

RECORDING REQUESTED BY  
AND WHEN RECORDED,  
MAIL TO:

City Clerk  
City of Burbank  
P.O. Box  
Burbank CA 91510



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EXEMPT FROM FEES PURSUANT TO GOVERNMENT CODE  
SECTION 6103

**FIRST AMENDMENT TO  
DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF BURBANK  
AND CATALINA MEDIA DEVELOPMENT II, LLC**

**PLANNED DEVELOPMENT NO. 96-1  
(2900 and 3000 West Alameda Avenue)**

**FIRST AMENDMENT TO  
DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF BURBANK  
AND CATALINA MEDIA DEVELOPMENT II, LLC  
(PLANNED DEVELOPMENT NO. 96-1)**

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (the "First Amendment") is entered into this 17th day of January, 2014, by and between the CITY OF BURBANK, a municipal corporation organized and existing under the laws of the State of California (the "City") and CATALINA MEDIA DEVELOPMENT II, LLC, a California limited liability company (the "Developer"). The Developer and the City are from time to time hereinafter referred to individually as a "party" and collectively as the "parties."

RECITALS

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

B. The City has also adopted Sections 10-1-19118 et.seq. of the Burbank Municipal Code (the "Planned Development Ordinance"), establishing the procedures and requirements for the consideration of and establishment of a planned development, and any amendments. The Planned Development Ordinance requires that the approval of a planned development be subject to a developer's entering into a development agreement under 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 developments 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.

C. On March 19, 1997 the City approved a Development Agreement (the "Agreement"), recorded on October 7, 1997 as Instrument No. 97 1553642 in the Los Angeles County Recorder's Office, which provided various land use approvals, permits and other entitlements relating to the development of the Project and the Project Site, which is described in Exhibit A-1 attached hereto. The approved Project is a commercial development consisting of a 1,825,865 office equivalent gross square footage ("OEGSF") of media office and studio related buildings. OEGSF is a calculation used in the Media District to limit development based on traffic impacts. The various land use approvals, permits and other entitlements necessary for the development of the Project were collectively referred to in the Agreement as the "Project Approvals" and include Planned Development Zone 96-1, Tentative Tract Map 52223-01 and related conditions of approval.



D. Developer purchased the project site and related entitlements from NBC/Universal through two separate transactions on July 25, 2005, and August 22, 2007.

E. Developer desires to extend the term of the Development Agreement for an additional ten (10) years by executing a First Amendment to the Development Agreement, and amending the Planned Development Zone accordingly.

F. On November 18, 2013, following a duly noticed public hearing, the Planning Board recommended that the City Council approve the extension to the Development Agreement for Planned Development No. 96-1.).

G. On December 10, 2013, after a duly noticed public hearing, the City Council took the following actions: (1) determined that the Supplemental EIR adequately addressed the environmental impacts under the California Environmental Quality Act, Public Resources Code, ("CEQA") in accordance with CEQA Guidelines Sections §15162 & 15163 and Certified the Final Environmental Impact Report as revised by the Supplemental EIR ; (2) introduced Ordinance No. 13-3846 which among other things, approves and authorizes the execution of this First Amendment. On December 17, 2013, the City Council adopted Ordinance No. 13-3846.

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

## **AGREEMENT**

1. Section 1.2 of the Agreement is amended to read as follows:

1.2 Term. The term of this agreement shall commence on the date hereof and shall continue until March 19, 2027, unless said term is otherwise terminated, modified, or extended by circumstances set forth in this agreement or by mutual consent of the parties hereto after the satisfaction of all applicable public hearing and related procedural requirements

2. The conditions of approval set forth in Exhibit D to the Agreement are hereby amended to incorporate all conditions set forth in Exhibit D-1, attached hereto and incorporated herein by this reference.

3. All other provisions of the Agreement not inconsistent with this First Amendment shall remain in full force and effect.

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

"CITY"

CITY OF BURBANK, a municipal corp.



Ron Davis  
City Manager

"DEVELOPER"

CATALINA MEDIA DEVELOPMENT II, LLC, a  
California limited liability company



By: \_\_\_\_\_  
Name: JEFF M WORTNE Jeffrey M. Wortne  
Title: MANAGER Manager

ATTEST:



Zizette Mullins, City Clerk



Approved as to Form  
Office of the City Attorney



By: Joseph H. McDougall  
Sr. Assistant City Attorney

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 the document.

STATE OF CALIFORNIA

COUNTY OF Los Angeles

SS

On April 19, 16, Before Me Carolyn M. Janosky, Notary Public

(Insert Name of Notary Public and Title)

Personally appeared Jeffrey M. Worthe who proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person 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.





(NOTARY SEAL)

Notary Signature



## ACKNOWLEDGMENT

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

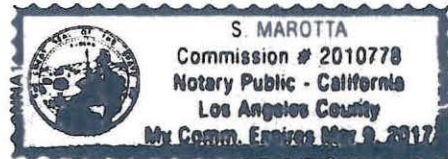
County of LOS ANGELES

On MAY 5, 2016 before me, S. MAROTTA, Notary Public  
(insert name and title of the officer)

personally appeared RON DAVIS  
who proved to me on the basis of satisfactory evidence to be the person(s) 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 S. Marotta (Seal)

**EXHIBIT A-1**  
**RESTATED LEGAL DESCRIPTION OF THE PROJECT SITE**  
**THIS EXHIBIT IS NOT INTENDED TO MODIFY THE PREVIOUS EXHIBIT A,**  
**IT IS MERELY BEING RESTATED IN FULL**

**PARCEL 1:**

LOT 1 IN BLOCK 64 OF THE RANCHO PROVIDENCIA AND SCOTT TRACT, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 43 PAGES 47, ET SEQ. OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**PARCEL 2:**

THAT PORTION OF LOT 2 IN BLOCK 64 OF THE RANCHO PROVIDENCIA AND SCOTT TRACT, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 43 PAGE 47 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTH OF OLIVE AVENUE, AS SHOWN UPON SAID MAP.

