Approval are to be reproduced on the construction document drawings as part of an Approved Construction Set.

46. All Departments that have provided Conditions of Approval are to review drawings and provide final approval via online electronic review, prior to issuance of any Building Permit.

47. Development Impact Fees must be paid in accordance with Section 4.02(f) of the Development Agreement.

48. Low Impact Development (LID): A LID Plan is required for City review that provides a comprehensive, technical discussion of how the project will provide on-site retention

in compliance with the requirements of the LID Ordinance and LID Standards Manual. (BMC Section 9-3-414 and the California Green Building Code).

Best Management Practices ("BMPs") and control measures shall be prioritized in the following order:

a. On-site infiltration, bioretention, and/or rainfall harvest.
b. On-site biofiltration, off-site ground water replenishment, and/or off-site retrofit.

49. New or Alteration construction projects within the City of Burbank are subject to MWELO review:

a. Full structure demolition and new construction are required to provide a full MWELO plan check set for review.
b. New or replacement landscape areas for non-residential projects between 500 (new) and 2,500 (replacement) square feet requiring a building or landscape permit, plan check, or design review will be required to complete, either a Performance or Prescriptive Compliance Method. Full house demolition will require MWELO review, either prescriptive or performance, no exceptions.

50. The Project shall comply with accessibility requirements for the various occupancies as stated in California Building Code Chapter 11. Accessibility regulations apply to all common areas and pools and spas.

51. The parking layout will have to comply with City standards, including minimum turning radii for accessing parking stalls.

52. Separate Permits will be required for the following:

a. Demolition
b. Grading & Shoring
c. Architectural & Structural
d. Mechanical
e. Plumbing
f. Electrical

53. Provide a room key that shows the number of accessible rooms per code.

a. Number of rooms without roll in shower (CBC Table 11B-224.2)
b. Number of rooms with roll in shower (CBC Table 11B-224.2)

c. Number of rooms with communication feature (CBC Table 11B-224.2)

54. Provide a parking key that shows the number of accessible spaces per the California Building Code.

55. Deferral of any submittal items shall have prior approval of the Building Official or their designee. The registered design professional in charge shall list the deferred submittals on construction documents for review.

56. Screening will be required for equipment located in front and side yards. The screening will include the electrical panels, A/C compressor units, gas meters, and transformers. All screening will be subject to approval by Planning and Building and Safety divisions, and BWP.

57. Grading and drainage plans will be required, and a separate Grading & Shoring Permit will be required. Geotechnical report to be submitted along with Grading & Shoring Permit Application.

58. The City's Construction & Demolition Debris Diversion Ordinance mandates the recycling and diversion of at least 65% of construction and demolition debris. A refundable deposit and non-refundable administrative fee will be collected prior to permit issuance. The Ordinance applies to all demolitions and to new construction, additions, remodels, renovation, tenant improvement and alteration projects over 500 square feet in scope of work. (BMC Section 9-1-11-1012).

59. A stamped setback certification by a Licensed Surveyor is required to certify the location of the new construction in relation to the setbacks as noted in the Approved Plans prior to the first foundation inspection.

60. Plans submitted for Plan Check must be stamped by a State-licensed architect or engineer.

61. Approved hours of construction are:

Monday – Friday	7:00 am to 7:00 pm
Saturday	8:00 am to 5:00 pm

No construction is permitted by contractors or subcontractors before or after hours, on Sunday or on City holidays without prior written request and approval from the Community Development Department.

62. Approval for development projects and building/grading permits will not be granted/issued until appropriate and applicable stormwater Best Management Practices ("BMP") are incorporated into the Project design plans. Also, a plumbing permit will be required for certain treatment control BMPs such as grease traps, sump pumps, and clarifiers. If an infiltration BMP is chosen for treatment control, a soils report to address the feasibility of infiltration will be required to be submitted with the

plan for review and approval.

PUBLIC WORKS DEPARTMENT – ENGINEERING

63. The Applicant shall protect in place all survey monuments (City, County, State, Federal, and private). Pursuant to Business and Professions Code Section 8771, when monuments exist that may be affected by the work, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying, prior to construction, and a corner record or record of survey of the references shall be filed with the county surveyor. A permanent monument shall be reset, or a witness monument or monuments set to perpetuate the location if any monument that could be affected, and a corner record or record of survey shall be filed with the county surveyor prior to the recording of a certificate of completion for the project.

64. To ensure compliance with BMC Section 9-1-2-3202, the Applicant shall show on the building site plan the width and location of all existing and proposed easements.

65. No building appurtenances for utility or fire service connections shall encroach or project into public right-of-way (i.e. streets and alleys). Locations of these appurtenances shall be shown on the building site plan and the off-site improvement plans (BMC § 7-3-701.1).

66. No new structure shall be permitted in any public right-of-way or any public utility easements/pole line easements (BMC §§ 7-3-701.1, 9-1-1-3203).

67. Any work within the public right-of-way must obtain required permits and be approved by the Public Works Department before construction can commence. All construction work in the public right-of-way must comply with Burbank Standard Plans and must be constructed to the satisfaction of the City Engineer or their designee. A Public Works Excavation Permit is required. The Excavation Permit requires a deposit acceptable to the Public Works Director or their designee to guarantee timely construction of all off-site improvements. Burbank Standard Plans can be accessed at: https://www.burbankca.gov/web/public-works/standard-plans

68. All off-site improvement plans within the public right-of-way shall be submitted separately to Public Works for review and approval by the Public Works Director or their designee. The plans shall be submitted in City of Burbank Standard format and as-built plans must be submitted on mylar paper.

69. All traffic, or other similar, off-site improvements that are required as a result of a mitigation measure should be coordinated with the Public Works Department. The Public Works Department shall review and approve them to ensure that they are appropriately included in the offsite improvement plans.

70. There is a 60-inch storm drain and an 8” sanitary sewer within a 25’ public utility easement that is located on the western portion of the Project Site. The Applicant shall

Close-Circuit Televise (CCTV) inspect the 60-inch storm drain and the 8" sanitary sewer within the 25' public utility easement, before and after construction activities, and submit copies of the inspection video to the Public Works Department for review. Should any damages be discovered to portions of the storm drain or sanitary sewer within the Project Site, the applicant will need to make the proper repairs or improvements as approved by the City.

71. Prior to the issuance of a Certificate of Occupancy, the Applicant/Property Owner shall enter into a covenant agreement with the City of Burbank to maintain and repair the portions of the storm drain and sanitary sewer that are within the Project Site, for the life of the Project. This shall include inspections and repairs to be performed every 10 years.

72. The proposed parkway (sidewalk) along Avon Street fronting the Project, must be ADA compliant and be constructed per City of Burbank Standards. As part of the offsite improvement plans, the Applicant shall obtain approval from the Public Works Department in conjunction with the Community Development Department, and the Transportation Division.

73. The proposed driveway on Avon Street shall be designed to comply with City of Burbank Standards and the final design shall be reviewed and approved by the Public Works Department, as part of the off-site improvement plans package, before the issuance of any construction permit. There should be no conflict between the Approved Plans and this condition. However, if unforeseen field conditions require a design change, the necessary modifications shall be addressed during construction with the approval of the City Engineer or their designee.

74. The Applicant shall submit hydrology/hydraulic calculations and site drainage plans to the City for review. On-site drainage shall not flow across the public parkway (sidewalk). It should be conveyed by underwalk drains to the gutter through the curb face or connected to a storm drain facility (BMC §§ 7-1-117, 7-3-102). The hydrology calculations should include Low Impact Development (LID) calculations, which are reviewed and approved by the Building and Safety Division and must comply with the City's MS4 Permit and BMC Section 9-3-414. The Project shall submit drainage calculations and analysis as part of the Plan Check submittal to the Public Works Department and the City's Building and Safety Division for review and approval.

75. The Applicant shall process an address form for the Project (BMC § 7-3-907).

76. If the Project results in the subdivision of the property into multiple lots or ownership interests requiring a subdivision map pursuant to the Burbank Municipal Code and/or the California Subdivision Map Act, the Applicant shall obtain approval of a Tentative Parcel/Tract Map and subsequently record a Final Map, as required by the City at the time of the application.

77. The plans submitted for Plan Check shall include topographic site information, including elevations, right-of-way/property lines, dimensions/location of

existing/proposed public improvements adjacent to project (i.e., street sidewalk, parkway, and driveway widths, catch basins, pedestrian ramps).

78. The Applicant shall provide verification from the City of Burbank, Building and Safety Division showing that all public utility easements are cleared of all new permanent structures at the Project Site after construction is completed.

79. The proposed driveway and existing driveway to be widened along Thornton Avenue shall be constructed to meet ADA requirements including adding blue truncated domes at both ends of the driveway. Work performed should be per City of Burbank Standard Plans for Public Works Construction (APWA). Right of way dedication shall be required.

80. Any portion of the public parkway (curb, gutter, landscape, etc.) fronting the subject property(ies) along Hollywood Way, Thornton Avenue and Avon Street that is broken, uneven or uplifted at the conclusion of the Project must be reconstructed to the satisfaction of the City Engineer or their designee. The repairs and/or reconstruction is required whether the damage is pre-existing or is a result of the Project. Contact the Public Works Inspection Office at (818) 238-3955 to have these areas inspected and identified after obtaining a Public Works Department Excavation Permit (BMC § 7-3-501).

81. The Applicant shall protect in place all property tags or centerline ties per City of Burbank Standards, specifically at the following intersections:

    a. Hollywood Way and Avon Street
    b. Hollywood Way and Thornton Avenue
    c. Avon Street between Hollywood Way and Empire Avenue (90-degree bend).

    Any impacted survey monumentation shall be re-established by the Applicant's licensed surveyor.

82. Thornton Avenue and Avon Street fronting the Project have been recently paved with rubber asphalt (ARHM). If the construction of the Project creates any utility cuts or construction impacts, then the Applicant must restore the streets in kind with a minimum 2" grind and overlay per City's moratorium requirements limits (full width of street). Additionally, the Applicant must restripe the resurfaced area, re-establish all traffic loops and survey monumentation.

83. Hollywood Way fronting the Project Site has been recently paved with asphalt concrete (AC). If the construction of the Project creates any utility cuts or construction impacts, then the Applicant must restore the streets in kind with a minimum 2" grind and overlay per City's moratorium requirements limits. Additionally, Applicant must restripe the resurfaced area, re-establish all traffic loops and survey monumentation.

    Additional impacts to street or alley rights-of-way (i.e., utility cuts) could extend the resurfacing restoration limits.

84. Building access doors, loading docks doors, and access gates shall not swing open into the public right-of-way (BMC 7-3-701.1).

PUBLIC WORKS DEPARTMENT – WATER RECLAMATION AND SEWER

85. The location, depth, and dimensions of all sanitary sewer lines and easements shall be shown on the plans.

86. Under the current rate structure, pulling the Building Permit for the Project is subject to a Sewer Facilities Charge ("SFC") estimated at $630,522.54, subject to Section 4.02(f) of the Development Agreement. The charge is due prior to issuance of a Building Permit for the Hotel (BMC §§ 8-1-802 and 8-1-806).

SFC= Project

= Hotel units [$1267/unit * 420 units]

= Lease Space [$7.329/SF * 2060 SF]

= Restaurant [$628/Seat * 78 Seats]

= Meeting room [$1.046/SF * 1500 SF]

= Fitness Center [$0.973/SF * 1600 SF]

= Bar [$6.235/SF * 5000 SF]

= $532,140 + $15,097.74 + $48,984 + $1,569 +$1,556.8 + $31,175

= $630,522.54

(Note: It is the responsibility of the Applicant to show proof of existing sewer usage or existing developments so that the proper credit can be given.)

87. Every building or structure in which plumbing fixtures are installed, which convey sewage, shall be connected to the municipal wastewater system (BMC § 8-1-104).

88. No person shall connect to or tap an existing public sewer without obtaining a permit (BMC § 8-1-301).

89. A maintenance hole shall be installed at the connection point to the City sewer main for any newly proposed private sewer lateral connection(s) that are greater than or equal to 8-inches in diameter (BMC § 8-1-308) per Standard Drawing BSS-201-2 located in the 2012 edition of Standard Plans for Public Works Construction.

90. Food Service Establishments are required to install, operate, and maintain an approved type and adequately sized, remotely located and readily accessible grease interceptor, unless a conditional waiver is granted by the Director (BMC § 8-1-502.2.(E)). The inclusion of a restaurant as part of the Project will require a grease

interceptor to trap, separate and hold grease from wastewater and prevent it from being discharged into the public sewer.

91. A backwater valve is required on every private sewer lateral(s) connected to a private building(s), unless it can be shown that all fixtures contained therein have flood level rim elevations above the elevation of the next upstream maintenance hole cover of the public sewer serving the property, or a conditional waiver is granted by the Public Works Director (BMC § 8-1-313). Please note that Public Works' Wastewater Division will not sign off on the Certificate of Occupancy until the owner/Applicant provides proof that the backwater valve(s) has been installed.

92. The current Sewer Capacity Analysis (SCA) is valid through September 25, 2028. Any further extension or addendum to the SCA may be granted at the City's discretion, provided that written proof is submitted to the City that the Applicant is working on the offsite sewer design plans and is in the process of constructing the upgrades (either independently or with potential other applicants who may also be impacting the site). In order for future extensions or addendums to the SCA to be granted, the Applicant would be required to submit a new SCA fee per the currently adopted (latest) Citywide Fee Schedule. Please note that if an extension or addendum to the SCA is granted, the Applicant will be exempt from updates to the SFCs pursuant to Section 4.02(f) of the Development Agreement.

93. Per the latest SCA for the Project, it was determined that offsite improvements are necessary to the existing City sewer infrastructure to accommodate the increased sewage flow introduced to the system by the proposed Project. The results of the SCA and SCA Addendum dated September 25, 2028 determined that connection to the sewer system would be granted contingent on the following conditions being met:

    a. Prior to the issuance of a Building Permit, the Developer shall pay $630,522.54 in Sewer Facilities Charges (SFC), based on the most recently updated plans and per the SCA Rev 3).

    b. The Developer shall design and construct approximately 1,580 feet of sewer main infrastructure improvements (see Attachment A of SCA Rev 3). The reaches include the sewer from the intersection of Wyoming Ave. / N. Ontario St. to the intersection of W. Burbank Blvd. / N. Frederick St.

    c. The aforementioned sewer mains must be upsized to accommodate the additional flow from the development. Design plans for the sewer infrastructure upgrades must be approved by the Public Works Director prior to issuance of permits for construction. In addition to obtaining all necessary permits, the Developer shall pay for construction inspection services.

    d. The Development shall not exceed a peak wastewater discharge rate of 107 gallons per minute, which is the currently calculated peak discharge rate based on the information submitted for City consideration and analyzed in SCA Rev 3.

    e. No Temporary or Final Certificate of Occupancies shall be issued until the

public sewer improvements are completed and accepted by the City, upon which time the facilities will be turned over to the City for operation and maintenance purposes.

f. The Development is required to connect to the City's sanitary sewer system along the reaches marked as 'A' on the map included ib the first page of SCA Rev 3, meaning between maintenance holes (MH) 20-168 to MH 20-250, and MH 20-169 to 20-170.

94. Any construction activity that results in soil disturbances greater than one acre is subject to the General Permit for Storm Water Discharges Associated with Construction Activity Permit Order 2009-0009-DWQ (2009 Construction General Permit) – see:

    http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

    Additionally, if the construction activity less than one acre is part of a larger common plan of development that encompasses a total of one or more acres of soil disturbance or if there is significant water quality impairment resulting from the activity, it is subject to the 2009 Construction General Permit.

95. A Pool Discharge Permit is required each time a pool is emptied for multi-family/commercial properties. The permit may be obtained at the Public Works Permits counter and is subject to a fee per the currently adopted Citywide Fee Schedule. Please note that through the City's Industrial Pretreatment Program and BMC § 8-1-501.4 (Local Limits), the City prohibits commercial and industrial properties from installing saltwater pools.

96. Best Management Practices (BMPs) shall apply to all construction projects and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy (BMC § 9-3-407).

97. Certain construction and re-construction activities on private property will need to comply with post-construction BMPs, which include BMC Sections 8-1-1007 and 9-3-414.D authorizing the City to require projects to comply with the Standard Urban Stormwater Mitigation Plan provisions and the City's Low Impact Development (LID) ordinance. For questions on these requirements, please contact the City's Building Division at (818) 238-5220.

98. Discharges from essential non-emergency firefighting activities (i.e., fire sprinkler system testing) is a conditionally allowed non-storm water discharge into the storm drain system, provided appropriate BMPs are implemented. The Applicant shall follow the requirements in the City's Fire Suppression Systems discharge form to comply when conducting the conditionally allowed non-storm water discharge.

