



APPENDIX B

NOP Comment Letters



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

Notice of Preparation

January 29, 2018

To: Reviewing Agencies

Re: Media Studios Ten-Year Development Agreement Extension Project
SCH# 2018011049

Attached for your review and comment is the Notice of Preparation (NOP) for the Media Studios Ten-Year Development Agreement Extension Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Mike Poro
City of Burbank
150 North Third St.
Burbank, CA 91502**

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2018011049
Project Title Media Studios Ten-Year Development Agreement Extension Project
Lead Agency Burbank, City of

Type NOP Notice of Preparation
Description The Media Studios Ten-Year Development Agreement Extension Project (Project) consists of two key components: an amendment to the Development Agreement for Planned Development PD 89-7) to extend the term ten additional years, from May 10, 2018; and development of PD 89-7 Phase 6 involving a 160,447 gross sq. ft. office building. Although previously analyzed under CEQA, the Draft EIR will analyze Phase 6, as a new proposal, given the passage of time and the additional development that has occurred in the project area, since the original approval.

Lead Agency Contact

Name Mike Poro
Agency City of Burbank
Phone 818-238-5250 **Fax**
email
Address 150 North Third St.
City Burbank **State** CA **Zip** 91502

Project Location

County Los Angeles
City Burbank
Region
Cross Streets North Ontario Street/Empire Ave.
Lat / Long 34° 11' 35" N / 118° 20' 50" W
Parcel No. 2464-004-033
Township 1N **Range** 14 **Section** 4 **Base**

Proximity to:

Highways I-5
Airports Bob Hope Airport
Railways Metrolink Rail
Waterways
Schools Various
Land Use Surface Parking Lot/Planned Development/Regional Commercial

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Conservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 5; Native American Heritage Commission; Public Utilities Commission; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 7; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 4

Date Received 01/29/2018 **Start of Review** 01/29/2018 **End of Review** 02/27/2018

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

2018011049
SCH #

Project Title: Media Studios Ten-Year Development Agreement Extension Project

Lead Agency: City of Burbank, Community Development Department Contact Person: Mike Porto, Consulting Planner
Mailing Address: 150 North Third Street Phone: (818) 238-5250
City: Burbank Zip: 91502 County: Los Angeles

Project Location: County: Los Angeles City/Nearest Community: Burbank
Cross Streets: North Ontario Street/Empire Avenue Zip Code: 91505
Longitude/Latitude (degrees, minutes and seconds): 34 ° 11 ' 35 " N / 118 ° 20 ' 50 " W Total Acres: 1.73
Assessor's Parcel No.: 2464-004-033 Section: 4 Twp.: 1N Range: R14 Base: N/A
Within 2 Miles: State Hwy #: I-5 Waterways: N/A
Airports: Bob Hope Airport Railways: Metrolink Rail Schools: Various

Document Type:

CEQA: [X] NOP [] Draft EIR [] NEPA [] NOI Other: [] Joint Document
[] Early Cons [] Supplement/Subsequent EIR [] EA [] Final Document
[] Neg Dec (Prior SCH No.) [] Draft EIS [] Other:
[] Mit Neg Dec Other: JAN 29 2018 [] FONSI

Local Action Type:

[] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [X] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [] Other:

Development Type:

[] Residential: Units _____ Acres _____
[X] Office: Sq.ft. 160,447 Acres 1.73 Employees _____ [] Transportation: Type _____
[] Commercial: Sq.ft. _____ Acres _____ Employees _____ [] Mining: Mineral _____
[] Industrial: Sq.ft. _____ Acres _____ Employees _____ [] Power: Type MW
[] Educational: _____ [] Waste Treatment: Type MGD
[] Recreational: _____ [] Hazardous Waste: Type _____
[] Water Facilities: Type MGD [] Other: _____

Project Issues Discussed in Document:

[X] Aesthetic/Visual [] Fiscal [X] Recreation/Parks [X] Vegetation
[X] Agricultural Land [X] Flood Plain/Flooding [X] Schools/Universities [X] Water Quality
[X] Air Quality [X] Forest Land/Fire Hazard [X] Septic Systems [X] Water Supply/Groundwater
[X] Archeological/Historical [X] Geologic/Seismic [X] Sewer Capacity [X] Wetland/Riparian
[X] Biological Resources [X] Minerals [X] Soil Erosion/Compaction/Grading [X] Growth Inducement
[] Coastal Zone [X] Noise [X] Solid Waste [X] Land Use
[X] Drainage/Absorption [X] Population/Housing Balance [X] Toxic/Hazardous [X] Cumulative Effects
[X] Economic/Jobs [X] Public Services/Facilities [X] Traffic/Circulation [X] Other: GHG Emissions

Present Land Use/Zoning/General Plan Designation:

Surface Parking Lot/Planned Development/Regional Commercial

Project Description: (please use a separate page if necessary)

The Media Studios Ten-Year Development Agreement Extension Project (Project) consists of two key components: an amendment to the Development Agreement for Planned Development PD 89-7 (PD 89-7) to extend the term ten additional years, from May 10, 2018 to May 10, 2028; and development of PD 89-7 Phase 6 involving a 160,447-gross square-foot office building. Although previously analyzed under CEQA, the Draft EIR will analyze Phase 6 as a new proposal, given the passage of time and the additional development that has occurred in the Project area, since the original approval.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

- Air Resources Board
- Boating & Waterways, Department of
- California Emergency Management Agency
- California Highway Patrol
- Caltrans District #7
- Caltrans Division of Aeronautics
- Caltrans Planning
- Central Valley Flood Protection Board
- Coachella Valley Mtns. Conservancy
- Coastal Commission
- Colorado River Board
- Conservation, Department of
- Corrections, Department of
- Delta Protection Commission
- Education, Department of
- Energy Commission
- Fish & Game Region #5
- Food & Agriculture, Department of
- Forestry and Fire Protection, Department of
- General Services, Department of
- Health Services, Department of
- Housing & Community Development
- Native American Heritage Commission