**PARCEL 3:**

LOTS 3 AND 4 IN BLOCK 64 OF RANCHO PROVIDENCIA AND SCOTT TRACT, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 43 PAGES 47, ET SEQ. OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT FROM SAID LOT 3, THAT PORTION THEREOF LYING SOUTHERLY OF THE LINE DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED JULY 25, 1958 AS INSTRUMENT NO. 1857 AS HAVING A RADIUS OF 2000.00 FEET AND AN ARC DISTANCE OF 687.18 FEET.

**PARCEL 3A:**

THAT PORTION OF CALIFORNIA STREET AS SHOWN ON TRACT NO. 7553, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 99 PAGES 16 AND 17 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, VACATED BY RESOLUTION NO. 16970 OF THE COUNCIL OF THE CITY OF BURBANK, A CERTIFIED COPY OF WHICH RECORDED DECEMBER 12, 1974 AS INSTRUMENT NO. 2739.

**PARCEL 4:**

THAT PORTION OF BLOCK 65 OF RANCHO PROVIDENCIA AND SCOTT TRACT, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 43 PAGES 47, ET SEQ. OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHWESTERLY OF THE SOUTHWEST LINE OF SAID LINES PROLONGED, OF THE LAND DESCRIBED IN THE DEED TO SISTERS OF CHARITY OF THE HOUSE OF PROVIDENCE, ST. JOSEPH'S HOSPITAL OF BURBANK, RECORDED APRIL 28, 1949 AS INSTRUMENT NO. 17 IN BOOK 29948 PAGE 58, OFFICIAL RECORDS.

EXCEPT THAT PORTION OF SAID BLOCK 65, LYING SOUTHEASTERLY OF THE SOUTHWESTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF SAID LAND DESCRIBED IN SAID DEED TO SISTERS OF CHARITY OF THE HOUSE OF PROVIDENCE, ST. JOSEPH'S HOSPITAL OF BURBANK, RECORDED APRIL 28, 1949 IN BOOK 29948 PAGE 58, OFFICIAL RECORDS.



**EXHIBIT D-1**  
**CONDITIONS OF APPROVAL**

**Project No. 12-0006135 Amendment to the Development Agreement Related to Planned  
Development No. 96-1  
(3000 West Alameda Avenue – Catalina Media Development II, LLC, Applicant)**

1. All terms used in these Conditions of Approval ("Conditions") and defined herein shall have the meanings given them herein. Terms not defined herein shall have the meanings and definitions set forth in the NBC Master Plan Development Agreement between the City of Burbank and the Developer (the "Agreement"). Terms not defined herein or in the Agreement shall have the meanings and definitions set forth in the Burbank Municipal Code in effect as of the date of the Agreement (the "Code"), or in the Media District Specific Plan in effect as of the date of the Agreement (the "MDSP"), if defined therein, or the meanings and definitions generally attributed to such terms. All references herein to the Code or to the MDSP shall be deemed to mean the Code or MDSP as they were in effect on the date of the Agreement. As used herein the term "guarantee" when it pertains to guaranteeing the installation of a traffic mitigation measure shall mean to cause the improvement to be completed or to provide adequate security to the City, in a form acceptable to the City Attorney's Office, for the completion of such measure.
2. Each individual construction project occurring as part of the Project approved by the Agreement will be subject to review by the City to ensure consistency with all applicable height, setback, parking, landscape, lighting, sign and other applicable development standards or Project obligations. The City's review will be subject to a standard of reasonableness in light of the circumstances as a whole. Without limiting Developer's flexibility under the terms of the Agreement, the individual construction projects shown in the Illustrative Concept Diagram in Exhibit "E" to the Agreement shall conclusively be deemed to be consistent with these Conditions.
3. These Conditions shall be applicable to all new development on the Project Site. These Conditions shall not be applicable to existing development on the Project Site.

**LAND USE**

4. Developer shall have the right to develop the Project as described in the Agreement (including without limitation Section 4.3 of the Agreement), Exhibit "C" to the Agreement, Project Description, and in accordance with these Conditions.



5. Total development on the Project Site may not exceed 1,825,865 OE-GSF. Permitted uses on the Project Site shall be as described in Exhibit "C" to the Agreement, Project Description.
6. Developer may relocate its existing helistop to another location on the Project Site that Developer may designate, provided that any such new location complies with all applicable rules and requirements of the Federal Aviation Administration and the California Department of Transportation Aeronautics Program governing such helistops. No conditional use permits or other approvals beyond the approvals granted in the Agreement shall be required for Developer to relocate the helistop in accordance with this Condition. In the event Developer selects a helistop location on the Project Site significantly different than that shown on Exhibit "E", Illustrative Concept Diagram, and if that different location creates a new significant environmental impact other than any impacts analyzed in the EIR, then such relocating of the helistop may be subject to any further environmental review required by CEQA. The Burbank City Council shall consider and approve any revision of the location of the helistop which is significantly different than that shown on Exhibit "E", Illustrative Concept Diagram. By approving the Agreement and this Condition, the Burbank City Council approves and adopts the plans for construction as shown on Exhibit "E", Illustrative Concept Diagram, pursuant to Section 21661.5 of the California Public Utility Code.
7. Developer's relocated helistop may only be used for the following purposes: (i) in support of local and/or network news operations; and (2) for emergency services. The use of any helicopter landing site that may be constructed on top of Project office buildings, other than any relocated helistop discussed in this condition and the preceding condition, shall be limited to emergency uses or other uses approved by the City Fire Chief.
8. The heights of all future structures to be built on the Project Site may not exceed the height limits set forth in Section 31-2107(b) (1) of the Code, nor shall any structure exceed fifteen (15) stories. With respect to approvals for buildings consistent with Section 4.3 (d) of the Agreement, no conditional use permits or other approvals beyond the approvals granted in the Agreement shall be required for Developer to construct structures up to such maximum heights and maximum number of stories.
9. In determining the height of any building or structure, building height shall be: (i) measured from the natural grade which shall be the average elevation calculated by adding the elevation of all corners of the applicable portion of the Project Site and dividing by the number of corners; and (ii) measured to the ceiling height of the highest room for human occupancy.