99. Landscape irrigation discharges using potable or reclaimed/recycled waters are a conditionally allowed discharge per Table 8 of *Final LA County MS4 Permit (Order No. R4-2021-0105)*, which can be found at:

    https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/public_docs/2022/1_Order(ACC-RPSignature).pdf

100. Certain construction and re-construction activities within the City's transportation corridors (i.e., public streets, public alleys, public parkway areas, private streets, and private parking) will be subject to the City's Green Streets Policy requirements should the transportation corridor redevelopment area exceed 5,000 square feet. This policy can be reviewed at the following address:

    https://www.burbankca.gov/web/public-works/permits-online-counter

    For questions on these requirements, please contact the City's Waste water Division at 818-238-3915.

101. Dewatering an area where water accumulates (i.e., crawl space, foundation, or basement) is now considered a prohibited discharge into the storm drain system. As such, private property applicants have the following options for dewatering accumulated volumes of water:

    a. Depending on the volume and having controls in place to keep the discharge on-site, direct the dewatering discharge to a planted/vegetated area located on private property; or

    b. Apply for an individual NPDES permit with the Regional Board to allow the dewatering discharge into the storm drain system through ORDER NO. R4-2018-0125: page 9 of this Dewatering Order state that temporary dewatering including subterranean seepage dewatering, requires individual coverage and is no longer covered/allowed under the MS4 permit. Questions need to be directed to the Regional Board at (213) 576-6600.

PUBLIC WORKS DEPARTMENT – TRAFFIC ENGINEERING

102. Parking spaces shall be constructed per BMC §§ 10-1-1401, 10-1-1403, 10-1-1417, 10-1-1606. Parking stalls for commercial or retail use shall be minimum of 9-feet wide.

103. ADA parking stalls shall be constructed per Caltrans Standard Plan A90A (BMC § 10-1-1401).

104. End stalls shall be a minimum of 11 feet wide or an access aisle shall extend 3 feet beyond the bay per Burbank Standard Plan BT-400. This applies to both the parking garage and surface-level parking lot (BMC § 10-1-1401).

105. If an obstruction is located outside of the permitted areas, on one or both sides of the parking stall, a standard parking space shall be minimum 10-feet wide per Burbank Standard Plan BT-400 (BMC § 10-1-1401).

106. Every commercial and retail parking space shall maintain a vertical height clearance of 8'-2" per Burbank Standard Plan BT-402 (BMC § 10-1-1401).

107. Concrete wheel stops shall be installed where parking stalls are adjacent to the sidewalk BMC § 10-1-1417(D)).

108. No visual obstruction shall be erected or maintained above 3' high or below 10' high in a 10' by 10' visibility cut-off at intersection of streets (BMC § 10-1-1303(A)).

109. No visual obstruction shall be erected or maintained above 3' high or below 10' high in a 5' by 5' visibility cut-off at intersection of street and driveway (BMC § 10-1-1303(C)).

110. Prior to the issuance of a Final Certificate of Occupancy for any portion of the Project, the Project shall construct the off-site improvements listed in these Conditions of Approval. Off-Site Improvement Plans shall be submitted to the Public Works Department for review and acceptance prior to commencing work within the public right-of-way. The Off-site Improvement Plans shall meet the following conditions:

    a. The Applicant shall construct offsite Improvements along Thornton Avenue consistent with Exhibit 1 of Attachment D. Notwithstanding the foregoing, modifications to these improvements may be required if the Public Works Director, or their designee determines that implementation of the improvements as proposed is technically infeasible or impractical. When making a finding of "technically infeasible," the Director will consider limitations to successfully implementing the improvements due to existing or planned physical or site constraints, including any constraints within the City's right-of-way or conflicts with existing or planned utilities. When making a finding of "impractical," the Director will consider factors such as, but not limited to, the safety and utility of a development feature based on site-specific conditions, and long-term maintenance requirements. These improvements shall be constructed to the satisfaction of the Public Works Director.

    b. The Project shall submit Signing and Striping design plans to Public Works for review and acceptance. Signing and Striping plans shall conform to the requirements of the Caltrans Standard Plans 2015, California Manual on Uniform Traffic Control Devices (CA MUTCD) latest edition, the California Vehicle Code (CVC), Burbank Standard Plans. Contact Traffic Engineering for striping and signing plan drafting standards. Traffic Signal Modification plans shall also be submitted if any existing traffic signal equipment is impacted. The plans shall be submitted as part of the Off-site improvement Plans to be approved by the Public Works Director or designee.

c. Per the CA MUTCD, if a shared signal face that provides protected/permissive mode left turns is mounted overhead at the intersection, it must be positioned over or slightly to the right of the extension of the lane line separating the left-turn lane from the adjacent lane. At the intersection of Hollywood Way and Thornton Avenue, the westbound shared signal indication must maintain its alignment with the striping for westbound left-turn lane.

d. The proposed bike lane striping must provide gaps in the bike lane buffer where the bike lane intersects with a driveway/curb cut. This Condition applies to the driveways located on both the north and south side of Thornton Avenue. The gaps in the bike lane shall be wide enough to accommodate vehicle turning. The design should 1) reduce conflicts with turning vehicles using the driveways and bicyclists using the bike lane, and 2) allow for safe maneuvering of vehicles in & out of impacted properties. The Project shall provide vehicle turning templates at the driveways to verify the length of gaps for the bike lane buffer.

e. The minimum bike lane transition/shift shall be 1:5 (W:L); though a 1:10 transition is preferred. The Project shall verify that the proposed bike lane shifts will meet the minimum requirement and note the transitions on the striping plan.

f. The Striping and Signage Plans shall provide proper bike lane drop or transition towards the approach of the signalized intersections.

g. The proposed bike lane will impact on-street parking on Thornton Avenue. As such, the Project shall install appropriate signs, per the CA MUTCD, where on-street parking is prohibited. The signs shall be shown on the Signage and Striping Plans.

PUBLIC WORKS DEPARTMENT – FIELD SERVICES

111. The Project shall have a common location(s) for trash enclosures large enough to house an appropriate number of sources separated trash, organics and recycling bins.

112. Operations of the development shall comply with the requirements in BMC Sections 4-2-101 through 4-2-128.

113. There shall be an appropriate location on the Project Site for all solid waste containers or bins. Solid waste containers and/or bins shall not be visible from the street.

PARKS AND RECREATION DEPARTMENT

114. Prior to the issuance of Building Permits, the Applicant shall submit landscape and irrigation plans prepared by a licensed landscape architect. They shall comply with Municipal Water Efficient Landscape Ordinance (MWELO) requirements if over 500 square feet of landscape.

115. The Applicant shall not remove any street/parkway trees unless the Parks and Recreation Director or their designee gives an approval. The Applicant is subject to pay the value of any tree removed (BMC §§ 7-4- 111(A), 7-4-102, and 7-4-105).

116. Existing Mexican Fan Palms within the Project Site can be removed. However, they will require replacement, but may be replaced with a different tree species.

117. Contact the Parks and Recreation Department's Forestry Division for a list of approved trees should a replacement tree be required. All trees shall be a minimum of 24" box size. Trees shall be installed with Arbor Guards.

118. Prior to the issuance of Building Permits, the Applicant shall add the following note to the planting plan:

Applicant to install street trees, must contact the Forestry Supervisor, at (818) 238-5343, at least forty-eight (48) hours prior to installation. Failure to contact the City for inspection and installation may cause the removal and replacement at the owner's expense.

119. Tree wells shall be required if planting in public right-of-way (BMC § 7-4-118).

120. The Applicant shall provide irrigation bubblers to street trees (BMC § 10-4-2713).

121. The Applicant shall provide an automatically controlled irrigation system to the parkway (BMC § 10-1-2713).

122. Prior to the issuance of Building Permits, the Applicant shall comply with Art in Public Places Ordinance (BMC § 10-1-1114).

123. Prior to the issuance of Building Permits, the Applicant shall provide an arborist/landscape architect valuation of any tree removed from the public rights-of-way for the Project (BMC § 7-4-105).

BURBANK WATER AND POWER – ELECTRIC DIVISION

124. The Project shall comply with the latest version of the Burbank Water and Power Rules & Regulations for Utility Service. The Rules are authorized by Burbank Municipal Code; Title 8, Chapter 2, Section 8.2 and are approved by the Council of the City of Burbank annually. Rules and Regulations can be viewed at https://www.burbankwaterandpower.com/rules-regulations

125. The Project shall comply with the latest version of Burbank Water and Power Electric Specifications as authorized by the Burbank Water and Power Rules & Regulations for Utility Service. The latest Electric Specifications can be viewed at https://burbankwaterandpower.com/electric/specifications.

126. Loads 5MVA or greater will require a new customer substation. BWP has agreed to explore additional options through a feasibility study. Offsite substation options, if applicable, will be made available to the Applicant based on BWP's feasibility study. If an onsite customer substation is required, the Applicant must provide the necessary space (a minimum of 125' x 80', with two 20' access roads on two sides) per latest version of BWP Rules and Regulations. Feasibility Study has been completed. The results and requirements have been shared with the Applicant and must be incorporated into the proposed plans for this development.

127. If the Applicant does not install an onsite substation, prior to the issuance of a building permit for the structure the Applicant shall execute a lease agreement with the City of Burbank - Burbank Water and Power ("BWP") which allows BWP to use and access an Applicant-funded solar-ready rooftop and/or upper levels of the parking structure for the installation and maintenance of solar panels to be installed and owned by BWP. At the conclusion of the lease, ownership of all solar panels and ancillary equipment shall be immediately transferred to the Applicant and BWP shall have no obligation to remove or restore the site to its original condition. The lease shall also include space on ground level to accommodate associated solar equipment such as switchgear and battery energy storage. The leased area(s) for solar panels, associated equipment and battery energy storage equipment must be sufficient in size for a system equivalent to at least 10% of the Applicant's total development demand (minimum of 550 kVA AC). The lease shall be for a 99-year period, with total rent equaling $1.00 per lease year to be paid in full upfront by Burbank Water and Power-Electric for a total of $99.00 for the life of the Lease. The Applicant shall coordinate with Burbank Water and Power - Electric and the Community Development Department to determine the extent of infrastructure that needs to be installed by the Applicant so that the building rooftops and upper levels of the parking structure are solar ready and designed to accommodate any future solar panels and battery storage equipment. All power generated from the photovoltaic system on the parking structure shall be owned by the City unless assigned by the City.

128. Outdoor meter locations are preferred. When adequate exterior wall space is not available, a separately locked, clearly labeled meter room is acceptable. For this project all meter rooms shall be located on the ground floor and have two exit doors equipped with panic hardware. At least one door must lead directly outside. BWP shall be supplied an access key to the room, which will be installed in a lock box adjacent to the door. The Applicant shall consult BWP for approved location and obtain a service confirmation prior to any installations.

129. The following information shall be included on the construction plans:

    a. Location of the existing electric service panel and existing electric utilities

    b. Dimensions/location of existing/proposed public improvements adjacent to project.

    c. The width and the location of all the existing and proposed easements.

d. Fully dimensioned building elevations showing height of structure from natural grade.

e. Proposed location of the electric service panel/meters.

f. Proposed location of any pad-mounted electrical equipment.

130. Construction plan approval will not be given until an electric service confirmation is obtained. Contact BWP Engineering at (818) 238-3575. The plans must show pertinent information related to the method of service as specified on the confirmation.

131. A load schedule and secondary service schematic will be required to determine the extent of the electrical load requirements. An electronic copy of a plot plan of the Project Site, showing all the existing and proposed substructures, complying with BWP AutoCAD standards should also be provided to BWP Electrical Engineering to aid the electrical design. BWP will provide full comments after the electrical sheets are provided. A meeting should be scheduled between the Applicant, project architect, electrical engineer, and BWP Electrical Engineering early in the design stage of each phase of the project to discuss all the issues and to finalize the location of the facilities. Latest version of BWP Rules and Regulations ("Rule") 2.01(d).

132. Loads below 5MVA will be fed from the existing system but will require upgrades to accommodate the new development, at Applicant's cost. Latest version of BWP Rules and Regulations 2.01(j).

133. The proposed development will require the installation of pad-mounted switches and transformers. The pad-mounted switches will be looped on the line side.

134. The proposed development will require transformer and switch pads, which have a vault underneath them. No structures are allowed to be constructed underneath these vaults.

135. The installation of pad-mounted transformers and switches will require the use of a crane or boom truck. To facilitate this installation, a vertical clearance of 40' from the transformer or switch pad level should be maintained. Any design that would restrict vertical access clearance to a level below 40' shall be subject to BWP review and approval if deemed feasible.

136. Provide a minimum 14' x 18' clear accessible area at grade level on undisturbed soil with easy crane access 20-foot wide for each three-phase pad-mount transformer facility.

137. Provide a minimum 10’ x 17’ clear accessible area at grade level on undisturbed soil with easy crane access 20-foot wide for each single-phase pad-mount transformer facility.

138. The proposed development will require the installation of 4’ x 6’ primary and secondary pull-boxes.

139. The proposed development will require the installation of 8’ x 14’ primary manholes.

140. The Applicant is required to extend underground substructure through the Project Site to connect Thornton Ave. and Avon St. and provide 10-foot-wide easements for all substructure. The substructure may include padmount switch vaults, conduit, manholes, and pullboxes.

141. The Applicant is responsible for offsite conduit extensions and underground substructure that will be required to serve the Project Site.

142. Additional conduits may be required to provide for future needs.

143. The Applicant shall provide 10’ wide recorded easement for the new underground system within the property and a minimum 27’ x 15’ clear accessible easement for a pad-mount switch. The Applicant’s surveyor will provide a legal description of the easements, which will be reviewed by Burbank Water and Power and then processed by the Community Development Department (contact 818-238-5250 for recording).

144. No new permanent structures are allowed within utility easements on the Project Site.

145. The Applicant’s contractor will provide as-built drawings showing the exact location of underground substructure installed to serve the Project Site.

146. All substructure work including transformer pads, switch pads, pull boxes, grounding systems, primary conduits and secondary conduits are the responsibility of the Applicant and shall be done in accordance with Burbank Water and Power drawings and specifications.

147. Any existing and proposed substructure on-site and off-site, which may affect the location of the new underground electrical system and any other improvements shall be identified and shown on the final plans to avoid a potential conflict with other substructure.

148. BWP will provide the following items at the Applicant’s cost:

a. Construction drawings for all substructure work.
b. Engineering support during construction.
c. Inspection of the work performed by the Applicant's contractor to ensure the work is done per the plans provided by BWP and per BWP specifications.
d. Installation of all transformers, switches, primary cables, and metering devices.
e. Termination of the secondary cables at the transformer.

149. The Applicant's contractor shall install secondary conduits, pull cable from the transformer to the switchboard, and terminate the secondary cables on the switchgear.

150. Depending on the location of the switchgear (whether it is outside or inside the building), secondary conduits and cables will be inspected and approved by both the BWP inspector and the Building Inspector (switchgear inside the building) or by the BWP inspector (switchgear outside the building).

151. The Building Inspector will provide structural inspection of secondary conduits for compliance with the Building code-concrete encasements, fire walls, support of the conduit package, et cetera. The BWP inspector will inspect the amount and size of secondary conduits and cables.

152. The Applicant's contractor is responsible for protecting any existing BWP facilities in place. Power poles must be protected in place to prevent any movement of the pole butt during excavation. Anchors must also be protected to prevent slippage or exposure that could result in the reduction or loss of holding power. If these requirements cannot be met, then no excavation will be allowed within three feet from the face of poles and five feet from anchors. (Latest version of BWP Rules and Regulations 1.14, 2.01(e), 2.54 per BMC 8-2-203)

153. The Applicant's contractor is responsible for protecting any existing BWP underground facilities from damage during construction. No crane-imposed loads will be allowed on any existing manhole or pullbox structures. (California Government Code 4216, Latest version of BWP Rules and Regulations 1.14, 2.01(e), 2.54 per BMC 8-2-203)

154. Any excavation that restricts vehicular access to existing BWP facilities may require the relocation of such facilities prior to excavation at the Applicant's cost. (Latest version of BWP Rules and Regulations 1.12, 1.14, 2.01(e), 2.52(f), 2.54 per BMC 8-2-203

155. The BWP fees for providing electric service are Aid-in-Construction (AIC) charges set forth in Section 3.26 of the latest version of BWP's Rules and Regulations for Electric Service. AIC charges are to recover the actual cost of:

    a. Providing and installing new facilities to serve the customer.
    b. Conducting feasibility studies and engineering.
    c. Relocating existing overhead or underground facilities.

156. A Customer or Applicant requesting a new, upgraded or replacement metered electric panel will be charged a Capacity Charge based on the kVA demand of such new, upgraded, or replaced metered electric panels, which will be applied according to the latest version of the City of Burbank Fee Resolution. The kVA demand is calculated using the formulas in the latest version of the BWP Rules and Regulations 3.26(g).

157. If any portion of existing BWP facilities needs to be upgraded or relocated due to the Project, then it will be done at the Applicant's expense.