- Office of Historic Preservation
- Office of Public School Construction
- Parks & Recreation, Department of
- Pesticide Regulation, Department of
- Public Utilities Commission
- Regional WQCB #4
- Resources Agency
- Resources Recycling and Recovery, Department of
- S.F. Bay Conservation & Development Comm.
- San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
- San Joaquin River Conservancy
- Santa Monica Mtns. Conservancy
- State Lands Commission
- SWRCB: Clean Water Grants
- SWRCB: Water Quality
- SWRCB: Water Rights
- Tahoe Regional Planning Agency
- Toxic Substances Control, Department of
- Water Resources, Department of
- Other: _____
- Other: _____

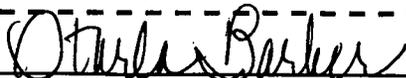
Local Public Review Period (to be filled in by lead agency)

Starting Date January 29, 2018 Ending Date February 27, 2018

Lead Agency (Complete if applicable):

Consulting Firm: Michael Baker International
 Address: 5 Hutton Centre Drive, Suite 500
 City/State/Zip: Santa Ana, CA 92707
 Contact: Starla Barker
 Phone: 949-855-5771

Applicant: City of Burbank
 Address: 150 North Third Street
 City/State/Zip: Burbank, CA 91505
 Phone: (818) 238-5250

Signature of Lead Agency Representative:  Date: 1/26/18

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Resources Agency

- Resources Agency
Nadell Gayou
- Dept. of Boating & Waterways
Denise Peterson
- California Coastal Commission
Allyson Hitt
- Colorado River Board
Lisa Johansen
- Dept. of Conservation
Crina Chan
- Cal Fire
Dan Foster
- Central Valley Flood Protection Board
James Herota
- Office of Historic Preservation
Ron Parsons
- Dept of Parks & Recreation Environmental Stewardship Section
- S.F. Bay Conservation & Dev't. Comm.
Steve Goldbeck
- Dept. of Water Resources
Nadell Gayou
- Fish and Game
- Dept. of Fish & Wildlife
Scott Flint
Environmental Services Division
- Fish & Wildlife Region 1
Curt Babcock
- Fish & Wildlife Region 1E
Laurie Harnsberger
- Fish & Wildlife Region 2
Jeff Drongesen
- Fish & Wildlife Region 3
Craig Weightman
- Fish & Wildlife Region 4
Julie Vance
- Fish & Wildlife Region 5
Leslie Newton-Reed
Habitat Conservation Program
- Fish & Wildlife Region 6
Tiffany Ellis
Habitat Conservation Program
- Fish & Wildlife Region 6 I/M
Heidi Calvert
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Wildlife M
William Paznokas
Marine Region
- Other Departments
- California Department of Education
Lesley Taylor
- OES (Office of Emergency Services)
Monique Wilber
- Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture
- Dept. of General Services
Cathy Buck
Environmental Services Section
- Housing & Comm. Dev.
CEQA Coordinator
Housing Policy Division
- Independent Commissions/Boards
- Delta Protection Commission
Erik Vink
- Delta Stewardship Council
Anthony Navasero
- California Energy Commission
Eric Knight

- Native American Heritage Comm.
Debbie Treadway
- Public Utilities Commission
Supervisor
- Santa Monica Bay Restoration
Guangyu Wang
- State Lands Commission
Jennifer Deleong
- Tahoe Regional Planning Agency (TRPA)
Cherry Jacques
- Cal State Transportation Agency CalSTA
- Caltrans - Division of Aeronautics
Philip Crimmins
- Caltrans - Planning
HQ LD-IGR
Christian Bushong
- California Highway Patrol
Suzann Ikeuchi
Office of Special Projects
- Dept. of Transportation
- Caltrans, District 1
Rex Jackman
- Caltrans, District 2
Marcelino Gonzalez
- Caltrans, District 3
Eric Federicks - South
Susan Zanchi - North
- Caltrans, District 4
Patricia Maurice
- Caltrans, District 5
Larry Newland
- Caltrans, District 6
Michael Navarro
- Caltrans, District 7
Dianna Watson
- Caltrans, District 8
Mark Roberts

- Caltrans, District 9
Gayle Rosander
- Caltrans, District 10
Tom Dumas
- Caltrans, District 11
Jacob Armstrong
- Caltrans, District 12
Maureen El Harake
- Cal EPA
- Air Resources Board
- Airport & Freight
Jack Wursten
- Transportation Projects
Nesamani Kalandiyur
- Industrial/Energy Projects
Mike Tollstrup
- California Department of Resources, Recycling & Recovery
Sue O'Leary
- State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance
- State Water Resources Control Board
Cindy Forbes - Asst Deputy
Division of Drinking Water
- State Water Resources Control Board
Div. Drinking Water # _____
- State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality
- State Water Resources Control Board
Phil Crader
Division of Water Rights
- Dept. of Toxic Substances Control Reg. # _____
CEQA Tracking Center
- Department of Pesticide Regulation
CEQA Coordinator

- Regional Water Quality Control Board (RWQCB)
- RWQCB 1
Cathleen Hudson
North Coast Region (1)
- RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)
- RWQCB 3
Central Coast Region (3)
- RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- RWQCB 5S
Central Valley Region (5)
- RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- RWQCB 6
Lahontan Region (6)
- RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- RWQCB 7
Colorado River Basin Region (7)
- RWQCB 8
Santa Ana Region (8)
- RWQCB 9
San Diego Region (9)
- Other _____

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

This process should be documented in the Cultural Resources section of your environmental document.

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning site department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
- a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst
(916) 373-3714

cc: State Clearinghouse



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA USPS AND E-MAIL:

February 15, 2018

mporto@burbankca.gov

Mike Porto, Contract Planner
City of Burbank – Community Development Department
150 North Third Street,
Burbank, CA 91502

Notice of Preparation of a Draft Environmental Impact Report for the Media Studios Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send SCAQMD a copy of the EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files¹. These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, SCAQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from SCAQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on SCAQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). SCAQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

SCAQMD has also developed both regional and localized significance thresholds. SCAQMD staff requests that the Lead Agency quantify criteria pollutant emissions and compare the results to SCAQMD's CEQA regional pollutant emissions significance thresholds to determine air quality impacts.

¹ Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

SCAQMD's CEQA regional pollutant emissions significance thresholds can be found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by SCAQMD staff or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis.

In the event that the Proposed Project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Guidance² on strategies to reduce air pollution exposure near high-volume roadways can be found at: https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF.