10. The minimum setbacks for all future structures to be built on the Project Site shall be as set forth in Section 31-2107(c) of the Code, except that in computing the 20% of building height setback from street right-of-ways set forth therein, Developer may construct buildings consisting of more than one tier such that the part of each building tier closest to the street right-of-way must be set back at least 20% of the height of that tier, rather than 20% of the highest portion of the building. No conditional use permits or other approvals beyond the approvals granted in the Agreement shall be required for Developer to construct structures with such setbacks.
  
11. The Project shall comply with the minimum parking requirements set forth in Section 31-2107(d) of the Code. The Project may exceed those minimum parking requirements as a matter of right, up to a maximum total of 8,880 parking spaces on the Project Site. No conditional use permits or other approvals beyond the approvals granted in the Agreement shall be required for Developer to construct parking structures or surface facilities to meet the rights and requirements of this Condition.
  
12. In addition to complying with the minimum setbacks required in Condition No. 10, all buildings on the portion of the Project Site bounded by Alameda Avenue on the north, Saint Joseph Medical Center on the east, Parkside Avenue on the south and Bob Hope Drive on the west, shall be built to avoid interference with the existing 4MC Satellite licensed communication path. The table below sets the building setback and height criteria needed to clear the existing antenna line-of-sight to licensed satellites.

Setback from Alameda Property Line (in feet)	Building Height to Line of Sight (in feet)
15	165.0
20	168.2
25	171.4
30	174.6
35	177.9
40	181.1
45	184.3
50	187.5
55	190.7
60	193.9
65	197.1



## AESTHETICS

13. Prior to issuance of building permits for any individual construction project occurring as part of the Project approved by the Agreement, the individual construction project shall be reviewed and approved by the City of Burbank to ensure consistency with the following design guidelines:
  - a. The scale of building elements shall be carefully related to adjacent pedestrian areas and buildings. Buildings shall be designed so that the height and massing contributes to human-scaled pedestrian walkways along major public streets.
  - b. Arcades, canopies, non-reflective paving and artificial illumination shall be utilized to overcome the problem of glare to the extent possible. Building elevations with 50 percent or more of the building surface in glass or other reflective materials shall be limited to a maximum of 15 percent reflectivity for these materials. Building elevations with less than 50 percent of the building surface in glass or other reflective materials shall be limited to a maximum of 20 percent reflectivity for those materials.
  - c. Proportion of buildings and components of buildings shall, to the greatest extent possible, relate to dominant patterns in the immediate visual environment.
  - d. To lessen the appearance of excessive bulk, the following techniques may be used: varying the planes of the exterior walls in depth and/or direction, varying the height of the building so that it appears to be divided into distinct massing elements; articulating the different parts of a building's facade by use of color, arrangement of facade elements, and using landscaping to lessen the impact of an otherwise bulky building.
  - e. The finish quality of any new office buildings constructed as part of this Project (not including any sound stages, production facilities, warehouses, or other facilities which may include offices ancillary to such structures' primary uses) shall be at least that of the Alameda Street frontage of the existing 4NBC Building located at the corner of Alameda Street and Olive Street. This finish quality standard shall not be interpreted to require the use of any particular architectural design or finish material.
14. Prior to issuance of building permits for any individual construction project occurring as part of the Project approved by the Agreement, Developer shall adhere to the following development standards:
  - a. All setbacks and non-paved areas shall be landscaped.



- b. Trees shall be planted in areas of public view adjacent to and along side and rear building lines. All required trees shall be a 24-inch minimum box size.
- c. Combinations of berming, landscaping, walls, and buildings shall be used to screen loading areas, storage areas, trash enclosures and utilities from public view.
- d. The landscaping shall be of adequate maturity to reach the height and density sufficient to provide the necessary screening within 18 months of installation.
- e. All landscaping planters shall have a minimum plan dimension of five (5) feet.
- f. The following requirements apply only to parking within above ground parking structures:
  - (1) The exterior elevations of parking structures shall be designed to minimize the use of blank concrete facades. This can be accomplished through the use of textured concrete, planters or trellises, or other architectural treatments.
  - (2) Parking structures or that portion of a building used for parking shall be designed to substantially screen automobiles contained therein from the public view. The facade of any parking structure shall be designed so it is similar in color, material, and architectural detail with the building which it serves for parking.
- g. Walls and fences shall be designed to complement the buildings architecture and that of adjacent fences and walls through the use of similar materials and construction details.
- h. Where long fences or wall surfaces are required, periodic articulation or change of material shall be used to prevent monotony. Undifferentiated wall lengths shall be no longer than 100 feet.
- i. Identification signs are allowed on no more than two opposite elevations with a design that consists only of a logo or individual letters. No signs that extend above the uppermost roof line (including any parapets, mechanical penthouses, or other structural elements of a building) shall be allowed. In the event Developer seeks to erect any new sign on the Project Site in excess of this Condition or of the signage restrictions set forth in the Code as of the date of the Agreement, Developer may erect such signage only if the following occur: (i) Developer submits a comprehensive sign plan to the Community Development Director covering signage on the entire Project Site; and (ii) the Planning Board approves such plan (consideration of such plan shall be a Board Consideration Item). The Planning Board's

determination may be appealed to the City Council only by the City or by the Developer.

- j. All Project lighting shall be designed to minimize glare onto adjacent properties.
- k. Carports, garages, parking areas, and driveways shall contain security lighting.
- l. Low-level architectural lighting of the buildings and landscaped areas is encouraged.
- m. The design of light standards shall be encouraged to be compatible with building architecture and adjacent light standards in the public right-of-way and within adjacent projects.
- n. Primary pedestrian walkways shall be lighted for pedestrian safety.
- o. Energy conservation shall be an important consideration in nighttime lighting plans. Plans for the design and operation of lighting and illumination shall be developed consistent with the latest technical and operational energy conservation concepts.
- p. The design of any above ground parking structure built across from Johnny Carson Park on Bob Hope Drive or Parkside Avenue shall, in addition to all other requirements of these Conditions, include the use of one or more of the following elements such that no undifferentiated exterior wall lengths of longer than 60 feet occur: articulation of building planes, changes of texture or materials, and/or the use of planter boxes with landscaping.

