Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020)

Burbank - Los Angeles - RECORD #696 DETAIL

Status :	Action Pending
Record Date :	7/21/2020
Submission Date :	7/21/2020
Interest As :	Business and/or Organization
First Name :	Janine
Last Name :	Walker
Attachments :	Burbank Industrial Comment Letter 7-21-20.pdf (19 mb)

Stakeholder Comments/Issues :

Dear Sir/Madam:

An email and fedex package was sent to you on July 13th, 2020, containing a letter from Burbank Industrial Investors LP on the Draft Environmental Impact Report/Environmental Impact Statement for the Burbank to Los Angeles Project Selection of the California High-Speed Project. Please note that the attached letter supersedes the letter sent on July 13th, 2020.

If you have any questions please don't hesitate to contact me.

Sincerely,

Janine Walker
Executive Assistant
OVERTON MOORE PROPERTIES
19700 S Vermont Avenue #101
Torrance, CA 90502
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[cid:image003.png@01D61189.C2BCE780] <https://www.linkedin.com/company/overtonmoore>

From: Janine Walker
Sent: Monday, July 13, 2020 12:37 PM
To: 'burbank_Los.Angeles@hsr.ca.gov' <burbank_Los.Angeles@hsr.ca.gov>
Subject: Burbank to Los Angeles Draft EIR/EIS Comment

Dear Sir/Madam:

Overton Moore Properties, on behalf of Burbank Industrial Investors LP, submits the following comments on the Draft Environmental Impact Report/Environmental Impact Statement for the Burbank to Los Angeles Project Selection of the California High-Speed Project. An original copy has been overnighted to 3555 S Grand Ave #2050 Los Angeles, CA 90071.

Sincerely,

Janine Walker
Executive Assistant
OVERTON MOORE PROPERTIES
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Torrance, CA 90502
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[cid:image003.png@01D61189.C2BCE780] <https://www.linkedin.com/company/overtonmoore>

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

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July 21st, 2020

VIA U.S. MAIL AND ELECTRONIC MAIL

Burbank to Los Angeles Draft EIR/EIS Comment
355 S Grand Avenue, Suite 2050
Los Angeles, CA 90071
Email: Burbank_Los.Angeles@hsr.ca.gov

Dear Sir/Madam:

Overton Moore Properties ("OMP"), on behalf of Burbank Industrial Investors, L.P. ("BII" or "Developer"), submits the following comments on the Draft Environmental Impact Report/Environmental Impact Statement (the "EIR/EIS") for the Burbank to Los Angeles Project Section of the California High-Speed Rail Project (the "CHSR Project").

Background

BII is the owner of an approximately 61-acre site known as 3001 N. Hollywood Way in Burbank, California (the "Site").[1] The Site is within the footprint of the proposed Burbank Airport Station as described in the EIR/EIS and would be "permanently" affected by the CHSR Project.[2] According to the address lookup and interactive map on the California High Speed Rail Authority's website, the CHSR Project will require the "full acquisition" of the Site.[3]

On April 16, 2019, the City of Burbank (the "City") adopted Ordinance No. 19-3,916 approving a Development Agreement and a rezoning of the Site to Planned Development (Planning Permit No. 16-0004646), Development Review, Finding of Public Convenience or Necessity, and Tentative Map No. 74417 for a commercial and industrial development project known as Avion Burbank (the "Avion Burbank Project"). Previously, on March 26, 2019, the City (1) adopted Resolution No. 19-29,076 certifying a Final Environmental Impact Report ("FEIR" for the Avion Burbank Project and adopting findings pursuant to the California Environmental Quality Act ("CEQA"), and (2) adopted Resolution No. 19-29,077 approving various amendments to the City's General Plan in connection with the Avion Burbank Project, including changing the land use designation for portions of the Site from "Airport" to "Golden State Commercial." A copy of Ordinance No. 19-3,916 and Resolution Nos. 19-29,076 and 19-29,077 are attached hereto as Exhibit A , Exhibit B, and Exhibit C, respectively.

696-779

[1] The Site consists of Assessor Parcel Nos. 2466-001-041 and 2466-001-013.

[2] See EIR/EIS, Appendix 3.1-A, p. 1.

[3] See https://www.meethsrsocal.org/station-5-address-lookup-and-interactive-map.

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As approved by the City, the Avion Burbank Project includes the following land uses and improvements:

- Six (6) industrial multi-tenant flex buildings totaling 1,004,307 square feet; nine (9) two-story office condominium buildings totaling 142,250 square feet; two single-story multi-tenant retail/restaurant buildings totaling 15,475 square feet; and a six-story, 150 room hotel of 101,230 square feet;
- A tentative parcel map subdividing the Project Site into nine (9) parcels;
- The extension, construction, and public dedication of public streets, Tulare Avenue and North Kenwood Street; and
- Public improvements adjacent to the 61-acre Site that include new and modified street improvements including additional dedications, green streets, bike paths, sidewalks, landscaping and lighting within the public right-of way, onsite , Metrolink parking lot, , , and associated new utility substation to support of the Avion Burbank Project.