Mitigation Measures

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

² In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's Air Quality and Land Use Handbook: A Community Health Perspective. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

- Chapter 11 of SCAQMD's CEQA Air Quality Handbook
- SCAQMD's CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- SCAQMD's Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

Alternatives

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a “no project” alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Permits

In the event that the Proposed Project requires a permit from SCAQMD, SCAQMD should be identified as a responsible agency for the Proposed Project. For more information on permits, please visit SCAQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to SCAQMD's Engineering and Permitting staff at (909) 396-3385.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available at SCAQMD's webpage at: <http://www.aqmd.gov>.

SCAQMD staff is available to work with the Lead Agency to ensure that project air quality impacts are accurately evaluated and any significant impacts are mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov or call me at (909) 396-3308.

Sincerely,



Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

LAC180130-04

Control Number

Barker, Starla

From: Porto, Mike <MPorto@burbankca.gov>
Sent: Thursday, February 15, 2018 9:15 AM
To: Barker, Starla
Subject: EXTERNAL: FW: FTBMI Tribal Consultation for Media Studios Project
Attachments: FTBMI_THCP_Consultation-Form(Rev42017).pdf

The other

From: Jairo Avila [mailto:jairo.avila@tataviam-nsn.us]
Sent: Thursday, February 15, 2018 8:19 AM
To: Porto, Mike
Subject: FTBMI Tribal Consultation for Media Studios Project

Tribal Historic & Cultural Preservation Department

Project: *Media Studios Project*
Address: *Northwest of North Ontario St and Empire Avenue*

Hello Mike,

On behalf of the Tribal Historic and Cultural Resources ("THCP") department of the Fernandeano Tataviam Band of Mission Indians (Tribe), thank you for the formal notification of the proposed project referenced above. This message constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (as amended, 2015) and CA Public Resources Code section 21080.3.1.

The proposed project area is located within the traditional Tataviam ancestral territory and encompasses the lineage-villages from which members of the Tribe descend. Our records indicate the presence of culturally significant archaeological resources within close distance of the proposed area of effect. This includes the presence of a Tataviam Village and various archaeological sites with cultural material on the surface. For these reasons, the project is of interest to the THCP department and the Tribe is interested in participating in consultation. We may be able to provide a map showing these significant resources in relation to the proposed project site during further consultation.

Based on the letter received and aerial maps, the proposed project is situated in an urban location and will require grading and ground disturbing activities. However, the THCP department would like to know more about the depth of excavation and if the proposed project will impact any native undisturbed soil.

With this said, the THCP department would also like to know:

- Has an archaeological assessment been conducted for the purpose of this project? Has a record search been conducted with the SCCIC (South Central Coastal Information Center), and if so, can you provide a copy of the results?
- How much of the project area has been previously impacted by construction or some form of ground disturbing activity?
- How much project area currently contains soil fill? What is the depth of soil fill?
- What is the overall below surface depth of excavation proposed for this project?

These questions are intended to provide us with a better understanding of the project. Until we are certain that cultural resources will not be impacted by ground disturbing activities, we would like to request to have one of our Native Archaeological Monitors on site to assure that any inadvertent discovery is salvaged and protected.

In order to initiate consultation, the applicant must file a Consultation Form (attached) with the THCP department. If this information cannot be provided within the Tribe's 30-day response window, then THCP automatically elects to be a consulting party under CEQA, as stipulated in AB52. Please do not hesitate to contact me if you have any questions or comments.

I appreciate your time and look forward to further consultation on this project.

Sincerely,
Jairo Avila

--

Jairo F. Avila, M.A., R.P.A.

Tribal Historic and Cultural Preservation Officer

Fernandeño Tataviam Band of Mission Indians

1019 Second Street, Suite 1

San Fernando, California 91340

Office: [\(818\) 837-0794](tel:8188370794)

Website: <http://www.tataviam-nsn.us>



**Fernandeano Tataviam Band of Mission Indians
Tribal Historic and Cultural Preservation Department**

**CONSULTATION FORM PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA)
PUBLIC RESOURCES CODE 21080.3.1, SUBDS. (B), (D), AND (E)**

FOR THCP STAFF USE ONLY:		USGS Quad: _____
Date Recv.: _____		TSPS Category: _____
Lead Agency: _____		THCP File No.: _____
Project No.: _____		_____

1. APPLICANT			
COMPANY		PROJECT MANAGER	
ADDRESS			TELEPHONE
CITY	STATE	ZIP	EMAIL

2. AGENT if different from applicant			
COMPANY		PROJECT MANAGER	
ADDRESS			TELEPHONE
CITY	STATE	ZIP	EMAIL

3. SUBJECT PROPERTY (PROJECT SITE)			
COUNTY			
ASSESSOR'S PARCEL NUMBER		TOWNSHIP AND RANGE	
PROPERTY ADDRESS			
CITY	STATE	ZIP	

4. CULTURAL AND PROPERTY DATA	
Has the area been previously developed? (If Yes, please also fill out Section 5)	<input type="checkbox"/> YES <input type="checkbox"/> NO
Were Native American monitors used during previous ground disturbing activities? (If yes, please include copies of the monitor records)	<input type="checkbox"/> YES <input type="checkbox"/> NO
Has the site been previously surveyed for archaeological resources? (If yes, please include copies of previous archaeological surveys.)	<input type="checkbox"/> YES <input type="checkbox"/> NO
Is the project in or near an area containing known archaeological resources or containing features (drainage course, spring, knoll, rock outcroppings, or oak trees) that indicate potential archaeological sensitivity?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Has a Sacred Lands File or other cultural resource records search been completed? (If yes, please include copies of records)	<input type="checkbox"/> YES <input type="checkbox"/> NO
SOURCE OF RECORDS Did the search indicate the presence of archaeological resources within the project site?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If no known archaeological resources were specified within the site, within how many miles of the site, are resources known or believed to be present?	MILES:

5. PREVIOUS ACTIVITIES	
In what year(s) has the project site been previously developed?	YEAR:
If exact dates are unknown, was the project site developed:	<input type="checkbox"/> UNDER CEQA/AB52 <input type="checkbox"/> PRIOR TO AB52, UNDER CEQA <input type="checkbox"/> PRIOR TO CEQA <input type="checkbox"/> UNKNOWN
GRADING ACTIVITIES	
How many cubic yards of soil has been previously removed from project site?	CUBIC YARDS:
Does the project site contain fill?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
What percentage of the site contains fill?	_____ % <input type="checkbox"/> UNKNOWN
From where did the fill originate? (If origin lies within Tribal Territory, please answer the next question and attach geotechnical report(s))	_____ <input type="checkbox"/> UNKNOWN
To what percentage was the soil compacted?	_____ % <input type="checkbox"/> UNKNOWN

6. PROPOSED ACTIVITIES		
How many cubic yards of soil is planned for EXPORT?	CUBIC YARDS:	<input type="checkbox"/> BALANCED ON-SITE
How many cubic yards of soil is planned for IMPORT and from where does the soil originate?	CUBIC YARDS:	SOIL ORIGINATE:
How many cubic yards of soil is planned for GRADING?	CUBIC YARDS:	

7. CONSULTATION SERVICES AND FEES

Please identify which Category this Project belongs to:

<p>(1) \$500 Consultation Fee Projects with an estimated 0.25 to 50 cubic yards of planned ground disturbance.* The fee covers Services 1-5 listed below</p>	<p>(2) \$2,545 Consultation Fee \$2,545 consultation fee for projects with an estimated 50.01 to 1,000 cubic yards of planned ground disturbance.* The fee covers Services 1-7 listed below.</p>
<p>(3) \$3,750 Consultation Fee Projects with an estimated 1,000.01 to 10,000 cubic yards of planned ground disturbance.* The fee covers Services 1-9 listed below.</p>	<p>(4) \$5,560 Consultation Fee Projects with an estimated 10,000.01 or greater cubic yards of planned ground disturbance.* The fee covers Services 1-15 listed below.</p> <p>This fee also applies when the amount of planned ground disturbance is unknown and/or a recorded archaeological site is recorded within the Project boundary.</p>

Enclosed is a check addressed to the **Fernandeño Tataviam Band of Mission Indians** for the appropriate amount, as specified above.

SERVICES

1. Retrieval of pertinent Project Documents/Reports from the Lead Agency for the purposes of analysis
2. Review of proposed Project
3. Review of Archaeological Documents/Surveys/Reports
4. Tribal Record/Database Search
5. THCP Comments and/or Mitigation Measures, if necessary
6. Confidential Tribal Sensitivity Point System (TSPS) Report
7. Confidential TSPS Comments with Mitigation Measures included, if applicable
8. One or more of the following: Declaration of Need for Project Amendments, Declaration of Need for Native American Monitoring, Declaration of Need for Limited Native American Monitoring, Declaration of Need for Daily Native American Inspections Only, or Declaration of No Native American Monitoring or Inspections Required
9. One of the following: Declaration of Tribal Archaeologist Needed Onsite or Declaration of Archaeologist Not Needed Onsite
10. Confidential Fernandeño Tataviam Band of Mission Indians Cultural Report
11. Optional Tribal Ethnography (public excerpt of Service 9, provided for inclusion in environmental reports produced for the Project, and at the request of Applicant)
12. Tataviam Council of Elders Review
13. Negative Declaration or Negative Mitigated Declaration, with mitigation recommendations included, if applicable
14. Tribal Historic and Cultural Preservation Committee Hearing (held on behalf of the Project, if found to require additional consultation within the tribal government)
15. Consultation Status Reports, as requested

* "Ground Disturbance" is defined as: any man-made disturbance of the ground surface, which includes movements of soil, dirt, or rock. Ground disturbance includes, but is not limited to, grading, trenching, coring, boring, cutting, and sluffing.

8. APPLICANT CONSENT

I have read, understand, and consent to the submission of this form to enter into consultation with the Fernand o Tataviam Band of Mission Indians. If an agent/consultant signs for the applicant, please submit a letter of authorization from the applicant with original signature(s):

SIGNATURE	DATE
-----------	------

If the record owner is a company, corporation, or association, include a copy of Statement by Domestic Corporation. It is the responsibility of the owner to notify the Tribe of any changes in ownership during processing.

9. APPLICANT OR AGENT CERTIFICATION

I hereby certify that:

1. The information provided in this application, including all attachments, are accurate and correct; and
2. I have carefully reviewed all items under Section 5 and 6 and included all applicable required information; and
3. I understand that the submittal of inaccurate or incomplete information and plans may result in extension of the consultation period.

SIGNATURE	DATE
-----------	------

10. DOCUMENT DISTRIBUTION

The Services provided (see Section 7) include the forwarding of documentation to the applicant or agent. If the designated recipient of documentation has already been listed above in Section 1 or 2, please be certain that the contact information is accurate and mark one of the following to receive service documentation:

Applicant Agent

If the designated recipient of documentation is different than the identified Applicant or Agent, please fill out the following:

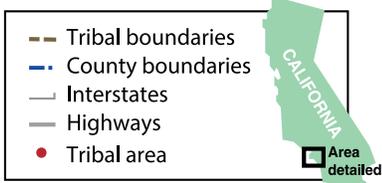
NAME		
ADDRESS	EMAIL	TELEPHONE
CITY	STATE	ZIP

Which form of document distribution should be used? (choose one)

Certified Mail Email



Fernandeano Tataviam Band of Mission Indians Historical Tribal Territory



Tribal boundary depicted is based on registered tribal citizens' ancestral villages. Due to kinship networks and social exchange, this hard boundary does not include all of the abundant locations associated with Tataviam cultural resources and ancestry. Therefore, the overlap yellow boundary accommodates the natural mobility of ancestral and contemporary Tataviam people, which are also known to be well associated with the tribe and sensitive cultural resources.

All projects breaking soil within the tribal boundary are subject to Tataviam jurisdiction, whereas any projects occurring within the yellow boundary may be subject to further analysis by other surrounding Tribal Governments.



Metro

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

February 27, 2018

Mike Porto
Community Development Department
City of Burbank
150 North Third Street
Burbank, CA 91502

RE: Media Studios Project – Notice of Preparation of an Environmental Impact Report

Dear Mr. Porto:

Thank you for the opportunity to comment on the proposed development of the PD 89-7 Phase 6 Site within the Media Studios campus in the City of Burbank (Project). This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (Metro) concerning issues that are germane to our agency's statutory responsibility in relation to our facilities and services that may be affected by the proposed Project.