#### TRAFFIC AND CIRCULATION

15. Prior to the City's issuance of a Certificate of Occupancy for any individual construction project occurring as part of the Project, Developer shall comply with all traffic mitigation measures, in whatever fashion permitted under the applicable measure, that are applicable to the development threshold triggered by the individual construction project for which a Certificate of Occupancy is sought, as provided herein.

If the implementation of any of Conditions 15 through 41, inclusive, (the "Transportation Conditions") is delayed by factors beyond the control of the Developer, the City may substitute implementation of another transportation improvement measure, provided that such replacement measure is of an equal or lesser cost and will not delay development on the Project Site. In the event any approving agency other than the City does not approve of the implementation of a Transportation Condition, or if a Transportation Condition is met by the actions of others, Developer shall be relieved of the obligation to meet that Condition. Notwithstanding any of these Transportation Conditions, Developer shall be entitled

to pay the City any Transportation Improvement Fees in accordance with Article 22 of the Code, rather than directly implementing an "in-lieu" measure, provided that the fees collected from the Developer are adequate to cover the cost of the needed improvement. Certificate(s) of Occupancy shall not be withheld if the City Traffic Engineer determines that any delay in completing any Transportation Condition was primarily the result of delays, rejections and/or other factors which were reasonably beyond Developer's control.

#### **A. Roadway Improvements**

16. Alameda Avenue/Victory Boulevard. Connect this traffic signal to the Burbank Citywide signal control system. Additionally, restripe the southbound approach and install parking prohibitions at approximately 10 spaces to permit the installation of dual left-turn-lanes at this intersection. Developer shall comply with this measure by making a "fair share" contribution of \$17,000 prior to the City issuing a Certificate of Occupancy for any structure causing net new Project development to exceed 100,000 net new OE-GSF. Such payment shall constitute full compliance with this measure.
17. Riverside Drive and Buena Vista Street/Ventura Freeway Ramps. Remove approximately twelve parking spaces and restripe southbound Buena Vista Street to provide: one left-turn-only lane; one through lane to the eastbound Ventura Freeway; one shared lane for the eastbound freeway, Riverside Drive and the westbound freeway; and an exclusive right-turn lane for the westbound freeway. Modify the signal to provide separate northbound and southbound left-turn phases in place of the existing opposed phasing. Developer shall guarantee the installation of this measure prior to the City issuing a Certificate of Occupancy for any structure causing net new Project development to exceed 100,000 net new OE-GSF.
18. Barham Boulevard/Forest Lawn Drive/Lakeside Plaza Drive. Remove approximately 11 parking spaces, modify the Lakeside Plaza Drive median and restripe the westbound and eastbound approaches to provide dual left turn lanes, one through lane and one right-turn-only lane westbound, and dual left turn lanes, one through lane, one through/right shared lane and one right-turn-only lane eastbound. Modify the signal equipment to eliminate the eastbound and westbound opposed phasing and provide a southbound right-turn phase. Modify islands and restripe Barham Boulevard to provide a right/through shared optional lane in place of the northbound right-turn-only lane. Developer shall offer to install this measure prior to the City issuing a Certificate of Occupancy for any structure causing net new Project development to exceed 430,000 net new OE-GSF.



19. Bob Hope Drive and Eastbound Ventura Freeway Off-ramp. Install a traffic signal at this location and interconnect this signal to the signals at Bob Hope Drive and Riverside Drive and at Bob Hope Drive and Alameda Avenue at the time of installation. Developer shall guarantee the installation of this measure prior to the City issuing a Certificate of Occupancy for any parking structure causing an increase of 300 or more parking spaces with direct access to Bob Hope Drive.
20. Cahuenga Boulevard (West)/S/B Hollywood Freeway Ramps. Convert the southbound right-turn only lane to a shared right/through/left lane. Developer shall offer to install this measure prior to the City issuing a Certificate of Occupancy for any structure causing net new Project development to exceed 670,000 net new OE-GSF.
21. Barham Boulevard/Cahuenga Boulevard (East). Widen the southbound approach to provide a separate right-turn-only lane. Developer shall offer to install this measure prior to the City issuing a Certificate of Occupancy for any structure causing net new Project development to exceed 720,000 net new OE-GSF.
22. Riverside Drive and Bob Hope Drive. Remove up to 10 parking spaces and restripe Bob Hope Drive to provide a southbound left-turn pocket and a left/through/right shared lane. Modify the signal to provide opposed north-south phasing. Developer shall guarantee the installation of this measure prior to the City issuing a Certificate of Occupancy for any parking structure causing an increase of 300 or more parking spaces with direct access to Bob Hope Drive.
23. Removed by Ordinance.
24. Alameda Avenue/Buena Vista Street. Connect this signal to the Burbank Citywide Signal Control System. Developer shall comply with this measure by making a "fair share" contribution of \$35,000 prior to the City issuing a Certificate of Occupancy for any structure causing net new Project development to exceed 960,000 net new OE-GSF.
25. Hollywood Way/Alameda Avenue. Connect this traffic signal to the Burbank Citywide Signal Control System. Developer shall comply with this measure by making a "fair share" contribution of \$35,000 prior to the City issuing a Certificate of Occupancy for any structure causing net new Project development to exceed 1,020,000 net new OE-GSF.
26. Alameda Avenue/Lake Street. Connect this traffic signal to the Burbank Citywide signal control system. Developer shall comply with this measure by making a "fair