158. All electrical installations must conform to the Burbank Water and Power Rules and Regulations for Electric Service (latest revision).

159. Contact BWP Engineering at (818) 238-3565 (commercial) if the existing service panel requires upgrading.

160. For multi-metered services all numbering must be completed in a permanent manner at all individual units and meter sockets before service can be energized. See BWP Rules and Regulations (latest revision), Section 2.68 (c) for acceptable labeling (stenciling or riveted tags required, permanent marker is unacceptable). Contact Public Works Engineering for unit designations.

161. The service switchboard rating shall be limited to 3000 Amps. Five copies of EUSERC drawings of the switchboard shall be provided to BWP for approval prior to submittal to the manufacturer. Service shall not be energized unless these drawings are provided.

162. All new metered services require a path for meter communications to BWP communication networks. Installation of meters that fail to continuously communicate with BWP communication networks will require additional BWP approved equipment to be installed at the Applicant's expense in order to create the appropriate communications path.

163. The Applicant is responsible for the street lighting system traversing or adjacent to the Project. The street light system is required to be underground fed with LED

luminaires. If existing lighting conditions do not satisfy this requirement or current light-level standards on Thornton Ave. (or streets adjacent to the development) are deemed insufficient, then modifications shall be made at the Applicant's expense. Standards and luminaires will be supplied by BWP at the Applicant's expense. A plot plan of the site must be submitted to BWP during the initial planning stage of the Project for street light design.

164. Any construction related to or for the Project that impacts existing streetlight standards or infrastructure will require relocation at the Applicant's cost.

165. BWP offers high-speed, high-quality fiber optics-based services through its ONE Burbank program. Fiber service is available to the Project if desired. To facilitate connection, a conduit should be installed between the electric meter room and the telecom/data MPOE. For further information, email support@oneburbank.com or call 818- 238-3113.

166. Contact AT&T at (866) 577-7726 for any phone company facility conflicts. Contact Charter Communications at (818) 847-5013 for any cable T.V. facility conflicts.

167. Any trees planted in the area adjacent to a street/alley shall be of a type that will not grow into the existing power lines and will also have sufficient clearance from the streetlight facilities.

168. All equipment locations and screening structures will be indicated on the plans and must meet the Community Development Department Equipment Screening Guidelines. The plans will include the proposed screening method, height of screening, material finish, and color or species of vegetation. All screen walls, which are a part of, or adjacent to, the proposed building will be shown on the building elevations. All screen walls detached from the building will be included as a separate elevation. Verification of submittal requirements and recommendations for screening requirements shall be by the Community Development Director or their designee.

169. BWP landscaping requirements for transformer pads and switch pads: Due to the natural maturation of trees and other landscaping elements, the following requirements are to be adhered to:

    a. New plantings within three feet of the back or sides of the pad and within eight feet of the front shall be of a groundcover type. This is considered the working zone.
    b. Outside of the working zone, shrubbery is acceptable within eight feet of the pads, but trees must be beyond an eight-foot radius to lessen future root conflicts.

c. Landscaping grade shall be a minimum of five inches below the grade level of the top of transformer pads.

d. All irrigation and sprinkler systems shall be constructed so that water shall not be directed onto the switch, the transformers, or the concrete pads. Additionally, surface water shall drain away from the concrete pads.

Landscape plans shall adhere to the above requirements, showing proper working clearances for electrical facilities on L-sheets.

170. The electrical design shall comply with California Building Code Title 24 energy efficiency requirements and shall use, wherever practical, surge suppressors, filters, isolation transformers, or other available means to preserve a quality of power of its electrical service and to protect sensitive electronic and computer-controlled equipment from voltage surges, sags, and fluctuations. BWP also recommends the use of an uninterruptible power supply (UPS) and a standby generator for critical loads.

171. Power factor correction to a minimum of 90% will be requested to minimize kVA demand as well as energy use. The Applicant must use California Nonresident Building Standard to consider and implement energy efficient electrical equipment and devices for minimizing peak demand and wasteful energy consumption. (Latest version of BWP Rules and Regulations 2.21 per BMC 8-2-203)

172. Electric Vehicle (EV) parking capacity shall be in accordance with Title 24 building code requirements. Plans shall detail all planned EV charger installations as well as all EV capable parking spaces. The electrical service panel shall include capacity to simultaneously charge all EV capable parking spots at their full-rated amperage whether installed or not.

173. As part of our efforts to reduce greenhouse gas emissions, improve air quality, and enhance customer service, BWP's Electric Vehicle Charging program promotes the use of electric vehicles by providing rebates for the installation of Level 2 (240V) charging equipment. BWP also installs and maintains a public electric vehicle charging network, consisting of 45 Level 2 charging ports and 2 DC Fast Chargers (480V), with new stations added each year depending on budget and availability. More information can be found at https://www.burbankwaterandpower.com/electric-vehicles/residential-ev-charger-rebate

174. For loads above 750 KVA, the Applicant shall be required to execute an Electrical Services Agreement with Burbank Water and Power prior to order of material or start of construction.

BURBANK WATER AND POWER – WATER DIVISION

175. The Applicant shall submit the following to BWP Water Division (Water) in accordance with BWP Rules and Regulations Section 4.30:

    a. A Utility Plan showing the size & location of existing and proposed water services (domestic, irrigation, fire, and recycled water, the type and location of all backflow prevention assemblies), all existing facilities to remain, relocate or be abandoned and locations of stub-out(s) for future connection(s).

    b. Calculations for sizing domestic water meters and services.

    c. Landscape Irrigation Plans.

    d. Plumbing Plans.

    e. Domestic water demand calculations, and fire flow requirements for the Project.

    f. Irrigation water demand calculations for all proposed landscaped areas.

176. Applicant shall design proposed water service connections in accordance with BWP Rules and Regulations Sections 1.10, 4.14, 4.15, 4.30, 4.31, 4.32, 4.33, 4.34, 4.36, and as follows:

    a. New potable/fire water services shall connect from a 10-inch main located in Thornton Avenue at a static pressure of approximately 100+ per square inch (PSI).

    b. The static pressure at the Project exceeds 80 pounds (PSI). Pressure regulators shall be installed to meet Building Division's requirements in accordance with the California Plumbing Code (CPC).

    c. Domestic meter size shall be adequate to provide the required flow, as determined by a licensed plumber, architect or engineer, calculated from the number of fixture units for the Project, pursuant to the CPC, CCR, Title 24, Part 5.

    d. A service connection shall not be used to supply utility services to any parcel of land other than the parcel for which the service connection is assigned. If multiple parcels are not consolidated into one parcel, each parcel will require their own potable and fire water services.

    e. If the proposed Water owned meter is located on private property, the Applicant shall dedicate an easement to Water for the purpose of access and maintenance of the meter. The Applicant shall pay for all costs and responsibilities in the preparation of the legal description, map, exhibits, and recordation of the easement.

    f. The Applicant shall verify that the existing public water system has adequate capacity to serve the Project. If off-site water system improvements are required to maintain acceptable pressures or fire flows,

the Applicant shall be responsible for those improvements.

g. The Applicant shall identify all existing water services proposed to remain in service and all services proposed to be abandoned or removed. Abandoned services shall be disconnected in accordance with BWP requirements.

177. Prior to final approval and preparation of an estimate by Water, the Applicant shall obtain approval from the Fire Department for appropriate fire service size and appurtenance selection. A deposit will then be collected to cover construction costs for all required services.

178. If the Fire Department requires any new fire hydrants and/or fire services for this development, the Applicant shall request an estimate from Water. The full deposit for any required work (including upgrading the fire service/backflow device) shall be paid prior to Water's approval of project plans.

179. The Applicant shall submit a fire flow analysis approved by the Burbank Fire Department demonstrating that the existing public water system can provide the required fire flow for the Project.

180. The Applicant shall be responsible for all additional costs of connection, installation, and abandonment in accordance with BWP Rules and Regulations, which may include:

1. A Water Main Replacement Fee (WMRF) of $208,500
2. Along Thornton = $250/ft x 492 ft = $123,000
3. Along Hollywood Way = $250/ft x 342 ft = $85,500

Estimated fees are generated during the preparation of the conditions of approval. Actual fees shall be determined at the time of payment, pursuant to Section 4.02 of the Development Agreement.

181. The Applicant shall be responsible for all additional costs of connection, installation, and abandonment in accordance with BWP Rules and Regulations.

a. Water services for the Project must be provided with protective devices that prevent objectionable substances from being introduced into the public water supply system, per Title 17 of the California Administrative Code. A minimum $50 backflow prevention plan check fee and up to actual cost will be applied. Domestic, irrigation, and fire services will require installation of backflow prevention assemblies (BPA). BPAs shall be installed on the Applicant's property and as close as possible to the property line (Standard Drawing No. BWP-615).

b. All domestic, irrigation, fire, and recycled water services shall require the appropriate backflow prevention assemblies as determined by BWP Water

Division and the State Water Board Cross-Connection Control requirements.

182. The Applicant shall be required to use recycled water in accordance with BWP Rules and Regulations Sections 5.01, 5.02, 5.15, and as follows:

a. Recycled water shall be utilized for construction, grading, and dust control. Contact Water Engineering for fees and permitting requirements.

b. Recycled water use will be mandated for all irrigation once available. Separate recycled water services shall be required specifically for irrigation. The Applicant must coordinate with BWP Water Engineering to determine the locations of recycled water service connections.

c. The Applicant shall be responsible for obtaining all required approvals from LA County Department of Public Health and California State Water Board - Division of Drinking Water. It is recommended that the Applicant contact BWP Water Engineering prior to submitting the application to County Public Health.

d. The Applicant shall submit recycled water demand calculations for all proposed irrigation areas.

e. The Applicant shall clearly identify all proposed recycled water facilities on the utility plans, including recycled water mains, meters, service laterals, isolation valves, and cross-connection control devices.

f. Landscape irrigation systems shall be designed to allow future conversion to recycled water where recycled water service is not immediately available.

g. The Applicant shall coordinate with BWP Water Engineering during the design phase to determine the timing and availability of recycled water service.

h. The Applicant shall evaluate the capacity of the existing domestic, fire, and irrigation water services serving the Project. The evaluation shall determine whether the existing infrastructure is adequate to serve the Project or whether additional or upgraded water services are required. The analysis shall be submitted to BWP Water Division for review and approval prior to final design.

FIRE DEPARTMENT

183. The Project shall comply with Fire Sprinkler California Fire Code Section 903 and the City of Burbank Municipal Code.

184. The Project shall comply with Fire Alarm California Fire Code Chapter Section 907. and the City of Burbank Municipal Code.

185. All items reviewed are based on information provided at time of review. The comments provided do not limit or relieve the property owner, Applicant, and

contractors from the responsibility of ensuring compliance with all applicable provisions of fire/life safety codes. Such compliances may include but are not limited to fire department access for firefighting, including fire department vehicle access, fire water supplies and appurtenances. Further reviews may require additional requirements or limitations as the project develops and is not limited to the requirements provided in these comments. Fire Sprinkler, Fire Alarm, Emergency Vehicle Access, Yard Hydrant, Underground Fire Water and Emergency Radio Communication System Plans shall be hard copy delivered to the Burbank Fire Department 311 E. Orange Grove Ave. Burbank California 91502.

186. The Project shall comply with all applicable 2025 Edition of the California Fire Code (CFC) and the California Building Code (CBC) as amended by the Burbank Municipal Code (BMC).

POLICE DEPARTMENT

187. All outside lighting shall comply with the requirements of BMC Section 5-3- 505 - Outside Lighting.

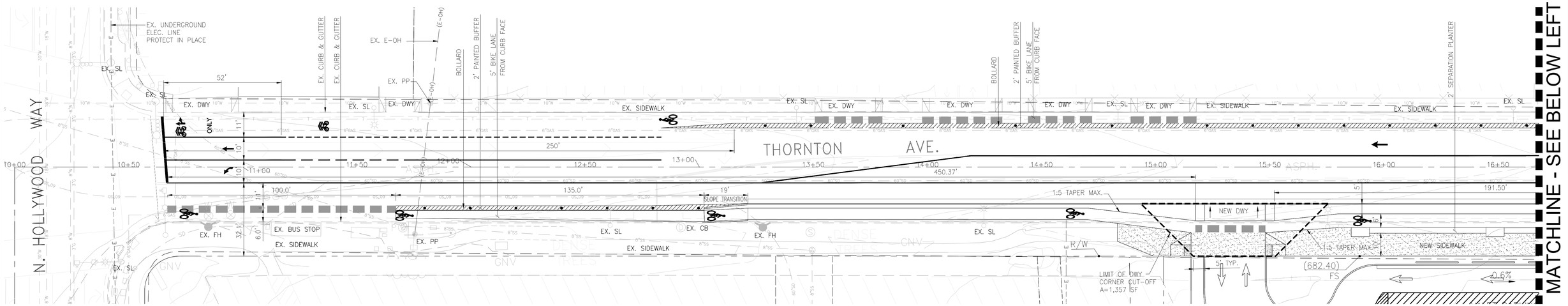
188. A Public Safety UHF Radio Amplification System on all buildings and parking structures shall be capable of supporting emergency safety service radio communication systems. All enclosed and/or subterranean interior areas of this project will be tested upon completion of construction to determine the radio signal transparency. Any buildings or structures which cannot pass the appropriate radio signal strength test may require installation of a radiating cable antennae or internal multiple antennae low power repeater system with or without FCC type accepted bi-directional UHF amplifiers as necessary to meet this requirement.

189. The Project shall comply with the commercial building identification requirements pursuant to BMC Section 9-1-505.1.2.

190. The Project requires a “key box for police,” also known as KnoxBox, to be installed in the following location(s): Police KnoxBox to be mounted on the wall adjacent to the main front door. The box must be visible while standing at the front door, and easily accessible.

EXHIBIT 1, TO ATTACHMENT D

THORNTON AVENUE AND AVON STREET OFF-SITE IMPROVEMENTS



LEGEND

	PROPERTY LINE/ RIGHT-OF-WAY
	GREEN BIKE BOXES
CB	CATCH BASIN
CL	CENTERLINE
FF	FINISHED FLOOR
FL	FLOWLINE
FS	FINISHED SURFACE
HP	HIGHPOINT
INV	INVERT
PL	PROPERTY LINE
ROW	RIGHT-OF-WAY
TC	TOP OF CURB
TG	TOP OF GRATE
TW	TOP OF WALL
TYP	TYPICAL
UNO	UNLESS NOTED OTHERWISE
FH	FIRE HYDRANT
PP	POLE-POWER
SL	STREET LIGHT
SDMH	STORM DRAIN MAN HOLE

30' 0' 15' 30'
SCALE: 1" = 30'

CONCEPTUAL OFFSITE IMPROVEMENT PLAN – THORNTON

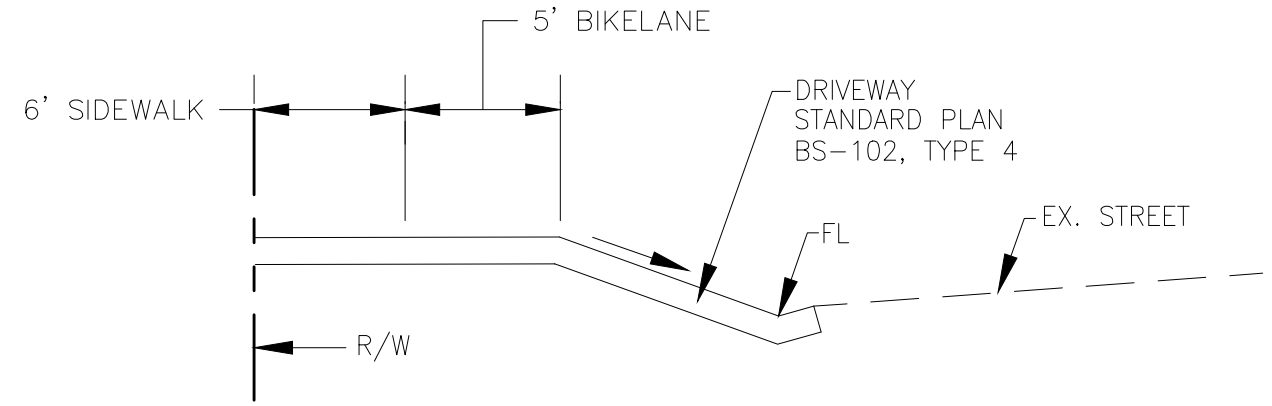
ARCHITECTURAL DIMENSIONS
801 Ygnacio Valley Road
Suite #230
Walnut Creek, CA 94549
TEL. 510.463.8300 • FAX. 510.463.8395

PROJECT INFO.
1 RESPONSE TO CITY COMMENTS 9/4/2023, UPDATE STREET IMPROVEMENT PLANS
2 RESPONSE TO CITY COMMENTS 03/06/2024, UPDATE STREET IMPROVEMENT PLANS
3 RESPONSE TO CITY COMMENTS 05/31/2024, UPDATE STREET IMPROVEMENT PLANS