Metro is committed to working with stakeholders across the County to support the development of transit oriented communities (TOCs). TOCs are built by considering transit within a broader community and creating vibrant, compact, walkable, and bikeable places centered around transit stations and hubs with the goal of encouraging the use of transit and other alternatives to driving. Metro appreciates the opportunity to collaborate with local municipalities, developers, and other stakeholders in their land use planning and development efforts, and to find partnerships that support TOCs across Los Angeles County.

Project Description

The Project proposes a 160,447-gross square-foot office building at the northeastern portion of the Media Studios campus, near the North Avon Street/Empire Avenue intersection. The new building would be five stories with a maximum height of 70 feet above plaza level and be incorporated into the existing campus with all parking in the subterranean garage. The office building would also tie in with existing landscaping and amenities.

Metro Comments

Metro Bus Service Adjacency

Metro Bus Lines 94 and 169 operate on North Avon Street, adjacent to the proposed Project. Line 165 also operates on Empire Avenue along the south side of the Media Studio campus. Although the Project is not expected to result in any long-term impacts on transit, the developer should be aware of the bus services that are present. With an anticipated increase in traffic during and after construction, Metro encourages any impact analysis to include potential impacts on the Metro Bus lines. Potential impacts could include construction traffic as well as operation of and shipment/deliveries to the new

building. Metro also encourages the City and applicant to ensure that construction and operation of the Project does not expose Metro riders to potential harmful effects and consider air quality, fugitive dust, emissions, noise, and safety. Further, Avon Street is a critical access point for buses to reach the airport terminal and Hollywood Way; bus access must be maintained throughout the Project construction period.

Considering the possibility for “studio” programming in the Project and its adjacency to Metro bus service, as well as its proximity to the Metrolink railroad right-of-way, transit is likely to produce noise, vibration, and visual impacts. A recorded Noise Easement Deed in favor of Metro is required, a form of which is attached. The easement recorded in the Deed will extend to successors and tenants as well. In addition, any noise mitigation required for the project must be borne by the developers of the project and not Metro.

Please contact Metro Bus Operations Control Special Events Coordinator at 213-922-4632 and Metro’s Stops and Zones Department at 213-922-5190 with any questions and at least 30 days in advance of initiating construction activities. Burbank Bus may also be impacted and should be included in construction outreach efforts.

Transit Orientation / Active Transportation

Considering the Project’s location and proximity to numerous transit services, including several Metro Bus stops and the nearby Metrolink and Amtrak Burbank/Bob Hope Airport Station, Metro would like to identify the potential synergies associated with transit-oriented development:

1. Metro supports development of commercial and residential properties near transit facilities and understands that increasing development near stations represents a mutually beneficial opportunity to increase ridership and enhance transportation options for the users of developments. Metro encourages the City and Project sponsor to be mindful of the Project’s proximity to several Metro Bus and Burbank Bus stops and the nearby Metrolink and Amtrak rail station.
2. Metro would like to inform the Project sponsor of Metro’s employer transit pass programs including the Annual Transit Access Pass (A-TAP) and Business Transit Access Pass (B-TAP) programs which offer efficiencies and group rates that businesses can offer employees as an incentive to utilize public transit. For more information on these programs, contact Devon Deming at 213-922-7957 or DemingD@metro.net.
3. Metro encourages the incorporation of transit-oriented, pedestrian-oriented parking provision strategies such as the reduction or removal of minimum parking requirements for specific areas and the exploration of shared parking opportunities. These strategies could be pursued to encourage more transit-oriented development and reduce automobile-orientation in design and travel demand.
4. With an anticipated increase in traffic, Metro encourages an analysis of impacts on non-motorized transportation modes and consideration of improved non-motorized access to the Burbank/Bob Hope Airport Station, including pedestrian connections and bike lanes/paths. Appropriate analyses could include multi-modal LOS calculations, pedestrian audits, etc.
5. The Project should address first-last mile connections to transit, encouraging development that is transit accessible with bicycle and pedestrian-oriented street design connecting stations with housing and employment concentrations. For reference, please view the First Last Mile

Strategic Plan, authored by Metro and the Southern California Association of Governments (SCAG), available on-line at:

http://media.metro.net/docs/sustainability_path_design_guidelines.pdf

6. Metro encourages the installation of wide sidewalks, pedestrian lighting, a continuous canopy of shade trees, enhanced crosswalks with ADA-compliant curb ramps, and other amenities along all public street frontages of the development site to improve pedestrian safety and comfort to access the nearby bus stops and rail station. The City should consider requiring the installation of such amenities as part of the conditions of approval for the Project.
7. Metro encourages the City to work with the applicant to promote bicycle use through adequate short-term bicycle parking, such as ground level bicycle racks, as well as secure and enclosed long-term bicycle parking, such as bike lockers or bike storage rooms, for employees. Bicycle parking facilities should be highly visible, easy to locate, and sited so they can be safely and conveniently accessed. The Project applicant should coordinate with Metro Bike Share program for potential Bike Share station at this development. Additionally, the applicant should help facilitate safe and convenient connections for pedestrians, people riding bicycles, and transit users to/from the Project site and nearby destinations such as the Burbank/Bob Hope Airport Station. The Project is encouraged to support these connections with wayfinding signage inclusive of all modes of transportation.

Congestion Management Program

Beyond impacts to Metro facilities and operations, Metro must also notify the Project sponsor of state requirements. A Transportation Impact Analysis (TIA), with roadway and transit components, is required under the State of California Congestion Management Program (CMP) statute. The CMP TIA Guidelines are published in the “2010 Congestion Management Program for Los Angeles County,” Appendix D (attached). The geographic area examined in the TIA must include the following, at a minimum:

1. All CMP arterial monitoring intersections, including monitored freeway on/off-ramp intersections, where the proposed Project will add 50 or more trips during either the a.m. or p.m. weekday peak hour (of adjacent street traffic).
2. If CMP arterial segments are being analyzed rather than intersections, the study area must include all segments where the proposed Project will add 50 or more peak hour trips (total of both directions). Within the study area, the TIA must analyze at least one segment between monitored CMP intersections.
3. Mainline freeway-monitoring locations where the Project will add 150 or more trips, in either direction, during either the a.m. or p.m. weekday peak hour.
4. Caltrans must also be consulted through the NOP process to identify other specific locations to be analyzed on the state highway system.