- share” contribution of \$5,000 prior to the City issuing a Certificate of Occupancy for any structure causing net new Project development to exceed 1,050,000 net new OE-GSF. Such payment shall constitute full compliance with this measure.
27. Removed by Ordinance.
  28. Barham Boulevard/Cahuenga Boulevard (West). Remove approximately twelve parking spaces and restripe the eastbound approach to provide dual left-turn lanes. Developer shall offer to install this measure prior to the City issuing a Certificate of Occupancy for any structure causing net new Project development to exceed 1,130,000 net new OE-GSF.
  29. Alameda Avenue/Pass Avenue. Connect this traffic signal to the Burbank Citywide Signal Control System. Developer shall comply with this measure by making a "fair share" contribution of \$35,000 prior to the City issuing a Certificate of Occupancy for any structure causing net new Project development to exceed 1,150,000 net new OE-GSF. Such payment shall constitute full compliance with this measure.
  30. Olive Avenue/First Street. Remove up to five parking spaces and restripe Olive Avenue to provide a left-turn only lane, two through lanes and a right-turn only lane in the westbound direction. Developer shall guarantee the installation of this measure prior to the City issuing a Certificate of Occupancy for any structure causing net new Project development to exceed 1,200,000 net new OE-GSF.
  - 30(a) Hollywood Way/Verdugo Avenue. If not already installed by the City or others, the Burbank Studios Master Plan Project developer shall design and construct the improvements identified in the Burbank2035 General Plan EIR at the intersection of Hollywood Way /Verdugo Avenue prior to the City issuing a Certificate of Occupancy for structures causing the net new Project development to exceed 876,000 net new OE-GSF. Alternatively, developer shall pay the applicable transportation development impact fee in lieu of constructing the improvements, and the City shall construct the improvements consistent with the Burbank2035 Mitigation Monitoring Program. These improvements include adding a second exclusive left-turn lane, an exclusive right-turn lane in the southbound approach to provide two exclusive left-turn lanes, two through lanes, and one exclusive right-turn lane and modifying the signal phasing on the southbound approach from permitted to protected. Parking would be restricted on both sides of Hollywood Way for approximately 250 feet north and south of Verdugo Avenue and on the south side of Verdugo Avenue for approximately 250 feet east of Hollywood Way.



- 30(b) Olive Avenue/Buena Vista Street. If not already installed by the City or others, the Burbank Studios Master Plan Project developer shall design and construct the improvements identified in the Burbank2035 General Plan EIR at the intersection of Olive Avenue /Buena Vista Street prior to the City issuing a Certificate of Occupancy for structures causing the net new Project development to exceed 876,000 net new OE-GSF. Alternatively, developer shall pay the applicable transportation development impact fee in lieu of constructing the improvements, and the City shall construct the improvements consistent with the Burbank2035 Mitigation Monitoring Program. These improvements include reconfiguring the eastbound approaches to provide two exclusive left-turn lanes, one through lane, and one shared through/right-turn lane. In addition, these improvements include restriping the westbound approach to provide two exclusive left-turn lanes, two through lanes, and one exclusive right-turn lane, and modifying the signal phasing on the eastbound and westbound approaches from protected/permitted to be protected. Parking would be restricted on both sides of Olive Avenue for approximately 250 feet east and west of Buena Vista Street.

#### **B. Transportation Demand Management (TDM) Plan**

31. Transportation Management Program. A Transportation Demand Management ("TDM") program shall be prepared for the Project which can achieve a minimum 15 percent reduction in peak hour trips. Reduction of regional impacts will require that the longest vehicle trips, which contribute the most to regional VMT and congestion, be targeted by this TDM program. Programs that most effectively reduce longer trips shall be emphasized. The following is a menu of potential TDM program measures, from which a program that achieves the minimum 15 percent peak hour Project trip reductions can be constructed. The following potential TDM measures shall be evaluated during the formulation of this program and incorporated into the TDM program as appropriate, but no particular TDM measure or measures are to be deemed requirements of these Conditions:
- a. Media District TMO Membership. Provide assistance with achieving trip-reduction goals through programs operated by the Media District Transportation Management Organization.
  - b. On-Site TDM Coordinator. Provide for a trained Transportation Coordinator responsible for the development, implementation, marketing, and evaluation of the Project trip-reduction programs.
  - c. Centralized TDM Office. Provide for a centrally located office under the direction of the Transportation Coordinator, and an appropriately sized staff to provide one-stop commute planning services.
  - d. Public Transit Program. Provide for personalized route information; distribution of schedule information; on-site sale of transit passes;



- subsidies for the use of transit; coordination with local transit operators to enhance service to the site, including convenient, attractive stop locations; and development of shuttles to local transit hubs.
- e. Personalized Rideshare Matching. Provide an in-house matching system to create carpools or vanpools, or assistance in obtaining matching information from the regional database.
  - f. Vanpool Program. Provide for vanpool service and vanpool fare subsidies; shared vanpools with adjacent employers.
  - g. Parking Management. Provide preferential parking locations and convenient pick-up/drop-off locations for carpools and vanpools.
  - h. Non-Vehicle Commuting Program. Provide safe and secure bicycle storage areas, and shower and clothes locker facilities; monetary incentives to encourage bicycling and walking to work, and loaning of company bicycles.
  - i. Guaranteed-Ride-Home Program. Provide a system to transport TDM participants in case of daytime emergencies or unexpected overtime.
  - j. Child Care Facility. Locate or identify facilities with convenient access from the Project Site.
  - k. Adjustable Work Hours. Provide programs which allow employees to change to a new fixed schedule in order to participate in rideshare arrangements.
  - l. Compressed Work Weeks. Provide programs which allow employees to work fewer but longer days (e.g., 4/10 and 9/80 programs), to reduce the number of days per week each employee commutes.
  - m. Telecommuting Program. Provide programs which allow employees to work at home or satellite centers at least one day per week, to reduce the number of days per week each employee commutes.
  - n. Promotional Programs. Provide promotional events that include direct involvement of upper-level studio management, to show Developer's commitment to the program.
  - o. Merchant Incentives. Provide discounts at local shops and restaurants for TDM program participants.

### **C. Vehicle Miles Travelled Reduction Program**

32. Vehicle Miles Travelled Reduction Program ("VMT Program"). Developer shall prepare and implement a VMT Program for the Project including the following measures:
- a. Delivery Management System. A system of tracking vendor deliveries will be established to move deliveries outside of peak travel times, utilize local vendors and consolidate deliveries whenever practicable.