The approved site plan for the Avion Burbank Project is attached hereto as Exhibit D.

The Development Agreement gives the Developer a vested right to build the Avion Burbank Project for a period of ten (10) years (*i.e.*, until April of 2029). Construction of the Avion Burbank Project representing the industrial, office, retail and public improvements commenced on August 19, 2019, and is expected to be completed by April 30, 2021. The hotel portion of the project is expected to commence May 1, 2021 and be completed by September 30, 2022. To date, the majority of the underground utilities have been installed, all of the industrial buildings walls have been tilted with roof structures 40% complete. The office building pads are complete, framing complete and walls being tilted this week. The retail retaining walls are complete and the pads are underway. The parcel map is in final plan check with the City of Burbank and we expect recording within thirty to forty-five days. Avion Burbank is approximately seventy percent (70%) preleased and negotiating letters of intent on the remaining industrial, office and retail.

Comments

In light of the foregoing, OMP respectfully submits the following comments on the EIR/EIS:

1. *Status of Avion Burbank Project*

The Avion Burbank Project is identified as a "cumulative project" in the EIR/EIS.[4] The EIR/EIS describes the "Status/Timing" of the Avion Burbank Project as follows:

> Preparation of EIR in progress. Public review of IS/NOP ended on July 8, 2017. Construction anticipated to begin early 2018 and be completed by the end of 2018.

[4] See EIR/EIS, Appendix 3.19, Table 3.19.A-2, page 3.19-A-11.

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696-779 This information is out-of-date, and should be updated based on the information presented above. In particular, the EIS/EIR should acknowledge that the Site is fully entitled, that construction of the Avion Burbank Project is underway and the project is seventy percent (70%) preleased.

696-780 2. *Business Displacement*

The EIR/EIS states that the CHSR Project would result in a total of 84 nonresidential displacements, including commercial, industrial, and retail businesses and affecting an estimated 1,747 employees, and that such displacements would affect low-income and/or minority populations.[5] However, the EIR/EIS fails to account for the additional nonresidential displacements that would occur as a result of the acquisition and demolition of the Avion Burbank Project, which is now under construction and a majority preleased. Kosmont Companies (January 2017 Gross Fiscal Impact and Economic Benefit Analysis) estimates that upon completion, the Avion Burbank Project will result in approximately thirty-five separate business with over 2119 permanent employees, $2.4 million in annual gross fiscal revenue to the City of Burbank and projected to exceed $73million in gross fiscal revenue to the City of Burbank over thirty years. As indicated in Figures 5-8 and 5-9 of the EIR/EIS, these businesses will be located in close proximity to areas with substantial low income and minority populations.[6]

696-781 3. *Capital Costs*

In Chapter 6, the EIR/EIS presents a summary of the cost of building and operating the CHSR Project, including land acquisition. The costs are presented in "base-year" (2018) dollars and are based on general estimates by category, rather than a parcel-by-parcel assessment.[7]

In estimating land acquisition costs, it is apparent that the EIR/EIS did not adequately take into consideration the value of the now fully-entitled Site, let alone the value of the Site once the Avion Burbank Project is completed in or around 2022. Given that the Site likely represents the most valuable real estate that would need to be acquired for the CHSR Project, Chapter 6 of the EIR/EIS should be revised based on a more realistic estimate of the true cost of acquiring the Site with the completed Avion Burbank Project, which OMP currently estimates would be in excess of $800,000,000 (including displacement, relocation and disruption).

696-782 4. *Affected Environment and Environmental Consequences*

The Avion Burbank Project is briefly mentioned in Section 3-13 of the EIR/EIS (Station Planning, Land Use, and Development).[8] However, in evaluating the potential impacts of the CHSR Project, it appears

[5] See EIR/EIS, p. 5-53.

[6] See EIR/EIS, pp. 5-47 and 5-50.

[7] See EIR/EIS, p. 6-3.

[8] See EIR/EIS, p. 3.13-46.

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696-782 that the EIR/EIS erroneously assumed that the Site would remain unchanged from the physical characteristics that existed on the Site in early 2019.

The EIR/EIS must be revised to evaluate all of the potential impacts associated with demolition of the Avion Burbank Project and the redevelopment of the Site for purposes of the CHSR Project. These impacts likely include, but are not limited to, additional or more-severe impacts on air quality, global climate change, noise and vibrations, land use, transportation, and environmental justice. The revised EIR/EIS

696-783 should also be recirculated for public comment.

5. *Project Alternatives*

An EIR must describe a range of reasonable alternatives to the project "which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." An EIR need not consider every conceivable alternative to a project, but "must consider a reasonable range of potentially feasible alternatives that will *foster informed decision making and public participation*."[9]

696-784 In this case, the EIR/EIS evaluates only two alternatives: The required "no project" alternative and the "High Speed Rail Build Alternative" (*i.e.*, the CJSR Project as described in the EIR/EIS). These alternatives were apparently developed pursuant to a "tiered" process that purportedly considered stakeholder input. However, this process was largely conducted outside of the formal EIR process with no or limited opportunity for public involvement.