MARRIOTT - ALOFT AND RESIDENCE INN
2500 NORTH HOLLWOOD WAY
BURBANK, CA

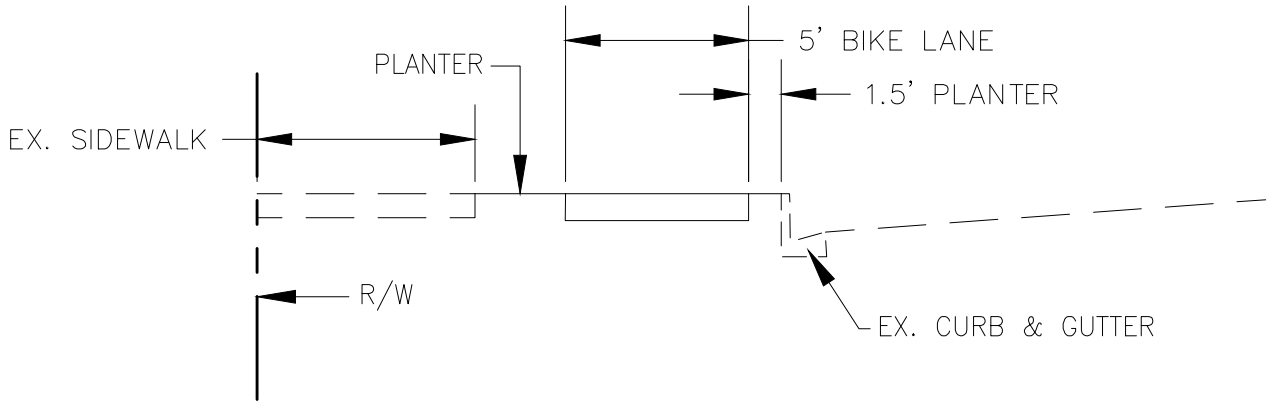
FUSCOE ENGINEERING
full circle thinking

JOB NO. **AWH04**
DATE. **09/09/2024**
DRAWING NO. C7.0



SECTION AT DRIVEWAY

NOT TO SCALE



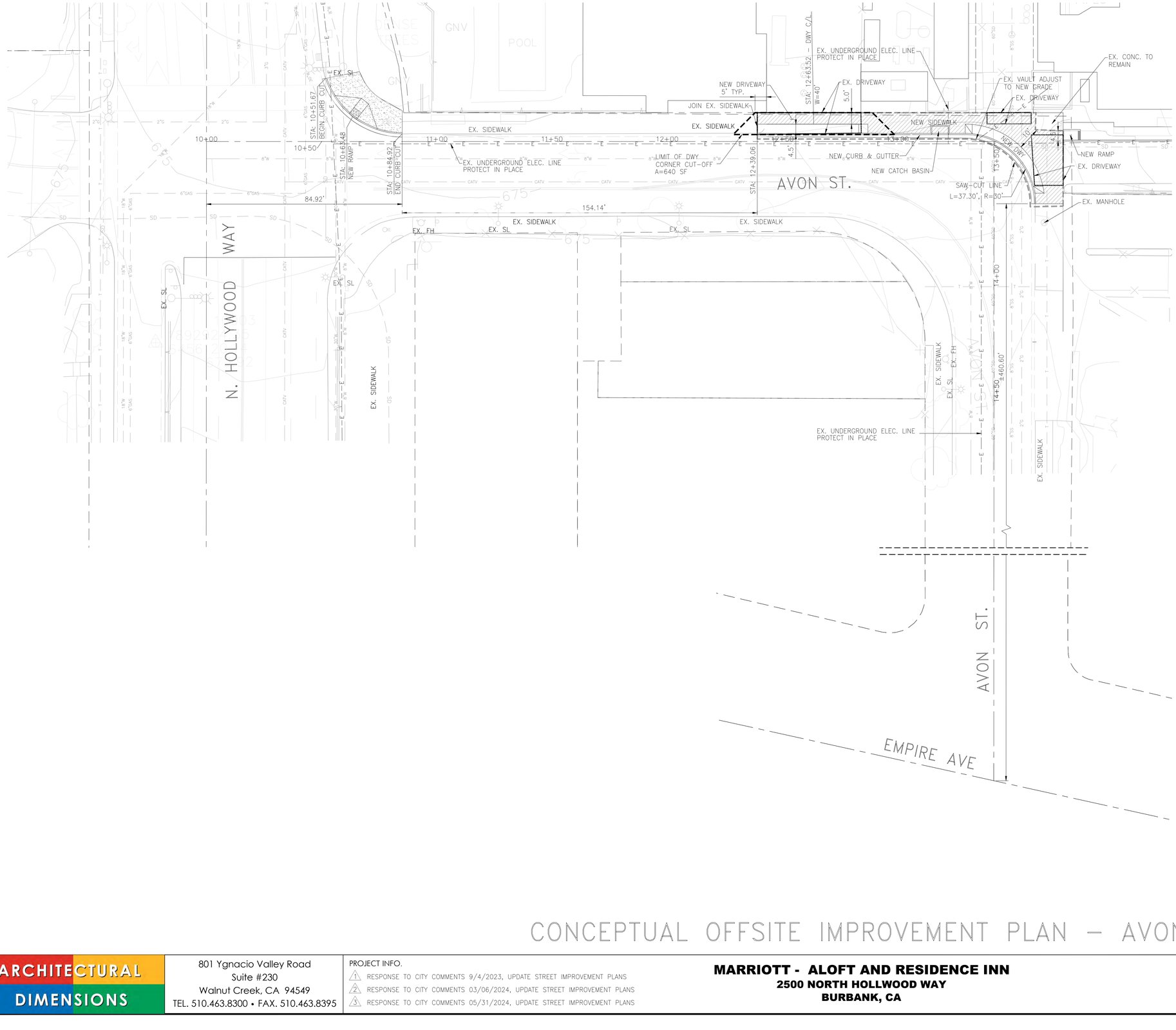
SECTION AT SIDEWALK

NOT TO SCALE

FUSCOE ENGINEERING
FULL CIRCLE THINKING®

06/17/2024

F:\PROJECTS\4147\001\PLANS\ENTITLEMENTS\CONCEPTUAL GRADING PLAN\4147-001 - CONCEPTUAL STREET IMPROVEMENT-C7.DWG (06-17-2024 1:03:57PM) Plotted by: ghormoz



LEGEND

— — —	PROPERTY LINE/ RIGHT-OF-WAY
CB	CATCH BASIN
CL	CENTERLINE
FF	FINISHED FLOOR
FL	FLOWLINE
FS	FINISHED SURFACE
HP	HIGHPOINT
INV	INVERT
PL	PROPERTY LINE
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PP	POLE-POWER
SL	STREET LIGHT
SDMH	STORM DRAIN MAN HOLE

N

30' 0' 15' 30'
SCALE: 1" = 30'

CONCEPTUAL OFFSITE IMPROVEMENT PLAN – AVON

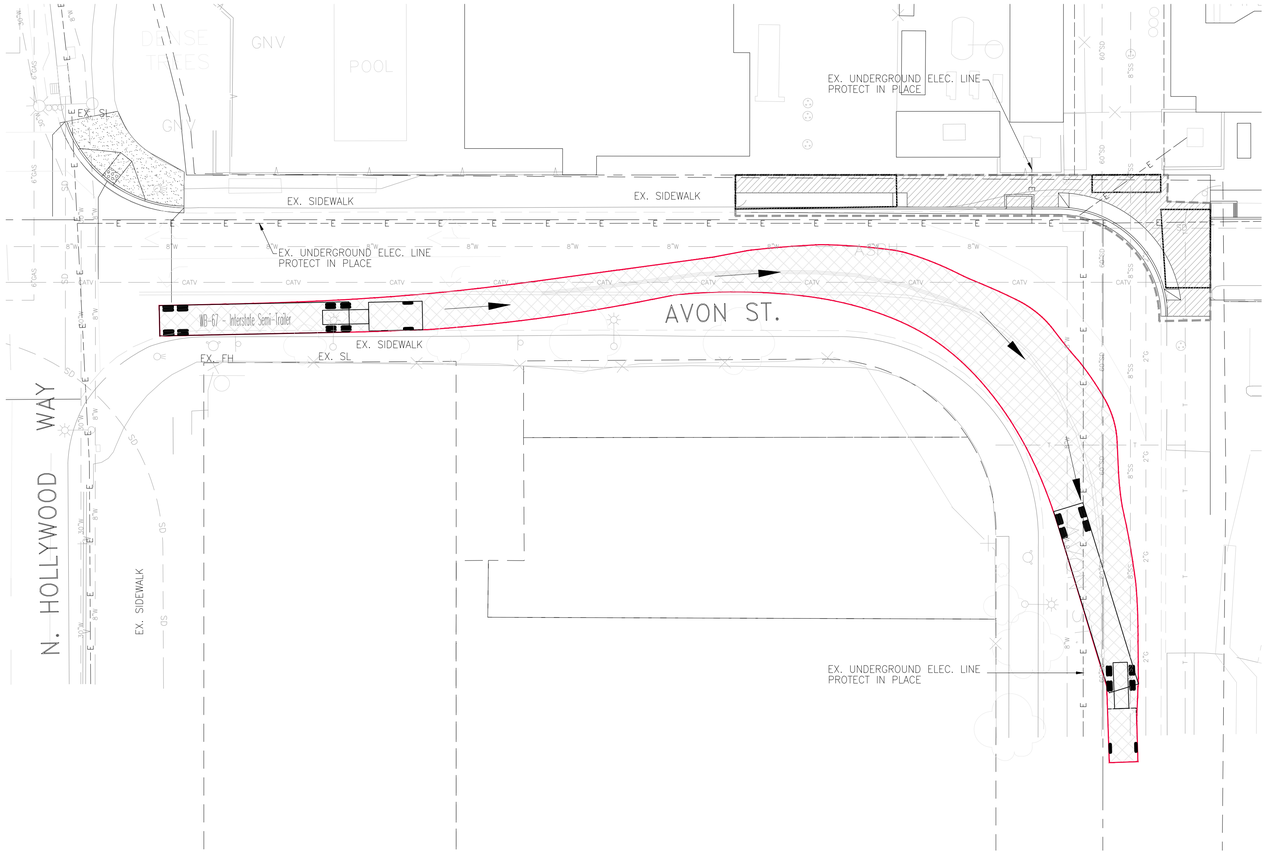
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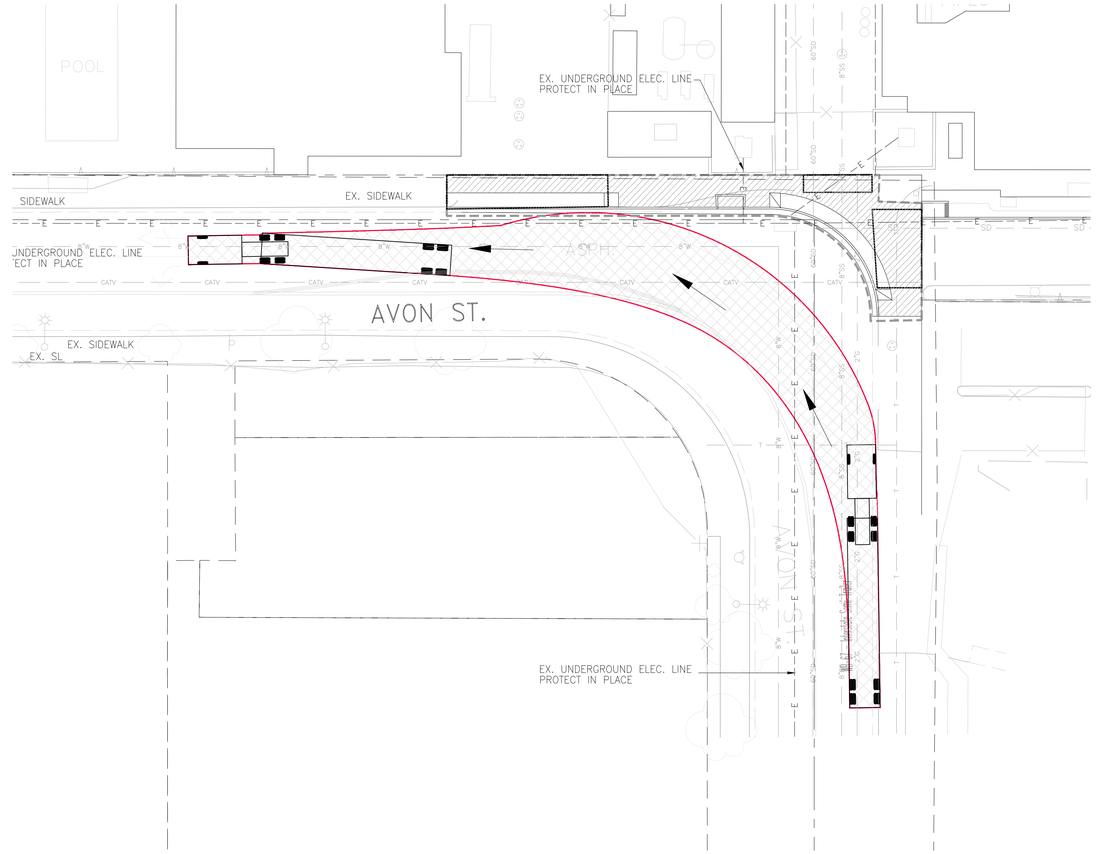
FUSCOE ENGINEERING full circle thinking

JOB NO. **AWH04**
DATE. **09/09/2024**
DRAWING NO. C7.1



TRUCK TURNING – AASHTO WB–67

FROM WEST AVON ST TO SOUTH AVON ST.



TRUCK TURNING – AASHTO WB–67

FROM SOUTH AVON ST TO WEST AVON ST.

N

30' 0' 15' 30'

SCALE: 1" = 30'

ARCHITECTURAL DIMENSIONS
801 Ygnacio Valley Road
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2500 NORTH HOLLWOOD WAY
BURBANK, CA

FUSCOE ENGINEERING
full circle thinking

JOB NO. **AWH04**

DATE. **09/09/2024**

DRAWING NO. C7.2

ATTACHMENT E

PLANNED DEVELOPMENT 2026-1:
PLANNED DEVELOPMENT ZONING REGULATIONS

DEFINITIONS
The definitions in Title 10 Chapter 1 Article 2 of the Burbank Municipal Code shall apply to this Planned Development Zone (the "PD Zone") and are incorporated here by reference (Attachment G).

LIST OF PERMITTED USES
The permitted uses in the PD Zone are listed in the table below.
P = Permitted
AUP = Administrative Use Permit
CUP = Conditional Use Permit

LIST OF USES	Planned Development 2026-1
RESIDENTIAL AND LODGING	
Hotel - including accessory commercial uses	CUP [1]
Multi-family Residential w/ permitted non-residential uses	P
Multi-family Residential-only	P
RECREATION, EDUCATION, AND ASSEMBLY	
Art gallery	P
Auditorium, labor union meeting hall, lodge hall	P
Convention/Conference Center	CUP [2]
Personal or Physical Arts Studios	P
RETAIL SALES AND DINING	
Alcoholic beverages - Sale and consumption on or off premises pursuant to Section 10-1-1116	P
Antique shop	P
Art shop	P
Bakery	P

[1] The "Existing Hotel" onsite is developed at a Gross Floor Area of 277,600 SF and a number of 488 hotel rooms, as of the date of approval of this Planned Development. The Hotel approved as part of this Planned Development ("Proposed Hotel"), is approved at a Gross Floor Area of approximately 262,338 SF and a number of 420 hotel rooms. Both the Existing Hotel and Proposed Hotel shall not require approval of a CUP at the existing and approved size. A CUP shall only be required for each one should there be a proposal to increase (1) the number of hotel rooms; or (2) the Gross Floor Area of either hotel by more than 5%.

[2] The "Existing Convention/Conference Center" onsite that is developed at a Gross Floor Area of approximately 39,000 SF shall not require approval of an CUP at the existing and approved size. A CUP shall only be required should there be a proposal to increase the size of the Existing Convention/Conference Center by more than 10% of the existing Gross Floor Area.