The CMP TIA requirement also contains two separate impact studies covering roadways and transit, as outlined in Sections D.8.1 – D.9.4. If the TIA identifies no facilities for study based on the criteria above, no further traffic analysis is required. However, projects must still consider transit impacts. For all CMP TIA requirements please see the attached guidelines.

Media Studios Project
NOP DEIR – Metro Comments
February 27, 2018

If you have any questions regarding this response, please contact Derek Hull at 213-922-3051 or by email at DevReview@metro.net. Metro looks forward to reviewing the Draft EIR. Please send it to the following address:

**Metro Development Review
One Gateway Plaza MS 99-18-3
Los Angeles, CA 90012-2952**

Sincerely,



Derek Hull
Manager, Transportation Planning

Attachments: Noise Easement Deed
CMP Appendix D: Guidelines for CMP Transportation Impact Analysis

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY
Real Estate Department
Deputy Executive Officer - Real Estate
P: 213-922-2415 F: 213-922-2400
One Gateway Plaza, Mail Stop 99-18-4
Los Angeles, CA 90012-2932

Space Above Line for Recorder's Use

[Recordation of this Public Document is Exempt from all Recording Fees and Taxes Pursuant to
Government Code Section 6103]

Public Agency - No Tax Statement

NOISE EASEMENT DEED

For valuable consideration, receipt of which is hereby acknowledged, **(Name of Owner)**, a
_____,
for themselves, their heirs, administrators, executors,
successors, assigns, tenants, and lessees do hereby grant, bargain, sell, and convey to the
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, a public
agency existing under the authority of the laws of the State of California ("Grantee"), its
successors and assigns, for the use and benefit of the public and its employees, a perpetual,
assignable easement in that certain real property in the City of Los Angeles, County of Los
Angeles, State of California described in Exhibit "A" attached hereto and incorporated herein by
this reference,

Said easement shall encompass and cover the entirety of the Grantors' Property
having the same boundaries as the described Property and extending from the sub-
surface upwards to the limits of the atmosphere of the earth, the right to cause in said
easement area such noise, vibrations, fumes, dust, fuel particles, light, sonic
disturbances, and all other effects that may be caused or may have been caused by
the operation of public transit vehicles traveling along the Project right of way.

Grantor hereby waives all rights to protest, object to, make a claim or bring suit
or action of any purpose, including or not limited to, property damage or personal
injuries, against Grantee, its successors and assigns, for any necessary operating and
maintenance activities and changes related to the Project which may conflict with
Grantors' use of Grantors' property for residential and other purposes, and Grantors
hereby grants an easement to the Grantee for such activities.

The granting of said Easement shall also establish the Grantors' right to further modify or
develop the Property for any permitted use. However, Grantor's rights of development shall
not interfere with the continued operation of Grantee's Project.

It is understood and agreed that these covenants and agreements shall be permanent, perpetual, will run with the land and that notice shall be made to and shall be binding upon all heirs, administrators, executors, successors, assigns, tenants and lessees of the Grantor. The Grantee is hereby expressly granted the right of third party enforcement of this easement.

IN WITNESS WHEREOF, the undersigned has caused its/their signature to be affixed this day of _____, 20____

By: _____
Name

By: _____
Name

(ATTACH NOTARY SEAL AND CERTIFICATE HERE.)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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 _____)

On _____ before me, _____

Date

Here Insert Name and Title of the Officer

personally appeared _____

Name(s) of Signer(s)

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 _____

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in the real property conveyed by the foregoing Grant Deed from _____, a **California Limited Partnership**, ("Grantor") to **LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY**, a public agency existing under the authority of the laws of the State of California ("LACMTA"), is hereby accepted by the undersigned on behalf of the LACMTA pursuant to authority conferred by resolution of the Board of Directors of the LACMTA, and the Grantee hereby consents to the recordation of this Deed by its duly authorized officer.

Dated this ____ day of _____, 20__

By: _____
Velma C. Marshall
Deputy Executive Officer - Real Estate

GUIDELINES FOR CMP TRANSPORTATION IMPACT ANALYSIS

Important Notice to User: This section provides detailed travel statistics for the Los Angeles area which will be updated on an ongoing basis. Updates will be distributed to all local jurisdictions when available. In order to ensure that impact analyses reflect the best available information, lead agencies may also contact MTA at the time of study initiation. Please contact MTA staff to request the most recent release of "Baseline Travel Data for CMP TIAs."

D.1 OBJECTIVE OF GUIDELINES

The following guidelines are intended to assist local agencies in evaluating impacts of land use decisions on the Congestion Management Program (CMP) system, through preparation of a regional transportation impact analysis (TIA). The following are the basic objectives of these guidelines:

- Promote consistency in the studies conducted by different jurisdictions, while maintaining flexibility for the variety of project types which could be affected by these guidelines.
- Establish procedures which can be implemented within existing project review processes and without ongoing review by MTA.
- Provide guidelines which can be implemented immediately, with the full intention of subsequent review and possible revision.

These guidelines are based on specific requirements of the Congestion Management Program, and travel data sources available specifically for Los Angeles County. References are listed in Section D.10 which provide additional information on possible methodologies and available resources for conducting TIAs.

D.2 GENERAL PROVISIONS

Exhibit D-7 provides the model resolution that local jurisdictions adopted containing CMP TIA procedures in 1993. TIA requirements should be fulfilled within the existing environmental review process, extending local traffic impact studies to include impacts to the regional system. In order to monitor activities affected by these requirements, Notices of Preparation (NOPs) must be submitted to MTA as a responsible agency. Formal MTA approval of individual TIAs is not required.

The following sections describe CMP TIA requirements in detail. In general, the competing objectives of consistency & flexibility have been addressed by specifying standard, or minimum, requirements and requiring documentation when a TIA varies from these standards.

D.3 PROJECTS SUBJECT TO ANALYSIS

In general a CMP TIA is required for all projects required to prepare an Environmental Impact Report (EIR) based on local determination. A TIA is not required if the lead agency for the EIR finds that traffic is not a significant issue, and does not require local or regional traffic impact analysis in the EIR. Please refer to Chapter 5 for more detailed information.