Given the information presented in this letter regarding the Avion Burbank Project, OMP submits that the EIR/EIS does not adequately consider a "range of potentially feasible alternatives" that will foster informed decision-making or public participation. Specifically, the EIR/EIS should be revised to evaluate an additional alternative that avoids the need to acquire any portion of the Site or the demolition of any portion of the Avion Burbank Project.

Thank you for your consideration.

Sincerely,

OVERTON MOORE PROPERTIES

Timur Tecimer
CEO

[9] CEQA Guidelines, § 15126.6(a) (emphasis added).

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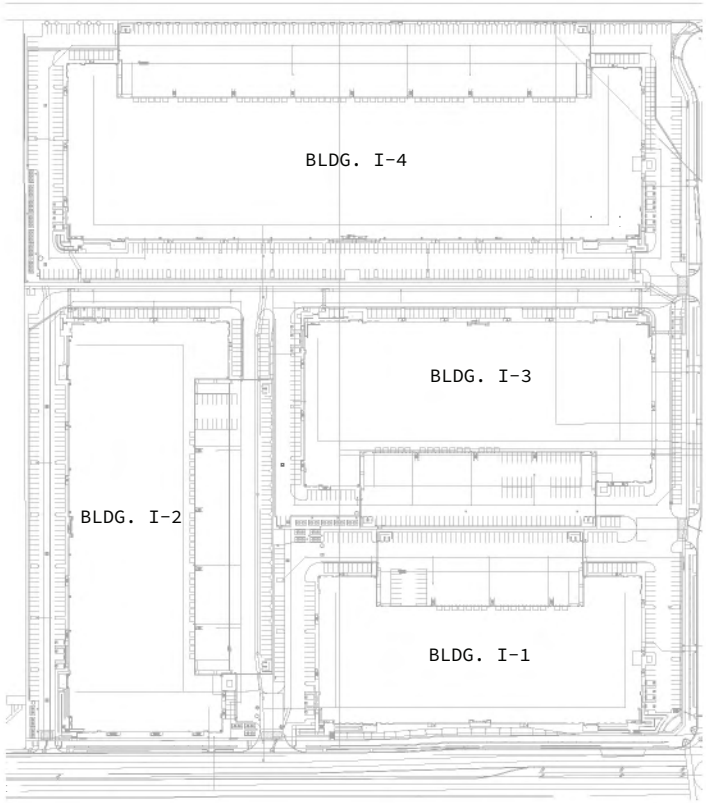

1 MASTER SITE PLAN

AVION BURBANK

Eff.: 5-17-2019 ORDINANCE NO. 19-3,916

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PROJECT NO. 16-0004646, WHICH INCLUDES A PLANNED DEVELOPMENT, TEN-YEAR DEVELOPMENT AGREEMENT, DEVELOPMENT REVIEW, AND TENTATIVE PARCEL MAP NO. 74417 AND FINDINGS FOR CONVENIENCE OR NECESSITY FOR THE AVION BURBANK PROJECT (PLANNED DEVELOPMENT NO. 16-_), CONSISTING OF SIX (6) INDUSTRIAL FLEX BUILDINGS TOTALING 1,004,307 SQUARE FEET; NINE (9) TWO-STORY OFFICE BUILDINGS TOTALING 142,250 SQUARE FEET; TWO SINGLE-STORY RETAIL/RESTAURANT BUILDINGS TOTALING 15,475 SQUARE FEET, A SIX-STORY, 150 ROOM HOTEL, AND SUBDIVIDING THE PROJECT SITE INTO NINE (9) PARCELS, AND RELATED PUBLIC AND PRIVATE INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE REDEVELOPMENT OF A VACANT 61- ACRE SITE AT 3001 N. HOLLYWOOD WAY.

City Attorney Synopsis

This Ordinance approves the Planned Development rezoning and Development Agreement (Planning Permit No. 16-0004646), Development Review, Finding of Public Convenience or Necessity and Tentative Map No. 74417 for the Avion Burbank Project that includes the following land uses and improvements:

1. Six (6) industrial flex buildings totaling 1,004,307 square feet; nine (9) two-story office buildings totaling 142,250 square feet; two single-story retail/restaurant buildings totaling 15,475 square feet; and a six-story, 150 room hotel of 101,230 square feet;

2. A tentative parcel map subdividing the Project Site into nine (9) parcels;

3. The extension, construction, and public dedication of public streets, Tulare Avenue and North Kenwood Street;

4. Public improvements adjacent to the 61- acre Project Site that include pedestrian and bicycle amenities, street furniture, landscape and lighting within the public right-of- way, and associated utility infrastructure upgrades in support of the proposed Project. The Development Agreement gives the Developer the right to build these land uses and improvements over a 10-year term.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. On July 20, 2016, Timur Tecimer for Burbank Industrial Investors, Limited Partnership ("Applicant") submitted an application for a Planned

1

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Development rezone, Development Agreement, Development Review and Tentative Map No. 74417 for the Avion Burbank Project, located on 61-acres of land in Airport (AP) and General Industrial (M-2) zones of the greater Airport District/Golden State area (the "Project"). The entitlement application comprises the following:

(1) **Planned Development Zoning & Development Agreement**. The Planned Development Zoning and 10-year Development Agreement would allow the development of six (6) industrial flex buildings totaling 1,004,307 square feet; nine (9) two-story office buildings totaling 142,250 square feet; two single-story retail/restaurant buildings totaling 15,475 square feet; and a six-story, 150 room hotel of 101,230 square feet and 2,215 parking spaces with associated on-site and off-site physical improvements.