LIST OF USES	Planned Development 2026-1
Book store	P
Clothing store	P
Cocktail lounge/bar pursuant to 10-1-1116	P
Florist shop	P
Food specialty store	P
Market, convenience	P
Newsstand	P
Newsstand in c.e.b.	P
Restaurant, Full Service	P
Restaurant, Fast Service	P
Restaurant / Drinking Establishment (Section 10-1-1116)	P
Restaurant with incidental alcohol (Section 10-1-1116)	P
Retail store/sales	P
PROFESSIONAL OFFICES AND SERVICES	
Automated teller machine (Freestanding)	P
Bank	P
Barber shop	P
Beauty salon	P
Child day care facility	P
Dry cleaning agency - no on-site dry cleaning	P
Massage parlor	P
Offices - business, professional, or medical	P
Photocopy service, with incidental printing	P
Shoe shine shop	P
Ticket agency - incidental use only	P
TRANSPORTATION AND COMMUNICATION	
Wireless Telecommunications Facilities pursuant to 10-1-1118	P[3]
Advertising signs & structures – Billboards (Non-LED, Static Signs Only)	CUP
VEHICLE RELATED	
Public Parking and/or Parking for off-site users.	P
TEMPORARY USES & EVENTS	
Temporary Outdoor Events (can include live/amplified music)	P
Temporary Indoor Events (can include live/amplified music)	P

[3] An Administrative Use Permit (AUP) shall be required for all Freestanding Wireless Telecommunications Facilities.

CITY PLANNER CLASSIFICATION OF USES NOT LISTED
The City Planner may classify any use not listed in this Planned Development as an allowed use subject to approval of an Administrative Use Permit (AUP), where such proposed use is determined by the City Planner to be substantially similar to uses specifically allowed in the Planned Development, or the C-3 (Commercial General Business) Zone, per Title 10, Zoning Regulations of the Burbank Municipal Code. In the case that any of the similar uses require approval of a Conditional Use Permit, a Conditional Use Permit (CUP) shall be required, in lieu of the AUP.

In establishing that a use is substantially similar to uses specifically allowed in the Planned Development, or the C-3 (Commercial General Business) Zone, per Title 10, Zoning Regulations of the Burbank Municipal Code, the City Planner shall first make a finding that the following condition exists:

- The subject use is similar to two (2) or more uses allowed in this Planned Development, or the C-3 (Commercial General Business) Zone, per Title 10, Zoning Regulations of the Burbank Municipal Code.

Uses classified as allowed subject to this section shall be regarded as listed uses allowed in the Planned Development subject to approval of an AUP (or a CUP, if applicable). The City Planner shall maintain in the office of the City Planner a current list of all such classifications, which have been made for this Planned Development. For purposes of this section and this section only, the City Planner shall use the list of permitted uses applicable to the C-3 (Commercial General Business) Zone that is in effect at the time of the request for a City Planner Classification of Uses Not Listed.

DEVELOPMENT STANDARDS
The following property development standards shall apply in the PD 2026-1 Zone:

DENSITY and FLOOR AREA RATIO
The permitted density and floor area ratio shall be consistent with the limitations in the associated General Plan land use designation in effect at the time of submittal of a project application, but no less than the limitations of the Regional Commercial land use of 58 du/acre and 1.25 FAR (General Plan Land Use Element, Exhibit LU-1, p. 3-15.) that were in effect at the time of approval of this Planned Development.

STRUCTURE HEIGHT.

1. The maximum height of a building or structure shall be determined by its distance from the closest lot line of any residentially zoned property as follows, unless otherwise preempted by state law:

Distance from Residentially Zoned Lot or Comparable PD Zone	Maximum Height

0 feet to 500 feet	100 feet.
Greater than 500 feet	100 feet. Heights above 100-feet can be considered through approval of a CUP. The maximum height limit would be determined through the CUP.

2. The maximum height of a building shall be measured to the ceiling height of the highest room permitted for human occupancy.

3. Structure height shall be measured from grade as defined by Burbank Municipal Code Title 10, Chapter 1 (the "Zoning Code") (Attachment G).

4. Structures may exceed the maximum height requirement as permitted in Article 13, Division 1 of the Zoning Code (Attachment G).

5. Structures height shall be consistent with the requirements in Article 13, Division 2 of the Zoning Code (Attachment G).

6. The portion of a structure within the distance requirement (e.g. 0 to 500 feet) shall meet the height requirement for that section (e.g. 25 feet). Should a structure extend beyond one (1) or more of the distance requirements, the portions of that structure may meet each height requirement separately.

YARDS.

1. Front Yard - Definition.

   For the purpose of this section, side yards on corner lots shall be considered as front yards.

2. Setbacks.

   a. All structures, including semi-subterranean garages, but excluding above-grade parking structures, shall be set back at least five (5) feet from the front lot line or 20 percent of the building height, whichever is greater; this setback requirement may be averaged. Such setback shall be required for that portion of a building that is within 20 feet above grade and shall be calculated for the length of the building frontage only. Any open space or surface parking lots not in front of a structure shall not be included in calculating average setbacks. Portions of buildings over 20 feet in height may extend over required front yard setbacks, except in areas where required trees are planted.

   b. Above-grade parking structures shall be set back from the front lot line at least five (5) feet or 20 percent of building height, whichever is greater, but in no event shall the setback be less than three (3) feet. This setback requirement may be averaged.

c. For setbacks for surface parking lots, see Title 10 Chapter 1 Article 14, Division 4 of the Burbank Municipal Code (Attachment G).

3. Landscaping.

a. A minimum of 50 percent of front and exposed side yards shall be landscaped.

b. The provision of outdoor amenities and decorative hardscape, such as outdoor seating areas with benches permanently affixed to the ground or hardscaped areas enriched with decorative materials, which are under a tree canopy, shall be credited toward up to 50 percent of the required landscaping in all yards. Vehicular access areas may not be considered as decorative hardscape.

c. The planting of vines on masonry buildings is encouraged.

d. To qualify as landscaped area, all areas not occupied by trees or shrubs must be planted with turf or other ground cover or covered with 3” of bark mulch with a minimum soil depth of 12 inches. All planters must be a minimum of 18 inches deep and two (2) feet in their smallest inside dimension, unless a tree is required, in which case a three (3) foot planter depth shall be required, and the planter must have a minimum inside dimension (length and width) of four (4) feet.

e. In required front and exposed side yards, a minimum of one tree shall be planted for every 40 linear feet of street frontage or fraction thereof. Turf is allowed in up to 50 percent of required landscaped areas. In shrub areas, a minimum of one five (5) gallon shrub is required for every ten (10) square feet of shrub area.

f. A minimum of 50 percent of required trees shall be a minimum 36-inch box size, with the remainder a minimum 24-inch box size. The required 36-inch box trees shall be equally distributed in required front or street side yards.

g. Trash enclosures, utility boxes, and other similar structures must be screened by planting hedges or tall shrubs.

h. For additional landscaping requirements for above-grade parking structures and surface parking lots, see Article 14, Division 4 of this Chapter (Attachment G).

WINDOW RECESS STANDARDS
Windows, glass panels and other similar features proposed as part of any new development or building addition shall provide a recess of, or extend outward, no less than 2-inches from the abutting building façade.

ADDITIONAL STANDARDS.
For additional standards see Articles 11 through 16 of Burbank Municipal Code, Title 10, Zoning Regulations (Attachment G).

MIXED USE MULTIFAMILY RESIDENTIAL IN PD ZONE
Unless superseded by the regulations in these PD 2026-1 Zoning Standards, for mixed use residential developments in the PD 2026-1 Zone, the standards in Title 10 Chapter 1 Article 9 Division 4 of the Burbank Municipal Code shall apply and are incorporated here by reference (Attachment G).

MULTIFAMILY RESIDENTIAL-ONLY IN PD ZONE
Unless superseded by the regulations in these PD 2026-1 Zoning Standards, for multifamily residential-only developments in the PD 2026-1 Zone, the standards in Title 10 Chapter 1 Article 6 Division 3.5 of the Burbank Municipal Code shall apply and are incorporated here by reference (Attachment G).

OFF-STREET PARKING, LOADING AND GENERAL VEHICLE ACCESS STANDARDS
Off-street parking, loading and general vehicle access standards shall be consistent with Articles 14, 15 and 16 of the Zoning Code (Attachment G), unless superseded by the regulations below. In addition, a Parking Management Plan (PMP) shall be prepared for the Project Site[4]. The PMP shall be submitted to the Community Development Director or their designee for review and approval. A copy of the approved PMP shall be kept on file with the Community Development Department Planning Division. Off-street parking shall be managed and operated consistent with the PMP. The PMP can be updated from time to time. However, any updates to the PMP shall require an approval from the Community Development Director, or their designee.

MINIMUM VEHICLE PARKING SPACES REQUIRED.
Off-street parking shall be provided consistent with the rates in the table below, unless preempted by State Law.

Reductions to the below parking rates, or reductions in the event that there is shared parking, can be considered. They shall be subject to the applicant providing a parking study prepared by a qualified professional to justify the reduction in parking[5]. Upon consideration of such requests the Community Development Director shall also find that the reduced parking rate will not detrimentally impact the surrounding area. Any granted reductions in the below parking rates, or reductions because of shared parking, shall be kept on file with the Community Development Department Planning Division.

Uses	**Minimum Parking Spaces Required**
RESIDENTIAL AND LODGING	
Residential	

[4] As of the adoption date of Planned Development 2026-1, an approved PMP is on file with the City,

[5] As of the adoption date of Planned Development 2026-1, a parking study is on file with the City that grants parking reductions to account for shared parking. The parking study requires that 1021 parking spaces be provided for the 2 hotels (Existing Hotel with 488 hotel rooms and a Proposed Hotel with 420 rooms) and a convention center event with up to 879 attendees.

Uses	Minimum Parking Spaces Required
Studio	1 space
1 Bedroom Units	1 space
2 or more Bedroom Units	1.5 spaces
Hotels	0.8 spaces for each room/suite.
RECREATION, EDUCATION, AND ASSEMBLY	
Any Recreation, Education, and Assembly use that is listed in the List of Uses and not listed below.	2 spaces for each 1,000 sq. ft. of adjusted gross floor area.
Convention/Conference Center	1 space for every 2.15 attendees.[6]
Personal Physical Arts Studio (less than 1,500 sq. ft.) (1,500 sq. ft. and above)	 2 spaces per each 1,000 sq. ft. of adjusted gross floor area for 3 spaces per each 1,000 sq. ft. of adjusted gross floor area
RETAIL SALES AND DINING	
Any Retail Sales and Dining use that is listed in the List of Uses and not listed below.	2 spaces for each 1,000 sq. ft. of adjusted gross floor area.
Restaurant Uses (except take-out) and Cocktail lounge/bar over 1,500 square feet of adjusted gross floor area in size.	3 spaces for each 1,000 sq. ft. of adjusted gross floor area.
PROFESSIONAL OFFICES AND SERVICES	
Any Professional Offices and Services use that is listed in the List of Uses and not listed below.	2 spaces for each 1,000 sq. ft. of adjusted gross floor area.
Child Day Care Facilities	1 space for every 8 children and 1 space for each State Department of Social Services required employee.

[6] 1,021 on-site parking spaces were required as part of approval of Planned Development 2026-1. This allows for the 2 hotels (Existing Hotel with 488 hotel rooms and a Proposed Hotel with 420 rooms) and a convention center event with up to 879 attendees. Should convention center events exceed 879 attendees, additional temporary parking shall be provided at the Convention/Conference Center parking rate.

Uses	Minimum Parking Spaces Required
TRANSPORTATION AND COMMUNICATION	
Any Transportation and Communication use that is listed in the List of Uses and not listed below.	2 spaces for each 1,000 sq. ft. of adjusted gross floor area.
Wireless Telecommunications Facilities pursuant to 10-1-1118	1 space per facility.
Advertising signs & structures – Billboards (Non-LED, Static Signs Only)	No parking minimum is required.
VEHICLE RELATED	
Any Vehicle Related use that is listed in the List of Uses and not listed below.	2 spaces for each 1,000 sq. ft. of adjusted gross floor area.
Public Parking and/or Parking for off-site users.	No parking minimum is required.
TEMPORARY USES & EVENTS	
Any Temporary Event use that is listed in the List of Uses and not listed below.	1 space for every 2.15 attendees. [7]

MINIMUM BICYCLE PARKING REQUIRED.
Bicycle parking requirements shall comply with standards in effect in the Burbank Municipal Code, or Complete Streets Objective Development Standards (CSODS), at the time a development application is submitted for City review.

LANDSCAPING FOR PARKING STRUCTURES.

Landscaping for parking structures shall be provided consistent with the requirements in Article 14 of the Zoning Code (Attachment G), with the following exception:

1. Above-grade and semi-subterranean parking structures shall only be required to include potted or boxed trees and landscaping on all open-air parking decks that are at or above grade and visible from any public right-of-way immediately adjacent to the project frontage, so as to provide visual relief and shading, subject to the limitations

[7] 1,021 on-site parking spaces were required as part of approval of Planned Development 2026-1. This allows for the 2 hotels (Existing Hotel with 488 hotel rooms and a Proposed Hotel with 420 rooms) and a convention center event with up to 879 attendees. Should convention center events exceed 879 attendees, additional temporary parking shall be provided at the Convention/Conference Center parking rate.

posed by the engineering of the structure with respect to the weight loads generated by such landscaping, or any limitations caused by photovoltaic improvements on the parking structure.

SIGNS AND ADVERTISING STRUCTURE REGULATIONS

Unless otherwise stated in these Planned Development 2026-1 Zone, Planned Development Zoning Standards, signs shall comply with the requirements in Article 10, Chapter 1, Title 10 of the Burbank Municipal Code, included herein for reference (Attachment G). In addition, a Master Sign Program shall be prepared for the Project Site. The Master Sign Program shall be reviewed and approved by the Community Development Director or their designee.

ALCOHOL SALES FOR ON-SITE AND OFF-SITE CONSUMPTION

All Department of Alcoholic Beverage Control rules and regulations shall be enforced and complied with. The Applicant shall submit to the City Planner a copy of the Department of Alcoholic Beverage Control license, including all conditions imposed, which will be kept on file in the Community Development Department Planning Division office.

NONCONFORMING LAND, USES AND STRUCTURES

Unless otherwise stated in these Planned Development 2026-1 Zone, Planned Development Zoning Standards, nonconforming conditions regarding land, uses and structures shall comply with the requirements provided in Article 18, Chapter 1, Title 10 of the Burbank Municipal Code, included herein for reference (Attachment G).

DEVELOPMENT REVIEW

Unless specifically exempted by Burbank Municipal Code Section 10-1-1914, no structure shall be erected in the PD 2026-1 Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Community Development Director, as provided in Division 2, Article 19, Chapter 1, Title 10 of the Burbank Municipal Code. These permits include but are not limited to site preparation permits such as demolition permits and grading permits (Attachment G).

ZONING PROCEDURES AND AMENDMENTS

Unless otherwise stated in the Project Development Agreement and these Planned Development 2026-1 Zone, Planned Development Zoning Standards, Conditional Use Permit Applications, Administrative Use Permits, Development Reviews, Amendments to the Planned Development, and any other entitlement applications shall be processed consistent with the requirements provided in Article 19, Chapter 1, Title 10 of the Burbank Municipal Code, included herein for reference (Attachment G).