CMP TIA guidelines, particularly intersection analyses, are largely geared toward analysis of projects where land use types and design details are known. Where likely land uses are not defined (such as where project descriptions are limited to zoning designation and parcel size with no information on access location), the level of detail in the TIA may be adjusted accordingly. This may apply, for example, to some redevelopment areas and citywide general plans, or community level specific plans. In such cases, where project definition is insufficient for meaningful intersection level of service analysis, CMP arterial segment analysis may substitute for intersection analysis.

D.4 STUDY AREA

The geographic area examined in the TIA must include the following, at a minimum:

- All CMP arterial monitoring intersections, including monitored freeway on- or off-ramp intersections, where the proposed project will add 50 or more trips during either the AM or PM weekday peak hours (of adjacent street traffic).
- If CMP arterial segments are being analyzed rather than intersections (see Section D.3), the study area must include all segments where the proposed project will add 50 or more peak hour trips (total of both directions). Within the study area, the TIA must analyze at least one segment between monitored CMP intersections.
- Mainline freeway monitoring locations where the project will add 150 or more trips, in either direction, during either the AM or PM weekday peak hours.
- Caltrans must also be consulted through the Notice of Preparation (NOP) process to identify other specific locations to be analyzed on the state highway system.

If the TIA identifies no facilities for study based on these criteria, no further traffic analysis is required. However, projects must still consider transit impacts (Section D.8.4).

D.5 BACKGROUND TRAFFIC CONDITIONS

The following sections describe the procedures for documenting and estimating background, or non-project related traffic conditions. Note that for the purpose of a TIA, these background estimates must include traffic from all sources without regard to the exemptions specified in CMP statute (e.g., traffic generated by the provision of low and very low income housing, or trips originating outside Los Angeles County. Refer to Chapter 5, Section 5.2.3 for a complete list of exempted projects).

D.5.1 Existing Traffic Conditions. Existing traffic volumes and levels of service (LOS) on the CMP highway system within the study area must be documented. Traffic counts must

be less than one year old at the time the study is initiated, and collected in accordance with CMP highway monitoring requirements (see Appendix A). Section D.8.1 describes TIA LOS calculation requirements in greater detail. Freeway traffic volume and LOS data provided by Caltrans is also provided in Appendix A.

D.5.2 Selection of Horizon Year and Background Traffic Growth. Horizon year(s) selection is left to the lead agency, based on individual characteristics of the project being analyzed. In general, the horizon year should reflect a realistic estimate of the project completion date. For large developments phased over several years, review of intermediate milestones prior to buildout should also be considered.

At a minimum, horizon year background traffic growth estimates must use the generalized growth factors shown in Exhibit D-1. These growth factors are based on regional modeling efforts, and estimate the general effect of cumulative development and other socioeconomic changes on traffic throughout the region. Beyond this minimum, selection among the various methodologies available to estimate horizon year background traffic in greater detail is left to the lead agency. Suggested approaches include consultation with the jurisdiction in which the intersection under study is located, in order to obtain more detailed traffic estimates based on ongoing development in the vicinity.

D.6 PROPOSED PROJECT TRAFFIC GENERATION

Traffic generation estimates must conform to the procedures of the current edition of Trip Generation, by the Institute of Transportation Engineers (ITE). If an alternative methodology is used, the basis for this methodology must be fully documented.

Increases in site traffic generation may be reduced for existing land uses to be removed, if the existing use was operating during the year the traffic counts were collected. Current traffic generation should be substantiated by actual driveway counts; however, if infeasible, traffic may be estimated based on a methodology consistent with that used for the proposed use.

Regional transportation impact analysis also requires consideration of trip lengths. Total site traffic generation must therefore be divided into work and non-work-related trip purposes in order to reflect observed trip length differences. Exhibit D-2 provides factors which indicate trip purpose breakdowns for various land use types.

For lead agencies who also participate in CMP highway monitoring, it is recommended that any traffic counts on CMP facilities needed to prepare the TIA should be done in the manner outlined in Chapter 2 and Appendix A. If the TIA traffic counts are taken within one year of the deadline for submittal of CMP highway monitoring data, the local jurisdiction would save the cost of having to conduct the traffic counts twice.

D.7 TRIP DISTRIBUTION

For trip distribution by direct/manual assignment, generalized trip distribution factors are provided in Exhibit D-3, based on regional modeling efforts. These factors indicate Regional Statistical Area (RSA)-level tripmaking for work and non-work trip purposes.

(These RSAs are illustrated in Exhibit D-4.) For locations where it is difficult to determine the project site RSA, census tract/RSA correspondence tables are available from MTA.

Exhibit D-5 describes a general approach to applying the preceding factors. Project trip distribution must be consistent with these trip distribution and purpose factors; the basis for variation must be documented.

Local agency travel demand models disaggregated from the SCAG regional model are presumed to conform to this requirement, as long as the trip distribution functions are consistent with the regional distribution patterns. For retail commercial developments, alternative trip distribution factors may be appropriate based on the market area for the specific planned use. Such market area analysis must clearly identify the basis for the trip distribution pattern expected.

D.8 IMPACT ANALYSIS

CMP Transportation Impact Analyses contain two separate impact studies covering roadways and transit. Section Nos. D.8.1-D.8.3 cover required roadway analysis while Section No. D.8.4 covers the required transit impact analysis. Section Nos. D.9.1-D.9.4 define the requirement for discussion and evaluation of alternative mitigation measures.

D.8.1 Intersection Level of Service Analysis. The LA County CMP recognizes that individual jurisdictions have wide ranging experience with LOS analysis, reflecting the variety of community characteristics, traffic controls and street standards throughout the county. As a result, the CMP acknowledges the possibility that no single set of assumptions should be mandated for all TIAs within the county.

However, in order to promote consistency in the TIAs prepared by different jurisdictions, CMP TIAs must conduct intersection LOS calculations using either of the following methods:

- The Intersection Capacity Utilization (ICU) method as specified for CMP highway monitoring (see Appendix A); or
- The Critical Movement Analysis (CMA) / Circular 212 method.