(2) **Development Review**. Development Review is required for the construction of the Project to ensure conformance with adopted City codes and regulations.

(3) **Conditions of Approval**. The Project Approvals are subject to certain "Conditions of Approval" that have been deemed necessary to protect the public health, safety, and welfare.

B. A Final Environmental Impact Report (EIR) has been prepared consisting of the circulated Draft EIR, all comments received during the public review period, responses to all significant environmental points raised during the public review period, and a Mitigation Monitoring and Reporting Program (MMRP) has been prepared. This Final EIR was posted on the City's website at www.burbankca.gov/planning on or about February 15, 2019, and the response to comments were sent to all commenters not less than ten (10) days prior to the City Council's consideration of the EIR and the Project at a noticed public hearing in accordance with California Environmental Quality Act (Public Resources Code Section 21000 e. seq.) ("CEQA"), and the State CEQA Guidelines (14 Code of California Regulations Section 150000, et. seq.) and the City's CEQA procedures for the Project.

C. The Planning Board of the City of Burbank held a duly noticed public hearing on February 25, 2019, after which it recommended approval of the Project requested entitlements and certification of the project, Final EIR, including Responses to Comments, and adoption of the MMRP with a Statement of Overriding Considerations with Findings of Fact.

D. The Council at its regular meeting of March 26, 2019, held a duly noticed public hearing on Project No. 16-0004646, which includes a request for a Planned Development, 10-year Development Agreement, Development Review, Tentative Parcel Map No. 74417 and a Finding of Public Convenience or Necessity. Public notification to the property owners of record within 1,000 feet of the Project site went out 10-business days before the March 26, 2019, City Council public hearing on the Avion Burbank Project (3001 N. Hollywood Way) pursuant to Burbank Municipal Code (BMC) Section 10-1- 1964(2). Public notification was also provided in the Burbank Leader Newspaper, providing for ten-day notification prior to the City

Council's consideration the Project at a public hearing held on March 26, 2019, pursuant to Government Code Section 65090.

E. The City Council has determined that Project is consistent with, and will implement, the City's applicable General Plan goals and policies; and

F. The City Council considered the report and recommendations of the City Planner, the action and recommendations of the Planning Board, the Draft and Final EIRs, the MMRP, the Statement of Overriding Considerations with Findings of Fact, and the evidence presented at such public hearing.

G. The City Council certified the EIR as being in full compliance with CEQA, and adopted a MMRP and the Statement of Overriding Considerations with Findings of Fact with adoption of Resolution No. 19-29,076.

THE COUNCIL OF THE CITY OF BURBANK ORDAINS AS FOLLOWS:

1. Project No. 16-0004646, which includes a request for Planned Development and a 10-year Development Agreement (attached hereto as Exhibit A), to allow for: six (6) industrial flex buildings totaling 1,004,307 square feet; nine (9) two-story office buildings totaling 142,250 square feet; two single-story retail/restaurant buildings totaling 15,475 square feet; and a six-story, 150 room hotel of 101,230 square feet, is hereby approved subject to the applicant complying with the Conditions of Approval contained in the Development Agreement and attached to this Ordinance as Exhibit A.

1) *The Planned Development and Development Agreement thereto are consistent with the General Plan of the City of Burbank and the provisions of Title 10 of the Burbank Municipal Code, and are compatible with the objectives, policies, general land uses and programs specified therein.*

The *Burbank2035* General Plan land use designation for the Project site is Golden State Commercial/Industrial (43 acres) and Airport (18 acres). The requested Planned Development and Development Agreement would facilitate the entire Project's land use designation as Golden State Commercial/Industrial. Consistent with this General Plan land use designation, the proposed planned development would facilitate a mixed-use development that includes industrial, creative office, locally serving retail and service commercial uses as well as a hotel. Per the Golden State Commercial/Industrial land use designation, the Project site and the similarly designated properties in the surrounding area have traditionally served as the City's industrial hub. However, in more recent years this area has been developed with a variety of commercial uses complimentary to the airport and media related businesses. The Project will facilitate additional industrial, office, retail-commercial and hospitality uses that can be complimentary to the airport and media related business, while also supporting new light industrial uses (e.g., manufacturing, assembly, technology, entertainment, and distribution) and office uses that facilitate an employment center with a balanced mix of uses that are compatible with the industrial character of the area. Furthermore, the Project will incorporate Project Design

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Features that integrate transit, walking, biking and other alternative transit modes into the proposed development through new bicycle and pedestrian trails and pathways both on-site and along the adjacent public right-of-way, on-site Metrolink parking, new electric vehicle charging stations and funding for the long term maintenance and operation of the adjacent transit station and locally serving buses.