ATTACHMENT F

APPROVED PROJECT PLANS

PROJECT PLANS TO BE INCLUDED AFTER A FINAL DECISION IS MADE BY THE CITY COUNCIL

ATTACHMENT G

SECTIONS OF THE BURBANK MUNICIPAL CODE REFERENCED IN THE PLANNED DEVELOPMENT 2026-1, PLANNED DEVELOPMENT ZONING REGULATIONS

THE SECTIONS OF THE BURBANK MUNICIPAL CODE ARE TO BE INCLUDED AFTER A FINAL DECISION IS MADE BY THE CITY COUNCIL. THE SECTIONS WILL INCLUDE THE FOLLOWING:

- *TITLE 10, CHAPTER 1, ARTICLE 6, DIV 3.5*
- *TITLE 10, CHAPTER 1, ARTICLE 9, DIV 4*
- *TITLE 10, CHAPTER 1, ARTICLES 10 – 16, 18 AND 19*

LINK TO THE BURBAK MUNICIPAL CODE: https://ecode360.com/50621442

ATTACHMENT H

MITIGATION, MONITORING, AND REPORTING PROGRAM (MMRP): PROJECT MITIGATION MEASURES

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
CULTURAL RESOURCES						
Mitigation Measures						
CUL-1: The Applicant shall be required to retain the services of one or more monitor(s) who are qualified in the identification of archaeological and Native American resources. The monitor(s) shall meet the Secretary of the Interior's Professional Qualification Standards for archaeology, and shall be present during construction related ground disturbance activities including, but not limited to, site clearing (such as pavement removal, grubbing, tree removals) and/or excavation to depths greater than artificial fill (including boring, grading, excavation, drilling, potholing or auguring, and trenching) within the Project site and offsite sewer improvement area. A copy of the executed contract shall be submitted to the City of Burbank Community Development Department prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Archaeological Monitor shall complete monitoring logs daily, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The onsite monitoring shall end when grading and excavation activities of native soil (i.e., previously undisturbed) are completed, or when the Archaeological Monitor has indicated that the site has a low potential for cultural resources, whichever occurs first. The Applicant shall also be required to make the Project site available to native tribe(s) that have ancestral ties to the region during	Prior to the issuance of any permit for ground-disturbing activity/On-going during ground-disturbing activities	Executed contract/ Monitoring logs	Project Applicant; Contractor; Archaeological Monitor/ City of Burbank Community Development Department Planning Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
ground disturbance activities for monitoring on their own behalf, if requested – including the Gabrieleño Band of Mission Indians-Kizh Nation, the Fernandeño Tataviam Band of Mission Indians and any other tribe with ancestral ties to the region, as established by the Native American Heritage Commission.						
CUL-2: If an archaeological or Native American resource is inadvertently discovered during ground disturbing activities, work shall be halted in the immediate vicinity of the find (a 60-foot buffer around the find) until the find can be evaluated by the Archaeological and Native American Monitor(s) to determine if any discovered potential resource meets the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique resources (Public Resources Code 21083.2(g)). The City of Burbank Community Development Department shall be immediately notified. If the resource is determined to be potential a tribal cultural resource, the Applicant shall retain the services of a Native American Monitor to work in consultation with the Archaeological Monitor to delineate the resource. Work on areas outside of the buffered area may continue during the assessment period. The Applicant shall, in good faith, consult with the Tribe(s) on the disposition and treatment of any tribal cultural resource encountered during all ground disturbing activities. If the find is considered an "tribal cultural resource" the Archaeological Monitor, in cooperation with Native American Monitor, shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage, and treatment protocols shall be developed in	If resources are encountered during ground-disturbing activities	Disposition and treatment of any tribal cultural resource or if not a tribal cultural resource, preparation of a treatment plan and archaeological testing; data recovery, excavation, and archaeological mitigation if cannot be protected	Project Applicant; Contractor; Archaeological Monitor/ City of Burbank Community Development Department Planning Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines Sections 15064.5 and 15126.4. If a tribal cultural resource cannot be preserved in place or left in an undisturbed state, recovery, salvage, and treatment shall be required at the Project Applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation in an established accredited professional repository. If the resource is determined to be non-Native in origin, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the Project, additional work such as data recovery, excavation, and archaeological mitigation may be warranted to mitigate any significant impacts.						
CUL-3: In the event that human remains are discovered during onsite construction activities, the Archaeological Monitor shall immediately divert work at minimum of 50 feet and place an exclusion zone around the discovery location. The Archaeological Monitor shall then notify the construction manager who shall notify the County Coroner per Public Resources Code Section 5097.98, and Health and Safety Code Section 7050.5. The City of Burbank Community Development Department shall also be immediately notified. Work shall continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American,	If human remains are discovered during ground-disturbing activities	Notification of Los Angeles County Coroner/ Notification of Native American Heritage Commission if identified remains are Native American in origin	Project Applicant; Contractor; Archaeological Monitor/ City of Burbank Community Development Department Planning Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
the coroner shall notify the Native American Heritage Commission (NAHC) as mandated by State law who shall then appoint a Most Likely Descendent (MLD). Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented to the extent feasible in accordance with State CEQA Guidelines Section 15064.5(e).						
GEOLOGY AND SOILS						
Mitigation Measures						
GEO-1: Prior to commencement of ground-disturbing activities a qualified vertebrate paleontologist (as defined by the Society for Vertebrate Paleontology) shall develop Worker Awareness and Environmental Program (WEAP) Training for construction personnel. This training shall be presented to construction personnel and include what fossil remains may be found within the Project area and policies and procedures that must be followed in case of a discovery. Verification of the WEAP Training shall be provided to the Burbank Community Development Department.	Prior to commencement of ground-disturbing activities	Verification of development and provision of WEAP training for construction personnel	Project Applicant; Contractor; Qualified Vertebrate Paleontologist/ City of Burbank Community Development Department Planning Division			
GEO-2: Paleontological resources monitoring by a qualified vertebrate paleontologist (as defined by the Society for Vertebrate Paleontology) shall be required during ground disturbances (including grading, trenching, foundation work, and other excavations) in previously undisturbed sediments that exceed 10 feet in depth. The duration and timing of the monitoring shall be determined by the qualified paleontologist and the location and extent of the proposed ground disturbance. If the	On-going during ground-disturbing activities in previously undisturbed sediments that exceed 10 feet in depth	Executed contract/ Monitoring logs	Project Applicant; Contractor; Qualified Vertebrate Paleontologist/ City of Burbank Community Development Department Planning Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
qualified paleontologist determines that fulltime monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, the qualified paleontologist may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall not be required in artificial fill or for activities that do not reach 10 feet in depth.						
GEO-3: In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. The qualified paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources: • Salvage of Fossils. The qualified paleontologist (or paleontological monitor) shall recover significant fossils following standard field procedures for collecting paleontological resources, as described by the Society of Vertebrate Paleontology standards. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the	If fossils are discovered during ground-disturbing activities	If fossils are significant, documentation of salvage and preparation and curation of recovered fossils	Qualified Vertebrate Paleontologist/ City of Burbank Community Development Department Planning Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
fossil(s) can be removed in a safe and timely manner. • Preparation and Curation of Recovered Fossils. 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 University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the qualified paleontologist.						
GREENHOUSE GAS EMISSIONS						
Mitigation Measures						
GHG-1: Prior to the issuance of building permits, the Project applicant shall provide documentation (e.g., building plans, site plans) to the City of Burbank Community Development Department to verify implementation of the design requirements specified in this mitigation measure. Prior to the issuance of the certificate of occupancy, the City shall verify implementation of these design requirements: • The Project applicant shall prepare a Transportation Management Plan with the help of certified Traffic Engineer which includes voluntary and mandatory trip reduction measures such as discouraging single-occupancy vehicle trips and	Prior to the issuance of building permits; prior to the issuance of the certificate of occupancy	Approval of Transportation Demand Management Plan/Verification of design requirements	Project Applicant/ City of Burbank Community Development Department Planning Division and Transportation Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
encouraging alternative modes of transportation such as carpooling, taking transit, walking, and biking, implementing employee parking cash-outs, thereby reducing VMT and GHG emissions. The Transportation Management Plan shall grant all employees located within the Project site eligibility to participate. The Transportation Management Plan shall be reviewed and approved by the Transportation Planning Division. • The Project applicant shall join the Burbank Transportation Management Organization (TMO), which helps provide services to employees that encourages the use of public transit, carpooling, vanpooling, walking, and biking. • The Project applicant shall demonstrate to the Planning Division that new vehicles owned and operated by the Project operators that provide transport between the Hollywood Burbank Airport and the Project will be clean-fuel vehicles. • No wood-burning or gas-powered fireplaces shall be installed in the proposed development. • All major appliances provided/installed (e.g., dishwashers, refrigerators, clothes washers and dryers, and water heaters) shall be electric-powered EnergyStar-certified or of equivalent energy efficiency, where applicable.						

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
HAZARDS AND HAZARDOUS MATERIALS						
Mitigation Measures						
HAZ-1: Prior to the issuance of building permits, the Applicant shall include on the building plans an appropriate vapor intrusion mitigation system using a VOC-compatible vapor barrier that is incorporated into the design of new onsite structures, where there may be a potential for vapor intrusion risk to occupants. The elements of the vapor intrusion mitigation system shall include the design of an appropriate vapor barrier compatible with known VOCs, installation oversight to ensure compliance with VOC barrier manufacturers' warranty requirements, and subsequent post-installation VOC barrier integrity testing. The Applicant shall incorporate all requirements in the design of the Project as set forth by the applicable regulatory oversight agency for issuance of building permits, including the following measures: The proposed design of the vapor barrier shall be pre-approved by the applicable regulatory oversight agency (e.g., DTSC, the LARWQCB, or other appropriate local regulatory agency). The design of a physical vapor barrier beneath the structure(s) foundation shall prevent soil gas from seeping into breathing spaces inside the structure. The system shall include a passive or powered vapor mitigation system layer that draws soil gas out of the under-foundation base rock and directs that soil gas to a treatment system to prevent people from being exposed	Prior to the issuance of building permits	Review and approval of building plans *Following implementation*: Documentation of testing and vapor barrier installation; Submittal of Operations, Maintenance, and Monitoring (OMM) Plan	Project Applicant; Contractor/Regulatory Agency City of Burbank Community Development Department Building & Safety Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
outdoors. Any contaminants found in shallow soil vapor shall be mitigated to levels that are protective of human health for the proposed commercial uses. Upon completion, the Project Applicant shall prepare a report documenting the testing results and installed vapor mitigation method and submit the report to the regulatory agency with jurisdiction. An Operations, Maintenance, and Monitoring (OMM) Plan shall be prepared and implemented to maintain the vapor barrier system and confirm that the vapor barrier system continues to be protective of human health. The OMM Plan shall include details of methods for monitoring the vapor barrier system, provide monitoring frequencies and maintenance procedures for the system components and provide for post construction indoor air quality monitoring. The OMM Plan shall be approved by the regulatory agency with jurisdiction.						
HAZ-2: Prior to the issuance of a grading permit, the Applicant shall submit a Soils Management Plan (SMP) to the City of Burbank Community Development Department Building & Safety Division that addresses the proper characterization and handling of potential VOC-impacted soils, and other contaminants of concern that may be present. The SMP shall require that, as grading, excavation, and trenching are performed, exposed soil shall be monitored for stained or discolored soil, wet or saturated soils, or odors. If impacted soil is encountered, the soil shall be analyzed to identify and characterize the impact and determine if soil remediation is required. Soil samples shall be analyzed by an appropriate State-certified	Prior to the issuance of grading permit	Approval of Soils Management Plan	Project Applicant; Contractor/ City of Burbank Community Development Department Building & Safety Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
laboratory using appropriate methods based on the parameters to be analyzed. When a new area of contamination is identified, it shall be characterized to assess its lateral and vertical extent. The likely excavation of impacted soil shall be followed by segregated stockpiling or direct-loading, waste profiling, and offsite disposal or recycling, which shall be performed in accordance with applicable federal, State, and local regulations.						
NOISE						
Mitigation Measures						
NOI-1: The Project Applicant and/or Contractor shall implement the following noise-attenuating measures during construction of the proposed Project: • Construction contracts shall specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers. • A sign, legible at 50 feet from the property line shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the City of Burbank Community Development Department's Planning Division, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints.	Prior to the issuance of grading or building permit; On-going during construction	Approval of notices and signs; Proof of Noise Disturbance Coordinator; Verification during construction activities; Approval of construction haul routes	Project Applicant; Contractor/ City of Burbank Community Development Department Planning Division; City of Burbank Building Official; City of Burbank Public Works Department – Traffic Division			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
• The project Applicant shall provide, to the satisfaction of the City of Burbank Community Development Department's Planning Division, a qualified "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Burbank Community Development Department's Planning Division. All signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator. • Prior to issuance of any Grading or Building Permit, the project Applicant shall demonstrate to the satisfaction of the City's Building Official that construction noise reduction methods shall be used where feasible. These reduction methods include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools. • Construction haul routes shall be reviewed and approved by the City's Building Official						

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Implementation Responsibility/ Monitoring Responsibility	Verification		
				Initials	Date	Remarks
and City Traffic Engineer and shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible. • During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.						
NOI-2: The following measure shall be incorporated on all grading and building plans and specifications subject to approval of the City's Building and Safety Division prior to issuance of a grading permit: • Sonic pile drivers shall be used as an alternative to impact pile drivers to reduce groundborne vibration levels. Impact pile driver operations shall be prohibited.	Prior to the issuance of grading permit	Review and approval of grading and building plans	Project Applicant; Contractor/ City of Burbank Community Development Department Building and Safety Division			
TRIBAL CULTURAL RESOURCES						
Mitigation Measures						
Refer to Mitigation Measures CUL-1 and CUL-2.	--	--	--			
UTILITIES AND SERVICE SYSTEMS						
Mitigation Measures						
Refer to Mitigation Measure NOI-1.	--	--	--			

STAFF REPORT

COMMUNITY DEVELOPMENT

DATE: October 12, 2026

TO: City Planning Commission

FROM: Fred Ramirez, Assistant Community Development Director - Planning SP for FR
Via: Scott Plambaeck, Planning Manager SP
By: Daniel Villa, Principal Planner SP for DV
Vanessa Quiroz, Senior Planner VQ

SUBJECT: Adoption of a Resolution of the Planning Commission Recommending that The City Council Approve the 2500 North Hollywood Way Dual Brand Hotel Project (Project No. 16-0003953) by 1) Adopting a resolution certifying the Final Environmental Impact Report (FEIR) for the Project, Adopting a Mitigation Monitoring Reporting Program (MMRP) with a Statement of Overriding Considerations (SOC) and Adopting Findings of Fact Pursuant to the California Environmental Quality Act (CEQA); and 2) Adopting an Ordinance approving a Planned Development, Development Agreement, and Development Review for the Project

RECOMMENDATION

Adopt a Resolution (Attachment 1) of the Planning Commission Recommending that the City Council:

1. Adopt a resolution certifying the FEIR for the Project, Adopting a MMRP with a SOC and adopting Findings of Fact Pursuant CEQA (Exhibit A);
2. Adopt an Ordinance approving a Planned Development, Development Agreement, and Development Review for the Project (Exhibit B).

EXECUTIVE SUMMARY

The Applicant and Developer, AWH Burbank Hotel II, LLC, proposes to redevelop a portion of the approximately 11.76-acre property at 2500 North Hollywood Way (the "Project Site") with a new seven-story, 420-room dual-brand hotel and a separate four-story parking garage. The proposed hotel would contain approximately 262,338 square feet and would operate under the Aloft and Residence Inn brands. The parking garage would contain approximately 208,040 square feet and provide 673 valet-only parking spaces, with capacity to accommodate up to 93 additional valet parking spaces during special events, for a maximum of 766 spaces within the parking garage. Additional surface parking would provide for a total of 1,051 on-site parking spaces. The existing

488-room Marriott Hotel and approximately 39,000-square-foot convention center would remain on the Project Site and continue to operate.

The Project Site is designated Regional Commercial by the Burbank2035 General Plan and is currently zoned Planned Development (PD 89-1). The Applicant requests approval of a new Planned Development (PD 26-1) with site-specific zoning regulations, a ten-year Development Agreement, and Development Review for construction of the Project. The Project also includes off-site public improvements, including sidewalks, bicycle facilities, utility improvements, and pedestrian circulation improvements along Thornton Avenue, Avon Street, and other surrounding streets.

The City prepared a Final Environmental Impact Report (Final EIR) for the Project in accordance with the California Environmental Quality Act (CEQA). The Final EIR identifies significant and unavoidable impacts related to greenhouse gas emissions, construction noise, and utilities and service systems associated with construction noise from on-site and off-site infrastructure improvements. If the Project is approved, the City Council must adopt the applicable CEQA findings and a Statement of Overriding Considerations, together with a Mitigation Monitoring and Reporting Program (MMRP).

Based on the Project plans, draft Planned Development zoning regulations, draft Development Agreement, draft Conditions of Approval, and Final EIR, staff recommends that the Planning Commission recommend approval of the Project to the City Council, subject to the Conditions of Approval and completion of the required Mitigation Monitoring and Reporting Program (Attachment 1).

BACKGROUND

Project Site, Existing On-site Development and Surrounding Context

The Project Site is located in the northwestern portion of Burbank at 2500 North Hollywood Way (Attachment 2). The approximately 11.76-acre site is generally bounded by Thornton Avenue to the north, Hollywood Way to the west, Avon Street to the south, and the Media Studios North campus to the south and east.

The Project Site is currently developed with an existing nine-story, 488-room Marriott Hotel, an approximately 39,000-square-foot convention center, surface parking areas, internal drive aisles, landscaping, and related hotel improvements. The proposed Project would retain the existing Marriott Hotel and convention center and redevelop a portion of the existing surface parking area with the new hotel, parking garage, and related site improvements.

Refer to **Table 1**, below, for more information about the Project Site and surrounding land uses.

Table 1: General Property and Surrounding Land Use Information	
Address	2500 North Hollywood Way (Project Site)

Cross Streets	The site is generally bounded by Thornton Avenue to the north, Hollywood Way to the west and Avon Street to the south.
Assessor's Parcel Number	2464-004-015
General Plan Land Use Designation	Regional Commercial
Existing Zoning	Planned Development (PD 89-1)
Property Size	Approximately 11.76 acres (512,265 square feet).
Current Development	488-room Marriott Hotel (approximately 277,600 square feet), approximately 39,000-square-foot convention center, surface parking, internal circulation, and landscaping
Street Classification and Width	North Hollywood Way: Major Arterial, existing width of public right-of-way is 100 ft.
	Thornton Avenue: Collector, existing width of public right-of-way is 60 - 69 ft.
Surrounding Neighborhood:	
North	Thornton Avenue, airport-related parking.
South	Avon Street, Media/office uses, Sphere Studios, and the Regional Intermodal Transportation Center (RITC).
East	Media and office uses.
West	Hollywood Way, office, commercial, restaurant uses, and the Hollywood Burbank Airport.