- b. Business Trip Reductions. In order to reduce trips by employees working on the Project Site and visitors to the Project Site, new office facilities will have access to advanced trip reduction alternatives such as teleconferencing facilities. Employees will also be encouraged to "bundle" off-site meetings and visits by outside persons whenever possible to reduce the total number of trips and vehicle miles travelled.

#### **D. Site Access**

- 33. Signalize California Street Driveway. As part of a project located opposite the Project Site on California Street, a new signal located approximately midway between Alameda Avenue and Riverside Drive is proposed, in the general vicinity of the likely location of a primary Project Site access driveway. Developer shall coordinate any such Project Site access driveway with the owner or operator of the other project across California Street, such that the two driveways will be signalized in a coordinated fashion. The final design shall be approved by the City Traffic Engineer. Developer shall participate in the funding for the installation of this new traffic signal, either by reimbursing up to half the cost of the signal if it is installed by others or, if the signal is not installed by others at the time that 300 additional parking spaces with direct access to California Street are completed, by installing this signal with provisions made for appropriate reimbursement. Signal installation shall include interconnection with the proposed California Street and Olive Avenue signal.
- 34. Signalize the California Street and Olive Avenue Intersection. This intersection is proposed for signalization by others. If the signal is constructed by others, the Project shall provide reimbursement for up to half the cost of the signal installation. If this intersection is not signalized by others at the time that 300 additional parking spaces with direct access to California Street are completed, then the Project shall install a signal at this intersection, with provisions made for the appropriate reimbursements. Signal installation shall include interconnection with the existing signal at the intersection of Olive Avenue and Alameda Avenue.
- 35. Bob Hope Drive and Parkside Avenue Signal Interconnection. Developer shall signalize the intersection of Bob Hope Drive and Parkside Avenue at the time that the main Project driveway is realigned to form a fourth leg at this intersection. This signal installation shall include interconnection with the existing Alameda Avenue and Bob Hope Drive signal.
- 36. Developer shall provide sufficient parking for all Developer and construction employees in Developer-controlled off-street parking facilities during all construction periods. In the event that any parking facility is located more than one-



half mile from the Project Site, Developer shall provide a shuttle for workers using that facility.

37. In the event Developer locates any new restaurant or retail uses on the Project Site, Developer shall provide adequate on-site parking to accommodate such uses and shall provide adequate signage to direct patrons to such parking facilities.
38. Prior to adding 300 or more parking spaces to the portion of the Project Site north of Parkside Avenue and east of Bob Hope Drive, Developer shall work with St. Joseph's to improve the existing private driveway extending from Alameda Avenue opposite Naomi Street southward to the eastern terminus of Parkside Avenue such that the improved private driveway shall provide a minimum 36-foot wide approach to Alameda Avenue, a minimum 28-foot cross-section wherever curbside parking is not allowed, and a minimum 30-foot cross-section wherever curbside parking is allowed along one curb.  
In the event Developer, after good faith negotiations, is unable to improve the existing private driveway because of an inability to reach agreement, then Developer shall propose an alternative design(s) to the satisfaction of City Traffic Engineer, as a substitute measure.

#### **E. Parking for Visitors to Johnny Carson Park**

39. Prior to removing any Park-Related Parking Spaces on Bob Hope Drive, Developer shall: (a) install angled parking (at an angle not exceeding 75 degrees) on the south side of Parkside Avenue immediately adjacent to Johnny Carson Park (the "Park") such that the total number of Park-Related Parking Spaces after installation remains at least equal to the total number of Park-Related Parking Spaces in existence as of the date of the Agreement; or (b) install to the City's satisfaction sufficient parking within 300 feet of the Park such that the total number of parking spaces conveniently available to Park visitors remains at least equal to the total number of Park-Related Parking Spaces in existence as of the date of the Agreement.
40. As used in these Conditions, "Park-Related Parking Spaces" shall mean all parking spaces immediately adjacent to the Park on both the east side of Bob Hope Drive north of State Route 134 and south of Parkside Avenue and the south side of Parkside Avenue. In installing any angled parking on the south side of Parkside Avenue as a result of the preceding Condition, Developer shall guarantee sufficient road width on Parkside Avenue to accommodate two lanes of traffic. To the extent necessary to ensure such road width, Developer shall move all or part of the existing City sidewalk on the north side of Parkside Avenue northward onto Developer's land so that all or part of the City land with the existing City sidewalk may be used for



street traffic. In the event all or part of the existing sidewalk is moved northward onto Developer's land, that relocated sidewalk shall not be required to exceed six feet in width, nor shall it reduce Developer's allowable development density, nor shall it increase any structure's setback that would otherwise apply to such structure. It shall be acceptable for Developer to reduce the width of its landscape area along Parkside Avenue in an amount equal to the width of any portion of the sidewalk moved onto Developer's land. In complying with this Condition and the preceding Condition, Developer shall not be required to dedicate any land to the City, but shall maintain any portion of a sidewalk on Developer's land as a private sidewalk available to the public.

41. Prior to removing any Park-Related Parking Spaces on Bob Hope Drive, Developer shall install a sign at the Park directing Park visitors to additional parking at the City parking lot east of the Park.

#### **AIR QUALITY**

42. Developer and its contractors shall comply with the following construction-related air quality mitigation measures:
  - a. Normal wetting procedures or other dust palliative measures shall be followed during earth-moving operations to minimize fugitive dust emissions in compliance with the Code and South Coast Air Quality Management District ("SCAQMD") Rule 403.
  - b. Roadways shall be periodically swept or otherwise cleared of any spilled export material to assist in minimizing fugitive dust.
  - c. Heavy-duty construction equipment shall be kept on-site when feasible and when not in operation to minimize exhaust emissions associated with vehicles repetitiously entering and exiting the Project Site.
  - d. Trucks importing or exporting soil material and/or debris shall be covered and/or sprinkled prior to entering public streets.
  - e. Plant any groundcover as soon as practicable after completion of earth-moving operations to provide for effective soil stabilization.
  - f. Activate the irrigation systems necessary to water and maintain the any groundcover as soon as feasible.
  - g. Discontinue any construction activities that contribute significantly to air emissions during any second stage smog alert.
43. Developer shall take all appropriate steps to ensure that any Project contractors record compliance at the required intervals with the City's Construction-Related Air-Quality Mitigation Monitoring form applicable to development in the Media District subject to Development Review.