The Project is consistent with Title 10 of the Burbank Municipal Code, including unique development standards incorporated as part of the PD zone, and the PD Design Review Criteria. The proposed industrial, office, and retail buildings are all tilt up buildings and incorporate similar modern design features. In regards to the industrial buildings the following features are included: high volume glass panels at entrances, metal awnings, raised parapet walls, smooth and louvered metal wall cladding and window openings as vertical elements to break up the building facades, concrete score lines, varying color schemes at key corners and entryways of the proposed 38 foot tall industrial buildings; these noted architectural elements are most prevalent along the proposed industrial building elevations visible from the public right-of-way in order to have a cohesive architectural design with a higher level of visual interest. The proposed creative office spaces are 36-foot, 5 inch tall and use similar building materials as the industrial building, but also incorporate the following: rooftop clerestory skylights and more windows that wrap a larger number of building facades and high volume glass at the building's main entrances, which collectively allow more natural light into the buildings.

These building entrances also face into adjacent open spaces that include meeting, seating, and dining areas that are shaded and include covered trellises/canopies from which employees and visitors to the site have direct access to multi-purpose tree-lined pathways that can be used by bicyclists and pedestrians alike to easily access the on-site retail and restaurants with similar contemporary architecture as well as safe access to on-site parking facilities and/or adjacent public bus stops and transit rail facilities. Also provided for the use of future office employees will be bocce and volleyball courts and dog parks. The proposed retail buildings are approximately 19 feet tall and incorporate similar building finishes with some notable variations including use of composite wood cladding on the building's exterior, smooth stucco finishes, sloping rooftop parapet walls and a wraparound metal trellis/canopy structure facing the interior courtyard area. Collectively, the proposed use of similar building materials and finishes with slight variations in in color schemes and finishes help provide a unifying modern architectural design for all thee building types. It is anticipated that the future hotel will takes its design ques from these existing buildings but provide for a contemporary design found in other hotels recently built

and proposed within the City with the final design also tailored to the hotel brand eventually selected to occupy the Project site.

FINDINGS FOR DEVELOPMENT REVIEW:

1) *All provisions of the Code will be satisfied in accordance with Burbank Municipal Code Section 10-1-1912(A).*

The proposed project complies with applicable provisions of the Burbank Municipal Code including unique standards for this project adopted with the "Planned Development (PD)" zone for Project No. 16-0004646.

FINDING FOR PUBLIC CONVENIENCE OR NECESSITY:

1) The PD proposes a restaurant with drinking establishment in the hotel. A restaurant of this type provides for all of the following: drinking establishment is a restaurant that serves alcohol; does not have dancing nor more than two (2) billiard tables; does not require at least 65 percent of the gross sales revenue of the establishment to be from food sales; does not limit any area of the establishment devoted primarily to the sales; limits floor area designated for the consumption of alcohol to no more than 15 percent of the adjusted gross floor area of the establishment. The PD would facilitate this type use as an ancillary facility to the hotel only. The Project applicant would need to follow the limitations listed in BMC 10-1-1116 for restaurants with similar drinking establishments.

The sale of beer, wine, and spirits for off-sale consumption will provide a public convenience. If fast casual eateries and bona fide public eating places are developed as part of the Project's proposed retail/commercial spaces local business occupants and visitors would be able to conveniently purchase alcohol with their meals this would also be true for a restaurant and/or lounge that is part of a future hotel at the subject site. If a retail outlet or store is included in the project within one of the commercial tenant spaces, customers and residents would be able to conveniently purchase alcohol separately or with their other items. The size of the commercial tenant spaces vary, ranging between approximately 1,000 square-feet to several thousand square-feet (i.e., could accommodate a small convenience store type retail outlet). Leaving the project site would not be necessary. Similarly, visitors or residents near the project site could walk or bike to purchase alcohol separately or with their other purchases. In addition, customers could attend events such as beer and/or wine tastings, purchase the alcohol product, and take it elsewhere for consumption at a later time.

PLANNED DEVELOPMENT DESIGN REVIEW CRITERIA:

1) *The design of the overall Planned Development shall be comprehensive and shall embrace land, buildings, landscaping, and their interrelationships and shall be*

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substantially consistent with the General Plan and any applicable Element of the General Plan.