Proposed Development and Operational Characteristics

The proposed dual-brand hotel would provide 420 guestrooms, consisting of 203 Aloft rooms and 217 Residence Inn rooms. The hotel would be seven stories and approximately 83 feet, 1 inch in height. Guestrooms would be located on floors two through seven. The ground floor would include separate entrances for the two hotel brands, a porte-cochere and drop-off area accessed from Thornton Avenue, a central courtyard with an approximately 880-square-foot pool and deck, conference and meeting spaces, dining and social areas, a bar, and approximately 2,060 square feet of leasable tenant spaces with an associated patio. Guest laundry and fitness facilities would be located on the sixth floor.

A separate four-story parking garage would provide up to 766 valet-only parking spaces. Together with surface parking, the Project would provide 1,051 parking spaces on the Project Site. The garage would include controlled access to prevent self-parking, rooftop photovoltaic improvements, and battery storage. The Project would also repave portions

of the existing convention center drop-off and surface parking areas and install new landscaping throughout the site.

The existing Marriott Hotel and convention center would remain in operation. Larger events currently occur on the property approximately four times per year in the southeastern parking area east of the convention center. The Project materials (Attachment 3 and 4), and Parking Utilization and Demand Study prepared for the Project (Attachment 5), provide that sufficient parking for these events would be managed through a parking management plan and, when needed, off-site parking arrangements.

The Project also includes public-realm and mobility improvements. The draft Conditions of Approval require pedestrian and bicycle connectivity improvements, pedestrian lighting, a lighted pedestrian paseo connecting Thornton Avenue to Avon Street along the west side of the convention center, transportation demand management measures, and off-site improvements along Thornton Avenue and other surrounding streets.

Requested Entitlement Applications

The Applicant is requesting the following land use approvals for the Project:

Planned Development – Approval of a new Planned Development zoning designation and site-specific land use and development standards for the entire Project Site, replacing the existing PD 89-1 zoning framework for purposes of the Project approvals (Attachment 6).

Development Agreement – Approval of a ten-year Development Agreement between the City and AWH Burbank Hotel II, LLC that establishes the applicable development regulations, Project obligations, community benefits, Conditions of Approval, and vesting provisions for the Project.

Development Review – Approval of the Project's site plan, building design, circulation, parking, landscaping, and related improvements necessary for construction of the proposed hotel and parking garage.

Development Agreement

The draft Development Agreement is proposed for a ten-year term. The Agreement identifies the approved Project, applicable development regulations, Conditions of Approval, Planned Development zoning regulations, and approved Project plans, and provides the Developer with development certainty during the term of the Agreement subject to compliance with its obligations. The Agreement also establishes procedures for annual review, amendments, assignment, and enforcement.

The draft Development Agreement and Conditions of Approval include Project-specific public/community benefits and obligations. These include:

- $30,000 one-time fair-share contribution toward future fire equipment replacement for mid-rise structures in the Golden State area.
- $30,000 one-time fair-share contribution toward future police equipment replacement in the Golden State area.

- $80,000 one-time fair-share contribution toward operation of a BurbankBus fixed-route transit service serving the Golden State area.
- $20,000 one-time fair-share contribution toward annual maintenance of Metrolink stations serving the Golden State area.
- $250,000 one-time contribution toward neighborhood protection and traffic-calming improvements.
- Long-term maintenance by the Applicant of specified public right-of-way improvements adjacent to the Project Site, including sidewalks, curb and gutter, landscaping, bicycle facilities, and related improvements, pursuant to an operation and maintenance agreement.
- Transit, bicycle, pedestrian, and transportation-demand-management measures, including shuttle service, participation in the Burbank Transportation Management Organization, employee transit-pass subsidies, pedestrian lighting, and a Thornton Avenue-to-Avon Street pedestrian paseo.
- Sustainability measures, including an all-electric proposed hotel, on-site photovoltaic generation, water-efficient landscaping, recycling/waste-diversion measures, and other energy-efficiency requirements.

These obligations are incorporated into the draft Conditions of Approval and would be enforceable through the Project approvals and Development Agreement.

ANALYSIS

Pursuant to Burbank Municipal Code (BMC) Section 10-1-19127, the Planning Commission is required to review the proposed Planned Development and make a recommendation to the City Council to approve, deny, or modify the request. Because the Development Review and Development Agreement are being processed concurrently with the Planned Development, the Planning Commission is also reviewing these entitlements as part of its recommendation to the City Council. The Planned Development is governed by BMC Sections 10-1-19118 through 10-1-19134, the Development Agreement by BMC Sections 10-1-1997 et seq., and the Development Review by the applicable provisions of Article 19, including BMC Sections 10-1-1909 through 10-1-1912. The following discussion evaluates the Project's consistency with the Burbank2035 General Plan, applicable zoning regulations, and the findings and criteria required for approval of the requested entitlements.

Consistency with the Burbank2035 General Plan

The Project Site has a Regional Commercial land use designation in the Burbank2035 General Plan. The Regional Commercial designation is intended to provide regional employment and service destinations that contribute to the City's economy and serve both Burbank residents and visitors. The designation specifically identifies the Airport Marriott hotel and convention center as a Regional Commercial use and supports large-scale development, which is appropriately sited in this portion of the City.

To keep the discussion in this staff report concise, the analysis below highlights several of the key General Plan consistency findings. A more comprehensive analysis of the

Project's consistency with applicable goals and policies from the General Plan's various elements is provided in Attachment 7.

- **Land Use Goal 1 (Quality of Life), Policy 1.1.** This policy supports an appropriate mix of residential and non-residential uses that meet the needs of residents, businesses, and visitors and provide opportunities for commerce, employment, recreation, entertainment, and other activities.

  The Project is consistent with Policy 1.1 because it would establish a visitor-serving commercial use at a location already developed with a hotel and convention center. The new dual-brand hotel would provide additional accommodations for business and leisure travelers, conference and meeting space, dining and guest amenities, and new employment opportunities. The Project would therefore enhance the range of commercial, and visitor-serving uses available within the area while supporting the needs of visitors, businesses, and employees.

- **Land Use Goal 2 (Sustainability), Policies 2.2 and 2.3.** Policy 2.2 directs new development toward infill locations, while Policy 2.3 requires new development to contribute its fair share toward necessary infrastructure and ensure that adequate infrastructure and services are available to support development.

  The Project is consistent with these policies because it would redevelop an underutilized portion of an existing surface parking area within an already-developed hotel and convention center site, which would increase the lodging amenities available to future visitors and not displace other uses from the site. The Project would also construct and fund transportation, pedestrian, bicycle, utility, and other public improvements and provide financial contributions toward transit, Metrolink station maintenance, and neighborhood traffic improvements.

- **Land Use Goal 6 (Economic Vitality and Diversity), Policy 6.1.** Goal 6 supports a healthy and diverse economy with a full range of commercial and employment opportunities, while Policy 6.1 encourages the City to attract businesses and use new investment to enhance economic vitality.

  The Project is consistent with Goal 6 and Policy 6.1 because it would expand Burbank's hospitality and visitor-serving economy through the development of a new 420-room hotel adjacent to Hollywood Burbank Airport, the existing Marriott Hotel and convention center, and nearby transit facilities. The Project is anticipated to generate construction and long-term employment, support surrounding businesses, attract additional visitors, and provide additional City revenue through visitor spending, increased property values, and transient occupancy tax.

- **Land Use Goal 11 (Regional Commercial Land Use), Policies 11.1 through 11.4.** Goal 11 seeks to maintain successful regional commercial centers that provide employment, services, and revenue to the City. Its policies emphasize access to public transit, safe and direct pedestrian and bicycle circulation, and high-quality site design, architecture, and landscaping.

The Project is consistent with Goal 11 and these policies because it would further develop an existing Regional Commercial hotel and convention center destination while improving connections to surrounding transit and transportation facilities. Conditions of Approval require shuttle service between the Project Site and the Burbank Airport North and South Metrolink stations, participation in the Burbank Transportation Management Organization, and implementation of transportation demand management measures. The Project would also provide enhanced sidewalks, pedestrian lighting, bicycle facilities, a circulation system for pedestrians and bicyclists, and a lighted pedestrian paseo connecting Thornton Avenue and Avon Street. These improvements, together with the proposed landscaping and coordinated site design, further the General Plan's objectives for accessibility, circulation, and high-quality development within Regional Commercial centers.

- **Mobility Goal 1 (Balance), Policy 1.4, and Mobility Element Performance Criteria.** Policy 1.4 seeks to ensure that future land uses can be adequately served by the planned transportation system. The Mobility Element also establishes performance criteria for evaluating roadway operations and identifies Level of Service (LOS) D as the lowest acceptable LOS for signalized intersection movements during the peak hour.

  Although LOS is no longer the metric used to evaluate transportation-related environmental impacts under CEQA, in accordance with the City's Transportation Study Guidelines, because of its scale the Project was required to conduct an operational analysis to demonstrate it would not add congestion resulting in the degradation of the City's roadway network, nor result in any identified study intersection operating below LOS D pursuant to the Burbank2035 General Plan. The Project aligns with these provisions based on the operational analysis in Attachment 8, which evaluated 19 study intersections under baseline and future conditions (with and without the Project). Under Future Plus Project conditions, 18 of the 19 study intersections are projected to operate at LOS D or better during morning and afternoon peak hours. The intersection of Hollywood Way and Victory Boulevard is projected to operate at LOS E during the PM peak hour; however, it is also projected to operate at LOS E under Future Base conditions without the Project. The Project will therefore not cause any intersection operating at LOS D or better to deteriorate to LOS E or F. Furthermore, Project-generated traffic will cause only minor delay increases that are imperceptible to most drivers and will not create operational deficiencies on the City roadway network. Additionally, all Project driveways are projected to operate at LOS D or better, with vehicle queues remaining clear of City streets. Consequently, the Project will not conflict with the Mobility Element's LOS performance criteria or the Burbank2035 General Plan.

Based on the foregoing, there is sufficient support for Planning Commission's recommendation that the Project is consistent with the applicable goals, policies, and performance criteria of the Burbank2035 General Plan Land Use and Mobility Elements and with the purpose and intent of the Regional Commercial land use designation.

Compliance with Applicable Zoning Regulations

The Project Site is currently zoned Planned Development (PD) 89-1. The proposed Planned Development would replace the existing zoning regulations with site-specific regulations governing the entire Project Site. Under BMC Section 10-1-19121, a Planned Development may establish specific regulations and development standards through the approved development plan and Development Agreement. BMC Sections 10-1-19122 and 10-1-19123 further provide for permitted and conditional uses to be specifically established as part of the Planned Development.

The proposed Planned Development regulations establish standards addressing permitted uses, development intensity and FAR, building height, setbacks, parking and loading, bicycle parking, landscaping, signage, alcohol sales, nonconforming conditions, and future Development Review procedures. The regulations would allow the existing and proposed hotel uses at their approved size and would establish the development standards applicable to future development of the Project Site.

The Project plans demonstrate compliance with the development standards and uses established by the proposed Planned Development. The proposed hotel would have a height of approximately 83 feet, 1 inch, below the proposed maximum building height of 100 feet. The proposed adjusted gross floor area is below the 1.25 FAR maximum associated with the Regional Commercial designation. The Project also provides setbacks that meet or exceed the minimum requirements identified in the proposed development standards. The Project also provides the three loading spaces required for the proposed hotel.

Parking would be provided in accordance with the Project's Parking Utilization and Demand Analysis (Attachment 5) and a parking management plan. The proposed Planned Development regulations require 1,021 on-site parking spaces to serve the existing 488-room hotel, proposed 420-room hotel, and convention center events with up to 879 attendees. The Project would provide a total of 1,051 on-site parking spaces.

Based on the Project plans and proposed Conditions of Approval, staff finds that the Project would comply with the proposed Planned Development zoning regulations and other applicable provisions of the BMC.

Compliance with the Findings Required for Approval of a Planned Development

Pursuant to BMC Section 10-1-19127, the Planning Commission is required to review the proposed Planned Development and make a recommendation to the City Council. Approval of the Planned Development is subject to the applicable findings and design criteria set forth in BMC Sections 10-1-19127 and 10-1-19124. Staff recommends that the required findings outlined in BMC Section 10-1-19127.H.3 can be made as follows.

1. *The Planned Development is consistent with the General Plan and applicable community plans.*

   This finding can be made. The Project is consistent with several goals and policies of the Burbank2035 General Plan, including Land Use Goal 1, Policy 1.1 (Quality of Life); Land Use Goal 2, Policies 2.2 and 2.3 (Sustainability); Land Use Goal 6, Policy

6.1 (Economic Vitality and Diversity); and Land Use Goal 11, Policies 11.1 through 11.4 (Regional Commercial Land Use). The Project Site is designated Regional Commercial, which is intended to accommodate larger-scale commercial and employment destinations that serve both the local community and the broader region, including hotel, convention, dining, entertainment, and other visitor-serving uses, while promoting high-quality development and access by multiple modes of transportation. The Project would advance these objectives by further developing an established hotel and convention center site, redeveloping an underutilized portion of the site, generating new employment, visitor spending, and transient occupancy tax revenue, and providing public infrastructure and transportation improvements. Enhanced sidewalks, pedestrian lighting, bicycle facilities, a pedestrian paseo, Metrolink shuttle service, and transportation demand management measures would also support the General Plan's emphasis on accessibility, sustainable infill development, economic vitality, and the continued success of Regional Commercial centers.

2. *The design criteria identified in BMC Section 10-1-19124 are satisfied.*

This finding can be made. BMC Section 10-1-19124 establishes nine design criteria for Planned Developments addressing comprehensive site planning, circulation and parking, compatibility with adjoining uses, private and public circulation, residential common areas where applicable, architectural compatibility, variety of uses and facilities, and energy conservation. The Project satisfies these criteria as follows:

A. **Comprehensive Design.** The proposed Planned Development provides a comprehensive regulatory and development framework for the entire 11.76-acre Project Site, including the existing Marriott Hotel and convention center, the proposed dual-brand hotel and parking garage, landscaping, circulation, parking, permitted uses, and future development standards. The Project is also substantially consistent with the Regional Commercial General Plan designation.

B. **Open Areas, Circulation, Parking, and Pedestrian Amenities.** The Project provides coordinated internal circulation, 1,051 on-site parking spaces, landscaped areas, bicycle facilities, pedestrian lighting, and pedestrian connections throughout the Project Site. The Project also includes a lighted pedestrian paseo providing a connection between Thornton Avenue and Avon Street. These improvements integrate the proposed hotel and garage with the existing hotel and convention center, while providing enhanced bike and pedestrian improvements within the adjacent public right-of-way to the benefit of the surrounding community.

C. **Compatibility with Adjoining Land Uses.** The Project Site is already developed with hotel and convention uses and is surrounded predominantly by commercial, office, transportation, and airport-related uses. The proposed hotel would provide an additional visitor-serving use on the property. Project design features and Conditions of Approval addressing building placement, circulation, landscaping, lighting, construction, enhanced bike and pedestrian

infrastructure within the adjacent public right-of-way and operation further support compatibility with surrounding uses.

D. **Private Circulation.** Internal drive aisles, hotel drop-off and valet areas, pedestrian pathways, bicycle facilities, loading areas, and access points have been designed to provide for the safe and efficient movement of vehicles, pedestrians, and bicyclists throughout the Project Site.

E. **Public Street System.** The Project includes improvements along Thornton Avenue, Avon Street, and surrounding streets to improve pedestrian, bicycle, and vehicular circulation. These improvements include sidewalks, bicycle facilities, pedestrian lighting, and other public right-of-way improvements. Conditions of Approval also require final review and approval of off-site improvement, signing, striping, and circulation plans.

F. **Residential Common and Recreational Facilities.** This criterion is not applicable because no residential uses are proposed as part of the Project.

G. **Architectural Design and Appearance.** The proposed hotel and parking structure have been designed as coordinated components of the overall Project Site. The proposed Planned Development also requires a comprehensive Master Sign Program and establishes development standards addressing building setbacks, height, landscaping, and other design features to maintain a coordinated appearance throughout the site.

H. **Variety of Uses and Facilities.** The Project Site would continue to provide hotel and convention uses and would add a second dual-brand hotel with associated guest amenities. Together, these uses provide a range of visitor-serving and commercial facilities that complement the existing convention center and nearby airport and transit facilities.

I. **Energy Conservation.** The Project incorporates energy-conservation and sustainability measures, including energy-efficient systems and photovoltaic generation with battery storage equipment.

Based on the foregoing, the Project is consistent with the Burbank2035 General Plan and satisfies the Planned Development design criteria in BMC Section 10-1-19124. Therefore, staff recommends that the Planning Commission recommend approval of the proposed Planned Development to the City Council.