44. Developer shall take all appropriate steps to ensure that any Project contractors comply with the following construction-related measures:
  - a. Water site and equipment morning and evening.
  - b. Spread soil binders on site, unpaved roads and parking sites.
  - c. Operate street-sweepers on paved roads adjacent to site.
  - d. Reestablish groundcover on construction site through seeding and watering.
  - e. Wash off trucks leaving site.
  - f. Properly tune and maintain construction equipment.
  - g. Use low-sulfur fuel for construction equipment.
  - h. Provide rideshare incentives for construction personnel.
  - i. Provide transit incentives for construction workers.
  - j. Configure construction parking to minimize traffic interference.
  - k. Minimize obstruction of through-traffic lanes.
  - l. Provide a flagperson to ensure safety at construction sites.
  - m. Schedule operations affecting roadways for off-peak traffic hours.
45. Uniform Building Code requirements for energy-efficient electrical and gas appliances shall be included in all applicable Project uses.
46. Developer shall comply with all SCAQMD rules and regulations applicable to the development of the Project in effect at the time of any construction on the Project Site.
47. Developer shall implement all applicable and feasible construction measures that are identified in Tables 11-2 and 11-4 of the SCAQMD's CEQA Air Quality Handbook, or which are in effect at that time.
48. To the extent technically and economically practicable, Developer shall use building materials that produce fewer emissions during their stages of development or use (e.g., bricks; stones, water-based paints).
49. To the extent technically and economically practicable, Developer shall use light-colored roofing materials as opposed to dark roofing materials.
50. To the extent technically and economically practicable, Developer shall increase roofing and wall insulation over the minimum standards currently required.



51. To the extent technically and economically practicable, Developer shall install special sunlight-filtering window coatings or double-paned windows to reduce thermal gain or loss.
52. Developer shall implement all applicable and feasible operational measures that are identified in Tables 11-6 and 11-7 of the SCAQMD's CEQA Air Quality Handbook, or which are in affect at that time.
53. Developer shall comply with Title 24 of the California Code of Regulations which are current at the time of any Project development.
54. Lighting for parking areas shall utilize energy efficient light and mechanical, computerized or photo cell switching devices to reduce unnecessary energy usage.
55. On-site subterranean parking structures shall provide adequate ventilation systems to disperse pollutants and preclude the potential for any unlawful or hazardous pollutant concentration to occur. In the event any on-site subterranean parking structures use a mechanical ventilation system, such mechanical ventilation system(s) shall not be located along a public right of way.
56. Developer shall provide conveniently-located recycling bins and containers on-site with adequate access for haulers.

## **NOISE**

57. Prior to issuance of grading permits, Developer shall submit a noise control plan to the satisfaction of the City's Director of Community Development. Noise attenuating construction requirements shall be enforced by the Building Official. The noise control plan shall provide for all of the following requirements:
  - a. Excavation, grading, and other outdoor construction activities related to new Project construction (not including any set construction or other production-related activities) shall be restricted to 7:00 a.m. to 7:00 p.m. Mondays through Fridays, and 8:00 a.m. to 7:00 p.m. Saturdays, and shall be subject to approval of the Department of Building and Safety and/or other responsible agencies.
  - b. To the extent physically and economically practicable, all construction equipment shall be stored on the Project Site (or in the vicinity of the Project Site subject to the City Traffic Engineer's approval) during outdoor construction phases to eliminate or minimize daily heavy-duty truck trips on vicinity roadways.

- c. All construction equipment, stationary or mobile, shall be equipped with properly operating and maintained mufflers, and all engines shall be kept in proper tune.
  - d. No idling or queuing of construction vehicles, including the idling or standing of the construction workers' personal vehicles, shall be permitted on local residential streets prior to 7:00 a.m. Mondays through Fridays or prior to 8:00 a.m. Saturdays.
  - e. A hauling route plan shall be approved by the City that shows all construction haul routes and that prohibits construction hauling on local residential streets.
  - f. To the extent there is any outdoor construction on the west side of the Project Site along California Street that occurs concurrently with construction on the unrelated project across California Street, Developer shall attempt to meet with the developer of the unrelated project in a good faith effort to coordinate any concurrent construction activities to minimize construction traffic and ingress/egress impacts.
  - g. Notwithstanding paragraphs (a) and (d) of this Condition, Developer may propose construction times and days beyond those set above, provided that any such proposal be approved in advance of construction by the City's Director of Community Development upon the Director making a finding that the Developer's proposed construction hours will cause no excessive noise impacts to nearby residences or commercial uses.
  - h. All provisions of the noise control plan which require compliance by Developer's contractors or subcontractors shall be placed in all construction contracts between Developer and its contractors or subcontractors. Proof of compliance with this provision shall be part of the noise control plan.
58. Prior to issuance of building permits for any individual construction project occurring as part of the Project approved by the Agreement, Developer shall provide at least three days advance notice to all property owners within 300 feet of the Project Site (as determined by a list to be provided by the City) that site development-related activities will take place on the site, including types of equipment uses, expected length of the construction day, and construction duration.
59. Wherever outdoor construction occurs in close proximity to the residential area along Alameda Street, Johnny Carson Park, and St. Joseph's Medical Center, appropriate noise reduction measures shall be implemented, including changing the location of stationary construction equipment, shutting off idling equipment, and installing temporary acoustic barriers around stationary construction noise sources.



60. Any construction staging areas located on the Project Site shall be situated, to the extent physically and economically practicable, to minimize impact to nearby occupied residences.
61. At all times during any outdoor construction activity on the Project Site, Developer shall post signs on the Project Site visible from the nearest public right-of-way stating the allowable hours of outdoor construction and construction vehicle queuing, and providing telephone numbers for the following people to whom the public can lodge any complaints: a representative of the City Building Division; a representative of the City Police Department; and a representative of the Developer.