The proposed Planned Development (PD) project is a comprehensive development that encompasses the entire 61-acre Project site. The Project has been designed so as to be easily accessible to pedestrians and bicyclists in addition to vehicular traffic. The Project will facilitate development of an employment center that includes creative industrial and office uses with supportive retail and commercial uses as well as complimentary hospitality uses in the form of a new hotel. The Project has been developed with a creative office campus with interactive central landscape areas that are intended to attract users in technology, entertainment, and digital media fields and the high quality industrial buildings are intended to facilitate various light industrial and complimentary land uses such as high-tech manufacturing, assembly, technology, entertainment and distribution creating new job opportunities both short term and long term. In addition to these land uses, the Project Site has integrate transit, walking, biking, and other alternative transit modes into the existing development. Further, the Projet will be designed to expand the City's tree canopy and reducing the heat island effect by planting of more than 1,000 new trees on the Project site and in the adjacent public-right-of-way and the Project will include 177 electric vehicle charging stations throughout as well as reducing its carbon footprint by designing and obtaining LEED Silver certification for all core and shell structures and hardwiring all buildings to accommodate roof top solar facilities.

2) *The Planned Development shall provide for adequate permanent open areas, circulation, off-street parking, and pertinent pedestrian amenities. Building structures and facilities and accessory uses within the Planned Development shall be well integrated with each other and to the surrounding topographic and natural features of the area.*

The Project site provides open space accessible to all future tenants and visitors, and adequate on-site circulation and parking to efficiently serve all future industrial, office, retail/service commercial, and hospitality employees including 60 on-site parking spaces set aside for light rail transit users. The proposed mixed-use campus development is also easily accessible to pedestrians as well as those who arrive via public transit or private automobile. The surface parking areas located throughout the Project site and accessible from multiple access points located along adjacent public right-of-way that includes Cohasset Street, Kenwood Street, North Hollywood Way, N. San Fernando Blvd., and Tulare Avenue will provide direct access to both employees and visitors to the site. There will be limited excavation (inclusive of cut and fill) to accommodate the proposed building pads and surface parking areas, with the resulting one and two story structures making up the bulk of the industrial, office, and retail tenant spaces as well as a six-story hotel located at the corner of San Fernando Blvd. and N. Hollywood Way; however, the resulting built form and associated open space amenities will be compatible with the surrounding land uses and structures, which also include similar industrial and office space buildings. The

hotel structure located at the northeast corner of the Project site is consistent in overall building height of similar hotel uses found in the area including the Airport Marriott located at Thornton Avenue and N. Hollywood Way.

3) *The Planned Development shall be compatible with existing and planned land use on adjoining properties.*

The *Burbank2035* General Plan land use designation for the Project site is Golden State Commercial/Industrial (43 acres) and Airport (18 acres). The requested Planned Development and Development Agreement would facilitate the entire Project's land use designation as Golden State Commercial/Industrial. Consistent with this general plan land use designation, the proposed planned development would facilitate a mixed-use development that includes industrial, creative office, locally serving retail and service commercial uses as well as a hotel. Per the Golden State Commercial/Industrial land use designation, the Project site and the similarly designated properties in the surrounding area have traditionally served as the City's industrial hub. However, in more recent years this area has been developed with a variety of commercial uses complimentary to the airport and media related businesses.

The Project will facilitate additional industrial, office, retail-commercial and hospitality uses that can be complimentary to the airport and media related business, while also supporting new light industrial uses (e.g., manufacturing, assembly, technology, entertainment, and distribution) and office uses that facilitate an employment center with a balanced mix of uses that are compatible with the industrial character of the area. Furthermore, the Project will incorporate Project Design Features that integrate transit, walking, biking and other alternative transit modes into the proposed development through new bicycle and pedestrian trails and pathways both on-site and along the adjacent public right-of-way, on-site parking for public transit users, new electric vehicle charging stations and funding for the long term maintenance and operation of the adjacent transit station and locally serving buses. Collectively, the proposed Project and the public benefits associated therewith have been developed in a manner that facilitates responsible development that builds community by providing a range of employment opportunities within the Airport/Golden State district area that promotes the long term economic resiliency of the community while providing new bike and pedestrian improvements and street roadway improvements that benefit and protect the quality of life of nearby residential neighborhoods.

4) *Any private street system or circulation system shall be designed for the efficient and safe flow of vehicles, pedestrians, bicycles, and the handicapped, without creating a disruptive influence on the activity and functions of any area or facility.*

The Project has been designed to include tree-lined sidewalks and internal pathways that facilitate the efficient and safe ingress and egress of traffic, including pedestrian, bicycles, transit users, and the modes compliant with the Americans with Disabilities

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Act (ADA) to and from the Project site. The Project includes extension of Tulare Avenue and Kenwood Street as public streets into the site from N. Hollywood Way and Cohasset, respectively. The enhanced roadways provide access to commercial vehicles along code compliant roadways that access internal drive aisles and truck docks that have been designed for the efficient and safe travel of commercial vehicles that will share the site with office, retail, and hotel employees and visitors throughout the mixed-use site. A traffic study was completed to ensure that potential impacts on surrounding areas would be identified, and mitigations measures are proposed to mitigate impacts, where feasible and in compliance with City General Plan and Mobility Element goals and polices. Mitigation measures have been included to ensure that all impacts that can be mitigated have been addressed.