Compliance with the Findings Required for Approval of a Development Agreement

The City's Development Agreement regulations are contained in BMC Sections 10-1-1997 et seq. Pursuant to BMC Section 10-1-19110.B, the City Council may approve a Development Agreement only when the agreement is consistent with the General Plan and any applicable specific plans. The Planning Commission reviews the Development Agreement and provides a recommendation to the City Council as part of the entitlement process. These findings can be met as discussed below:

1. *The proposed Development Agreement is consistent with the Burbank2035 General Plan and any applicable specific plans.*

   This finding can be made. There is no applicable specific plan governing the Project Site; therefore, pursuant to BMC Section 10-1-19110, the Development Agreement is evaluated for consistency with the Burbank2035 General Plan. As discussed above, the Project is consistent with the Regional Commercial land use designation and advances the General Plan's economic development and mobility objectives by providing additional visitor-serving commercial development, employment opportunities, transportation improvements, and other community benefits.

   The Development Agreement would establish the framework for implementation of the Project over a ten-year term, including the respective rights and responsibilities of the City and Developer, and would incorporate the Project's Conditions of Approval and environmental mitigation requirements. It would also secure a range of community benefits, including monetary contributions for public safety, transit, Metrolink maintenance, and neighborhood protection; ongoing maintenance of specified public right-of-way improvements; transportation demand management measures; sustainability requirements; and off-site pedestrian, bicycle, and utility improvements. Collectively, these provisions support orderly development of the Project Site while providing tangible benefits to the City and community. Therefore, staff finds that the proposed Development Agreement is consistent with the Burbank2035 General Plan and satisfies the requirements of BMC Section 10-1-19110.

Compliance with the Findings Required for Approval of a Development Review

Pursuant to BMC Section 10-1-1912.A, a Development Review application may be approved when the review authority finds that the application and Project are consistent with all applicable provisions of the BMC. Where necessary, conditions may be imposed to ensure compliance with applicable Code requirements. The required finding can be made based upon staff's analysis below:

1. *The Project is consistent with all applicable provisions of the Burbank Municipal Code.*

   This finding can be made. The Project has been reviewed for compliance with the proposed Planned Development zoning regulations and other applicable provisions of the BMC. The Project's proposed use, FAR, building height, setbacks, parking, loading, circulation, landscaping, and other development features are consistent with the standards established by the proposed Planned Development, as conditioned.

   The proposed hotel would be integrated into the existing hotel and convention center site through coordinated internal drive aisles, a new hotel entrance and porte-cochere along Thornton Avenue, pedestrian connections, and a lighted paseo extending between Thornton Avenue and Avon Street. The detached parking garage would consolidate a substantial portion of the required parking while retaining surface and

event parking. The Project would provide 1,051 on-site parking spaces, exceeding the 1,021 spaces identified as necessary under the Project's Parking Utilization and Demand Analysis.

The Project plans also include landscaping, pedestrian lighting, bicycle facilities, valet circulation, loading areas, and associated on- and off-site circulation improvements. The Conditions of Approval require further review and approval of construction, grading, utility, off-site improvement, traffic-control, and parking-management plans prior to issuance of applicable permits. Based on the Project plans and Conditions of Approval, staff finds that the Project can comply with all applicable provisions of the BMC and that the finding required by BMC Section 10-1-1912(A) can be made.

INTERDEPARTMENTAL REVIEW

The Project application, plans, Development Agreement, and draft Conditions of Approval have been reviewed by the City's Interdepartmental Review Committee (IDRC), which includes representatives from multiple City departments and divisions. The draft Conditions of Approval incorporate requirements from Planning, Transportation Planning, Building and Safety, Public Works, Burbank Water and Power, Parks and Recreation, Fire, and Police related to construction management, pedestrian and bicycle circulation, parking, utilities, public safety, sustainability, and off-site improvements. With implementation of the Conditions of Approval, the Project would satisfy the applicable requirements identified through the IDRC review process.

The Los Angeles County Airport Land Use Commission (ALUC) reviewed the Project, including the proposed hotel development and rezoning, for consistency with the Los Angeles County Airport Land Use Plan. Because the Project Site is partially located within the Hollywood Burbank Airport Influence Area and the Project includes a rezoning, ALUC review was required. On August 12, 2026, ALUC staff issued a consistency determination finding that the Project is consistent with the applicable policies of the Airport Land Use Plan and ALUC Review Procedures (Attachment 9). ALUC staff further determined that the proposed hotel development would be located outside of the Airport Influence Area and that the proposed rezoning would not create an airport land use compatibility concern.

PUBLIC NOTIFICATION AND INPUT

Public notice for the Planning Commission hearing was provided in accordance with applicable State law and BMC Section 10-1-19127(G), which establishes the public hearing and noticing requirements for Planned Developments. Notices of the time, place, and purpose of the hearing were mailed to all property owners and occupants within a 1,000-foot radius of the Project Site on September 21, 2026. A public notice was also published in the Burbank Leader on September 19, 2026, and a Public Notice Sign was posted on the Project Site at least 20 days prior to the Planning Commission hearing, on September 15, 2026. The Project information on the City's "Planning Pending Projects" webpage was also updated to provide the public with access to information regarding the Project. The public notice included a description of the Project and information regarding the public hearing, how to contact City staff, provide comments, and obtain additional information about the

Project. As of the date of preparation of this report, staff had not received any public comments

ENVIRONMENTAL REVIEW

A Draft Environmental Impact Report (Draft EIR) was prepared for the Project in accordance with CEQA (Attachment 10). The Draft EIR was circulated for a 45-day public review period from December 16, 2024, through January 29, 2025. A Final Environmental Impact Report (Final EIR), dated October 2026, was subsequently prepared and includes responses to comments and the Project's Mitigation Monitoring and Reporting Program (MMRP) (Attachment 11). The Final EIR was made available to the public and provided to all commenters on the Draft EIR in advance of the Planning Commission meeting, on October 1, 2026.

Link to the Project Page: The Project webpage includes the environmental documents associated with the proposed Project. https://www.burbankca.gov/web/community-development/2500nhw

Draft Environmental Impact Report (Draft EIR) – The Draft EIR evaluated the Project's potential environmental effects across the environmental resource areas identified in Appendix G: Environmental Checklist Form of the State CEQA Guidelines, including topics such as air quality, biological and cultural resources, energy, greenhouse gas emissions, hazards, noise, transportation, and utilities and service systems. Based on this analysis, the EIR identifies mitigation measures to reduce potentially significant environmental impacts. However, significant and unavoidable impacts would remain related to greenhouse gas emissions, construction noise, and utilities and service systems.

- **Greenhouse Gas Emissions:** The Project would exceed the City's applicable GHG efficiency threshold, primarily due to emissions associated with Project operations and vehicle trips. Mitigation measures include transportation demand management, participation in the Burbank Transportation Management Organization, measures to reduce single-occupancy vehicle trips, and energy-efficiency requirements. Even with mitigation, the impact would remain significant and unavoidable.

- **Construction Noise:** Construction activities would generate temporary elevated noise levels from the operation of heavy equipment, construction vehicles, and other construction activities that could affect nearby noise-sensitive receptors. Mitigation measures include construction-noise reduction practices, review of haul routes, and placement of stationary equipment away from sensitive receptors. Despite these measures, construction noise impacts would remain significant and unavoidable.

- **Utilities and Service Systems:** The Project requires construction of on-site and off-site infrastructure improvements, including sewer and electrical improvements. Construction of these improvements would involve excavation, trenching, equipment operation, and other activities that would generate noise near sensitive

receptors. Although mitigation measures would reduce construction-related noise, these impacts could not be reduced to a less-than-significant level and would therefore remain significant and unavoidable.

Public Comments and Responses, and Final Environmental Impact Report (Final EIR) – The City received nine comment letters during the Draft EIR public review period from public agencies, organizations, and other interested parties. The Final EIR includes written responses to the comments received in accordance with State CEQA Guidelines Section 15088.

Findings of Fact and Statement of Overriding Considerations – Before approving the Project, the City Council must consider and certify the Final EIR. Pursuant to Public Resources Code Section 21081 and State CEQA Guidelines Section 15091, the City Council must make one or more of the following findings for each significant environmental effect:

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.

Based on the environmental analysis, mitigation measures, and Project record, staff believes the required CEQA findings can be made. Because significant and unavoidable impacts would remain, approval of the Project would also require adoption of a Statement of Overriding Considerations pursuant to State CEQA Guidelines Section 15093. Staff believes the Project's economic, employment, transportation, infrastructure, and other community benefits provide a sufficient basis to find that the Project's benefits outweigh its significant and unavoidable environmental impacts. The City Council would also adopt the MMRP to ensure implementation of the required mitigation measures during Project implementation.

FISCAL IMPACT

Approval of the Project is not anticipated to result in a significant adverse impact to the City's General Fund. The Project consists of private development of a new 420-room dual-brand hotel and associated parking, site, transportation, and utility improvements. Project-specific improvements, utility improvements, applicable permit and cost-recovery fees, Development Impact Fees (DIFs), and required financial contributions would be the responsibility of the Applicant in accordance with the Conditions of Approval and Development Agreement. These fees and contributions are intended to recover City costs

associated with Project review and implementation and to address the Project's fair share of impacts on public facilities, infrastructure, and municipal services.

The Project is also anticipated to provide ongoing fiscal and economic benefits through increased Transient Occupancy Tax, property tax, sales tax, and other revenues associated with hotel operations and visitor spending. The Project would support construction and permanent employment, expand Burbank's hospitality and visitor-serving economy, and increase economic activity in the Hollywood Burbank Airport area.

In addition, the Project would provide community benefits and other public improvements through the Development Agreement with a total anticipated value of approximately $1,112,000.

Together, the Project's payment of applicable fees, fair-share contributions, community benefits, public improvements, and generation of ongoing tax revenues are anticipated to provide fiscal and economic benefits to the City.

CONCLUSION

Staff recommends that the Planning Commission adopt a resolution recommending City Council approval of Project No. 16-0003953, including the Planned Development, ten-year Development Agreement, and Development Review to allow construction of a new 420-room dual-brand hotel and associated parking garage at 2500 North Hollywood Way. The Project would retain the existing 488-room Marriott Hotel and convention center and provide new hotel accommodations, structured parking, circulation and public-realm improvements, and community benefits. Staff finds that the Project is consistent with the applicable policies of the Burbank2035 General Plan, the proposed Planned Development zoning regulations, and other applicable City zoning and building code requirements. It is staff's determination that the findings required for approval of the Planned Development, Development Agreement, and Development Review can be made.

Staff further recommends that the Planning Commission recommend that the City Council certify the Final EIR, adopt the required CEQA Findings of Fact and Statement of Overriding Considerations, and adopt the MMRP prior to approving the Project.

ATTACHMENTS

Attachment 1 – Draft Planning Commission Resolution
- Exhibit A – Draft City Council resolution certifying the FEIR for the Project, Adopting a MMRP with a SOC and adopting Findings of Fact Pursuant CEQA
- Exhibit B – Draft City Council ordinance approving a Planned Development, Development Agreement, and Development Review for the Project

Attachment 2 – Zoning and Fair Political Practices Act Compliance Map & Aerial Photograph
Attachment 3 – Project Application
Attachment 4 – Project Plans
Attachment 5 – Parking Utilization and Demand Analysis
Attachment 6 – Existing and Proposed Zoning Designation of Property

Attachment 7 – Burbank2035 General Plan Consistency Analysis
Attachment 8 – Operations Analysis for the 2500 N Hollywood Way Project
Attachment 9 – Los Angeles County Airport Land Use Plan Consistency Determination
Attachment 10 – Draft EIR
Attachment 11 – Final EIR
Attachment 12 – Public Comments Received

Link to the Planning Commission Staff Report Attachments:

https://burbank.granicus.com/GeneratedAgendaViewer.php?view_id=6&event_id=9895

city of burbank
community development department

Planning Commission Minutes

October 12, 2026

CALL TO ORDER	6:00 p.m.
MOMENT OF REFLECTION	Chair Wick led the moment of reflection.
FLAG SALUTE	Chair Wick led the flag salute.

ROLL CALL

Present:	Planning Commission Members: Bennett, Mendez, Van Gorder, Vice Chair Safarian and Chair Wick.
Absent:	
Also Present:	Senior Assistant City Attorney, Kane Thuyen; Assistant Community Development Director, Fred Ramirez; Planning Manager, Scott Plambaeck; Principal Planner, Daniel Villa; Senior Planner, Vanessa Quiroz; Assistant Planner, Johana Valencia; Senior Transportation Planner, Marcos Fuentes; Intermediate Clerk, Diana Arias.
ANNOUNCEMENTS	None.
ORAL COMMUNICATION	Appear to comment: Joe Pimienta, Dustin Blankenship, Gina M., Emiko Sawanobori Calling in to comment: None.

HEARINGS

1. Project No. 16-0003953; A Request to Adopt

PROJECT DESCRIPTION:
A recommendation that the Planning Commission adopt a Resolution recommending that City Council approve the 2500 North Hollywood Way Dual Brand Hotel Project by 1) Adopting a

a Resolution of the Planning Commission Recommending that The City Council approve a Planned Development, Ten-Year Development Agreement and Development Review for a 420-Room Dual Brand Hotel Project and certifying the Final Environmental Impact Report (EIR) and Mitigation Monitoring Reporting Program (MMRP) and making the California Environmental Quality Act (CEQA) Findings and Statement of Overriding Considerations (SOC) for the Project at 2500 North Hollywood Way.

Resolution certifying the Final Environmental Impact Report (FEIR) for the Project, Adopting a Mitigation Monitoring Reporting Program (MMRP) with a Statement of Overriding Considerations (SOC) and Adopting Findings of Fact Pursuant to the California Environmental Quality Act (CEQA) and; 2) Adopting an Ordinance approving a Planned Development, Ten-Year Development Agreement, and Development Review for a new seven-story, 420-room dual-brand hotel and a separate four-story parking garage. The project site is an 11.76-acre site bounded by Thornton Avenue to the north, Hollywood way to the west and Avon Street to the south. The Burbank2035 General Plan Land Use Designation for the site is Regional Commercial.

ENVIRONMENTAL REVIEW:
Staff prepared an Environmental Impact Report, Mitigation Monitoring Reporting Program (MMRP), the California Environmental Quality Act (CEQA) Findings and Statement of Overriding Considerations (SOC) for the Project.

Meeting Disclosures:
Commissioner Van Gorder disclosed he talked to stakeholders of the project and said he can be an unbiased participant in the public hearing.

Notices Given:
Assistant Community Development Director Ramirez confirmed for the Commission that notices were given per the Burbank Municipal Code requirements.

Written Communication:
Assistant Community Development Director Ramirez stated there were several emails received prior to the hearing.

Staff Report:
Daniel Villa, Principal Planner, presented the project to the Commission.

Applicant Presentation:
Aaron Green, representative of AWH Burbank Hotel II, LLC presented to the Commission.

Public Comment:
Appearing to comment: Jamie Hall, Loosema Hukherdian, Robert McDonald, Pedro Tosscano, Carmeaita Helligan, James Brinc, Mark Scroggs, Desiree Lamp, Alex Perez, Irma Lee, Kurt B. Farmer,

Angela Nalbandia, Rene Castanon de Dios, Robert Balter, Charlie Carnow, Melanie Carroll, Jamie Keyser

Calling in to comment: Shannon

Applicant Response:
Aaron Green and Emily Murray, Council, responded to the comments made.

Staff Comments:
Principal Planner Villa responded to the comments made.

Deliberation:
Vice Chair Safarian made a motion to approve the item, subject to amendments to Conditions of Approval Nos. 16 and 24(c), and to authorize staff to make any non-substantive editorial revisions to the Planning Commission Resolution as deemed necessary by the City Attorney's Office.

The motion was seconded by Commissioner Bennett, and carried 5-0 by roll call vote, to approve Project No. 16-0003953; A Request to Adopt a Resolution of the Planning Commission Recommending that The City Council approve a Planned Development, Ten-Year Development Agreement and Development Review for a 420-Room Dual Brand Hotel Project and certifying the Final Environmental Impact Report (EIR) and Mitigation Monitoring Reporting Program (MMRP) and making the California Environmental Quality Act (CEQA) Findings and Statement of Overriding Considerations (SOC) for the Project at 2500 North Hollywood Way.

REPORTS TO COMMISSION

Planning Manager Plambaeck notified the Commission there will be two public hearing items for the scheduled Planning Commission meeting on October 26, 2026.

APPROVAL OF MINUTES

Commissioner Bennett made motion, seconded by Commissioner Mendez, and carried 5-0 by roll call vote, to approve the minutes for Planning Commission of September 28, 2026.

INTRODUCTION OF ADDITIONAL AGENDA ITEMS

None.

CITY PLANNER COMMENTS	Assistant Community Development Director Ramirez thanked the Commission for their work and feedback.
ADJOURNMENT TO THE PLANNING COMMISSION MEETING OF OCTOBER 26, 2026.	Respectfully Submitted, Secretary of the Planning Commission