### **WATER**

62. Prior to issuance of building permits for any individual construction project occurring as part of the Project approved by the Agreement, Developer shall pay the appropriate Water System fees in accordance with the Public Service Department, Water Division, Rules and Regulations adopted July 1, 1996.
63. Developer shall pay all costs for water system improvements needed for the development of the Project, provided that such improvements are solely for the benefit of the Project.
64. Pressure regulators shall be installed on all water services in accordance with the City's rules and regulations governing water service, provided that such rules and regulations are non-discriminatory and Citywide or Media District-wide in application.
65. Developer shall construct a 12-inch diameter distribution main in Bob Hope Drive, between Alameda Avenue and Warner Boulevard, and a 16-inch main in Olive Avenue between California Street and Alameda Avenue. This Condition shall be phased to be implemented when appropriate during the build out of the Project, based upon the City's reasonable, good faith determination that implementation of such Condition at a particular time is necessary to serve, or to mitigate impacts from, any individual construction project for which Developer seeks a building permit. Developer shall not be required to implement this Condition all at one time or when the first building permit is sought, but shall only implement the components of this Condition when it is appropriate and necessary to do so.
66. Developer shall design and install a separate irrigation system for the use of reclaimed water, which may be available in the future. The future reclaimed water system shall follow all requirements pertaining to the installation, identification, and

separation from potable water that applies to reclaimed water systems in accordance with Section 4.09 of Public Service Department -Water Division Rules and Regulations.

### **WASTEWATER**

67. Developer shall pay applicable sewer facilities charges, as established by the Public Works Department, prior to the issuance of a permit to connect any new Project development to the Burbank sewer facilities system, provided that such charges are non-discriminatory and Citywide or Media District-wide in application.
68. Prior to receiving a Certificate of Occupancy for any office building on the portion of the Project Site east of Bob Hope Drive and north of Parkside Avenue, Developer shall construct a new public sewer line in Alameda Avenue from the portion of Alameda Avenue adjacent to this portion of the Project Site, easterly to a connection point with the existing 21-inch sewer in Buena Vista Street.
69. Developer shall pay a pro-rata share towards necessary downstream sewer pipeline improvements as outlined in the City of Burbank Wastewater Master Plan. Pro-rata share will be defined relative to the Project's impact on the existing downstream sewer system and will be offset by the cost of the new line in Alameda Avenue.

### **DRAINAGE**

70. Developer shall acquire permits for the necessary connections and modifications to the existing storm drains from the City of Burbank Public Works Department.
71. Prior to receiving a Certificate of Occupancy for (a) any structure(s) adding 600,000 OE-GSF of new construction onto the portion of the Project Site west of Bob Hope Drive, or (b) any structure(s) adding 475,800 OE-GSF of new construction onto the portion of the Project Site east of Bob Hope Drive and north of Parkside Avenue, Developer shall improve the earthen ditch at the south end of Johnny Carson Park to accommodate redirected drainage flows.
72. Developer shall file a Notice of Intent "NOI" with the California Regional Water Quality Control Board, Los Angeles Region ("RWQCB") which complies with the National Pollution Discharge Elimination System ("NPDES") permit requirements for construction activity.
73. As part of the NOI, a Storm Water Pollution Prevention Plan incorporating Best Management Practices (BMP's) for storm water runoff shall be developed prior to issuance of grading permits for any individual construction project.



74. Developer shall take all physically and economically practicable measures to minimize the impact of construction activities to existing City streets.

### **ELECTRICAL**

75. Developer shall pay the first costs of any electric improvements solely benefiting the Project Site, but Developer shall be entitled to be reimbursed from any future developments or projects using or benefiting from such improvements for any costs in excess of Developer's proportional share of such improvements.
76. Developer shall consider use of uninterruptible power supply equipment for critical computer and standby generator power use.
77. Developer shall use the California Non-Residential Building Standard (found in California Administrative Code Title 24) to consider and implement high-energy efficient electrical equipment and other devices for minimizing peak demand and wasteful energy consumption. New Project development shall comply with the minimum power factor required by the Code.
78. All new Project development shall incorporate the energy conservation requirements of the Uniform Building Code and the Code.
79. Developer shall pay for any relocation of existing electrical/street light facilities needed as a result of construction required for the Project development.
80. Developer shall consider use of surge suppressers, filters, isolation transformers or other available practical means to preserve the quality of its power service.
81. Developer shall add new electrical loads in such a way as not to affect adversely the Burbank Public Service Department's power quality.
82. Any new electrical load above a total load of 17,000 kVA on Developer's existing electric substation shall be served by a new 34.5 kV to 12.47 kV customer substation on the Project Site, or by a new community substation, unless Developer shows to the City's satisfaction that the Project's electrical load can be adequately and safely accommodated by an alternative method. No community substation shall be required without Developer's consent.

### **NATURAL GAS**

83. Developer shall comply with all energy conservation requirements of the Uniform Building Code applicable to new Project development.

### **SCHOOLS**

84. Developer shall pay school facilities impact fees to the Burbank Unified School District as required by state law when building permits are issued for any individual construction project built as part of the Project.
85. If, prior to the Effective Date of the Agreement, Developer has reached any agreement with the Burbank Unified School District for the payment of school fees above and beyond those impact fees required by law, then Developer shall comply with the terms and conditions of any such agreement.

### **TRACT MAP CONDITIONS**

86. Developer shall have the right to record, from time to time and in its sole discretion, multiple final tract maps covering all or any portion of the Project Site, provided that such final maps are substantially in compliance with the Tentative Tract Map approved by the City in connection with this Project.
87. Prior to recording any final tract map, Developer shall identify which of these Conditions are applicable to each lot created, subject to approval by the City.
88. Developer shall have the right to create up to 15 lots, provided that such lots are substantially in compliance with the Tentative Tract Map approved by the City in connection with this Project.
89. Every lot shown on any final tract map shall have frontage on a public or private street in accordance with Code requirements.
90. Any final map(s) containing lots with frontage on Warner Boulevard shall include each lot's acquired portion of Warner Boulevard, should Warner Boulevard be vacated.
91. Fee vesting shall be as set forth in Section 3.2 of the Agreement.