5) *The public street system within or adjacent to a Planned Development shall be designed for the efficient and safe flow of vehicles (including transit vehicles), pedestrians, bicycles, and the handicapped. Public streets shall be designed using standard City lane widths, capacities, and travel speeds. The design shall also include adequate space and improvements for transit vehicles and facilities for bicycle and pedestrian circulation. City standard entrance control requirements shall be maintained. Design of major streets shall also provide sidewalks, adequate street lighting, and concrete median islands on arterial streets.*

Public streets adjacent to the Project site are currently designed for the efficient and safe flow of vehicles, transit vehicles, pedestrians, bicycles, and modes compliant with the Americans with Disabilities Act (ADA). All existing and new public streets will be designed and constructed in conformance to the Burbank 2035 General Plan including the City's General Plan Complete Streets policy and with regards to vehicle travel lane requirements, the Bicycle Master Plan, General Plan sidewalk width standards, and connectivity to local bus transit and regional transit centers. The new street extensions of Tulare Avenue and Kenwood Street will also be built and maintained to the aforementioned City standards in order to allow for the efficient and safe flow of all motor vehicle, bicycle, pedestrian, and transit traffic throughout the Project site. Pedestrian enhancements will be provided at multiple intersections adjacent to the Project site (at Tulare Avenue/N. Hollywood Way, Kenwood St./Cohasset St., and Kenwood St./Tulare Avenue). All proposed transportation and traffic mitigations have been developed in conformance with the Burbank2035 General Plan FEIR policy-based screening analysis to ensure all mitigations: 1) are achievable within existing right of way; 2) are in conformity with the existing scale and design of the locations they serve; 3) allow for complete streets; and, 4) maintain pedestrian opportunities.

Biking will be encouraged through the provision of new bicycle infrastructure and bicycle parking / storage facilities accessible to on-site employees and visitors. The Project will construct a network of separated, protected bicycle lanes along internal project roadways, along N. Hollywood Way between both Airport Metrolink Stations, and a north-south mixed use path connecting the Project directly to the Burbank

Airport North Metrolink Station. Bicycle parking including a bike share program for employees will also be provided not just for internal ease of access, but more importantly, to encourage walking and biking trips within the site, to and from work, and as a first-last mile connection to transit.

Safe pedestrian accessibility will be provided through buildout of all streets in and around the Project to the sidewalk widths prescribed in the Burbank2035 General Plan, through construction of an internal mixed-use path connecting the project to the Burbank Airport North Metrolink Station via a new signalized crossing at San Fernando Boulevard, and the implementation of high-visibility crosswalks surrounding the site. Additional Project amenities include: extensive use of street trees, landscaping, and bioswales that separate pedestrian and vehicle traffic.

Transit usage will be encouraged by orienting the Project to the nearby Burbank Airport North Metrolink Station, and by upgrading transit stops within and adjacent to the Project with amenities such as shelters and pedestrian level lighting. The project will construct 60 onsite, publicly accessible parking spaces for use by public transit users.

6) *Common area and recreational facilities shall be located so as to be readily accessible to the occupants of residential uses.*

All common areas and recreational facilities are situated within interior courtyards, and will be easily accessible by all employees within the development.

7) *Compatibility of architectural design and appearance, including signing throughout the Planned Development, shall be sought. In addition, architectural harmony with surrounding neighborhoods shall be achieved so far as practicable.*

The proposed architectural design of the Project's industrial, commercial and retail buildings incorporates standard textures and treatments with a modern unadorned (or 'clean') aesthetic that strives for architectural consistency with other mixed use and commercial properties found in the surrounding area. This mixed use campus will become a major employment center within the Airport/Golden State district area and the proposed on-site physical improvements related to building design, landscaping, and bike and pedestrian amenities will provide for a cohesive overall design that makes the campus a destination center. The proposed Project complements the surrounding land uses and creates new tenant spaces for businesses looking to expand their operation or make Burbank their home, in close proximity to the I-5 Freeway, two Metrolink stations, and the Hollywood-Burbank Airport. Conditions of approval have been included to allow staff to ascertain several architectural details and refinements later during the building plan check review process (prior to building permit issuance or construction) to guarantee appropriate transition, quality of design, and compatibility. To ensure that signage is attractive

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and orderly, a master sign program will be required for the entire development, and the master sign program must consistent with the architecture of the buildings.

8) *Where applicable, an adequate variety of uses and facilities shall be provided in order to meet the needs of the Planned Development and adjacent neighborhoods.*

The Project will provide for a mix of industrial, office, retail, and hospitality uses and support facilities that meet the needs of the Planned Development and adjacent land uses and neighborhoods. The proposed mix of uses have the potential to create 2,100 new jobs including high skilled work jobs related to light industrial/high-tech manufacturing, media production, and office uses as well as entry level positions in the service commercial and hospitality business sectors. Furthermore, the proposed upgrades totaling more than $23.5 million dollars in off-site improvements will result in upgrades to the locally serving Ontario Community Substation, street improvements along N. Hollywood Way, Cohasset Street, N. San Fernando Boulevard and the extended roadway segments of Tulare Avenue and Kenwood Street. These roadways will also include sidewalk and parkway improvements that allow for greater tree shade cover, wider sidewalks that accommodate safe pathways for pedestrians and bicyclists alike. As part of the public benefit, the Project would extend the bike and pedestrian improvements beyond the site's boundary lines and provide for protected bike lanes on both sides of N. Hollywood Way between both Metrolink stations. The proposed retail uses will include some retail and service commercial uses including new eateries that will help serve the surrounding business both on-site and in the immediate area helping capture off-site trips that would have otherwise resulted from employees having to leave the Project in search of lunch. All proposed physical improvements to the public right-of-way including new bicycle and pedestrian amenities will be publicly accessible to the nearby businesses and neighborhood.