Variation from the standard assumptions under either of these methods for circumstances at particular intersections must be fully documented.

TIAs using the 1985 or 1994 Highway Capacity Manual (HCM) operational analysis must provide converted volume-to-capacity based LOS values, as specified for CMP highway monitoring in Appendix A.

D.8.2 Arterial Segment Analysis. For TIAs involving arterial segment analysis, volume-to-capacity ratios must be calculated for each segment and LOS values assigned using the V/C-LOS equivalency specified for arterial intersections. A capacity of 800 vehicles per hour per through traffic lane must be used, unless localized conditions necessitate alternative values to approximate current intersection congestion levels.

D.8.3 Freeway Segment (Mainline) Analysis. For the purpose of CMP TIAs, a simplified analysis of freeway impacts is required. This analysis consists of a demand-to-capacity calculation for the affected segments, and is indicated in Exhibit D-6.

D.8.4 Transit Impact Review. CMP transit analysis requirements are met by completing and incorporating into an EIR the following transit impact analysis:

- Evidence that affected transit operators received the Notice of Preparation.
- A summary of existing transit services in the project area. Include local fixed-route services within a ¼ mile radius of the project; express bus routes within a 2 mile radius of the project, and; rail service within a 2 mile radius of the project.
- Information on trip generation and mode assignment for both AM and PM peak hour periods as well as for daily periods. Trips assigned to transit will also need to be calculated for the same peak hour and daily periods. Peak hours are defined as 7:30-8:30 AM and 4:30-5:30 PM. Both “peak hour” and “daily” refer to average weekdays, unless special seasonal variations are expected. If expected, seasonal variations should be described.
- Documentation of the assumption and analyses that were used to determine the number and percent of trips assigned to transit. Trips assigned to transit may be calculated along the following guidelines:
 - Multiply the total trips generated by 1.4 to convert vehicle trips to person trips;
 - For each time period, multiply the result by one of the following factors:
 - 3.5% of Total Person Trips Generated for most cases, except:
 - 10% primarily Residential within 1/4 mile of a CMP transit center
 - 15% primarily Commercial within 1/4 mile of a CMP transit center
 - 7% primarily Residential within 1/4 mile of a CMP multi-modal transportation center
 - 9% primarily Commercial within 1/4 mile of a CMP multi-modal transportation center
 - 5% primarily Residential within 1/4 mile of a CMP transit corridor
 - 7% primarily Commercial within 1/4 mile of a CMP transit corridor
 - 0% if no fixed route transit services operate within one mile of the project

To determine whether a project is primarily residential or commercial in nature, please refer to the CMP land use categories listed and defined in Appendix E, *Guidelines for New Development Activity Tracking and Self Certification*. For projects that are only partially within the above one-quarter mile radius, the base rate (3.5% of total trips generated) should be applied to all of the project buildings that touch the radius perimeter.

- Information on facilities and/or programs that will be incorporated in the development plan that will encourage public transit use. Include not only the jurisdiction’s TDM Ordinance measures, but other project specific measures.

- Analysis of expected project impacts on current and future transit services and proposed project mitigation measures, and;
- Selection of final mitigation measures remains at the discretion of the local jurisdiction/lead agency. Once a mitigation program is selected, the jurisdiction self-monitors implementation through the existing mitigation monitoring requirements of CEQA.

D.9 IDENTIFICATION AND EVALUATION OF MITIGATION

D.9.1 Criteria for Determining a Significant Impact. For purposes of the CMP, a significant impact occurs when the proposed project increases traffic demand on a CMP facility by 2% of capacity ($V/C \geq 0.02$), causing LOS F ($V/C > 1.00$); if the facility is already at LOS F, a significant impact occurs when the proposed project increases traffic demand on a CMP facility by 2% of capacity ($V/C \geq 0.02$). The lead agency may apply a more stringent criteria if desired.

D.9.2 Identification of Mitigation. Once the project has been determined to cause a significant impact, the lead agency must investigate measures which will mitigate the impact of the project. Mitigation measures proposed must clearly indicate the following:

- Cost estimates, indicating the fair share costs to mitigate the impact of the proposed project. If the improvement from a proposed mitigation measure will exceed the impact of the project, the TIA must indicate the proportion of total mitigation costs which is attributable to the project. This fulfills the statutory requirement to exclude the costs of mitigating inter-regional trips.
- Implementation responsibilities. Where the agency responsible for implementing mitigation is not the lead agency, the TIA must document consultation with the implementing agency regarding project impacts, mitigation feasibility and responsibility.

Final selection of mitigation measures remains at the discretion of the lead agency. The TIA must, however, provide a summary of impacts and mitigation measures. Once a mitigation program is selected, the jurisdiction self-monitors implementation through the mitigation monitoring requirements contained in CEQA.

D.9.3 Project Contribution to Planned Regional Improvements. If the TIA concludes that project impacts will be mitigated by anticipated regional transportation improvements, such as rail transit or high occupancy vehicle facilities, the TIA must document:

- Any project contribution to the improvement, and
- The means by which trips generated at the site will access the regional facility.

D.9.4 Transportation Demand Management (TDM). If the TIA concludes or assumes that project impacts will be reduced through the implementation of TDM measures, the TIA must document specific actions to be implemented by the project which substantiate these conclusions.

D.10 REFERENCES

1. *Traffic Access and Impact Studies for Site Development: A Recommended Practice*, Institute of Transportation Engineers, 1991.
2. *Trip Generation*, 5th Edition, Institute of Transportation Engineers, 1991.
3. *Travel Forecast Summary: 1987 Base Model - Los Angeles Regional Transportation Study (LARTS)*, California State Department of Transportation (Caltrans), February 1990.
4. *Traffic Study Guidelines*, City of Los Angeles Department of Transportation (LADOT), July 1991.
5. *Traffic/Access Guidelines*, County of Los Angeles Department of Public Works.
6. *Building Better Communities*, Sourcebook, Coordinating Land Use and Transit Planning, American Public Transit Association.
7. *Design Guidelines for Bus Facilities*, Orange County Transit District, 2nd Edition, November 1987.
8. *Coordination of Transit and Project Development*, Orange County Transit District, 1988.
9. *Encouraging Public Transportation Through Effective Land Use Actions*, Municipality of Metropolitan Seattle, May 1987.