9) *The Planned Development and each building intended for occupancy shall be designed, placed, and oriented in a manner conducive to the conservation of energy.*

The Project will be constructed with a variety of design features intended to conserve energy, and comply with all requirements of the California Building Code including meeting CALGreen Tier 1 energy efficiency requirements. The Project will include 177 parking spaces that will be prewired for electric vehicle (EV) charging stations, 115 of which would be fully installed as Level 2 EV chargers and 32 of the proposed parking spaces would be truck bays prewired to accommodate future charging stations. Therefore, the Project would exceed CALGreen Tier standards for EV charging set aside by three percent. Consistent with Greenhouse Gas Reduction Plan Action E-2.1A all buildings will also be built, prewired to accommodate rooftop solar photovoltaics and the entire Project site shall be designed such that 10 percent of the site's energy or purchased power will come from renewable resources. The building, in addition to the

adjacent open space areas, will be designed to use energy efficient equipment and drought tolerant landscaping as well as accommodating the use of recycled water. The primary industrial and office buildings have been designed in a manner that openings are limited along the proposed south and west-facing facades. However, the Project will be installing more than 1,000 new trees throughout the Project site and adjacent public right-of-way providing shade against the building façade and pedestrian pathways. The new trees will increase the City's overall tree canopy and reduce the heat island effect reducing energy demand on-site by shading building facades and decreasing the production air pollution of greenhouse gas emissions while also removing air pollutants and storing and sequestering carbon dioxide.

FINDINGS FOR APPROVING A TENTATIVE PARCEL MAP

A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

a) *That the proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.*

The Tentative Parcel Map No. 74417 to create nine (9) new parcels is consistent with the Burbank2035 General Plan Land Use designation as amended as part of the Planned Development. The Map facilitates the redevelopment of the currently vacant 61-acres Project Site, which includes portions of the former Lockheed Plant B-6 site and portions of land used for airport surface parking. The Map will allow the development of: 1,004,307 square feet of creative industrial space; 142,250 square feet of creative office space; 15,475 square feet of potential retail and restaurant space; a new 150 room hotel; on-site parking facilities, bicycle and pedestrian amenities; public accessible on-site parking facilities for public transit riders; over 1,000 new trees; and significant upgrades to the adjacent sidewalk and roadway infrastructure that serve the Project site and neighboring properties along North Hollywood Way, Kenwood Street, San Fernando Boulevard, and Cohasset Street. The proposed extensions of both Tulare Avenue and Kenwood Street is part of this Map and reflected in the Burbank2035 General Plan Mobility Element as amended with this Project.

b) *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The proposed subdivision involves the creation of nine (9) parcels where currently six (6) exist in order to facilitate land assemblage and reconfiguration in order to develop the Project Site as regional mixed-use center that includes 1,004,307 square feet of creative industrial space, 142,250 square feet of creative office space, 15,475 square feet of supportive retail and service commercial space and a new 150 hotel while providing the necessary on-site parking facilities for both private and public use. The intended Project development and associated uses

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

that are being proposed are consistent with the Burbank2035 General Plan and the City's Zoning Code through the City's adoption of the requested Planned Development. The total 61-acre site includes sufficient land to accommodate the proposed square footages for the industrial, office, commercial, and hotel uses.

c) *That the site is not physically suitable for the type of development.*

The approximate 61-acre Project site will involve minimal cut and fill and is physically suitable to accommodate the proposed Project. The majority of the Project site will remain as open space and surface parking areas and roadways, while still easily accommodating the following: six (6) single-story industrial flex buildings totaling 1,004,307 square feet; nine (9) two-story office buildings totaling 142,250 square feet; two single-story retail/restaurant buildings totaling 15,475 square feet; six-story, 150 room hotel of 101,230 square feet; and 2,215 on-site parking spaces including (60 on-site parking spaces set aside for public transit riders).

d) *That the site is not physically suitable for the proposed density of development.*

The 61-acre Project site can easily accommodate the proposed development that includes the following: six (6) single-story industrial flex buildings totaling 1,004,307 square feet; nine (9) two-story office buildings totaling 142,250 square feet; two single-story retail/restaurant buildings totaling 15,475 square feet; six-story, 150 room hotel of 101,230 square feet; and 2,215 on-site parking spaces including (60 parking spaces set aside for public transit riders). The Floor Area Ratio will be 48 percent and will include ample open space, outdoor meeting areas, expansive landscaping and groundcover, bike and pedestrian trails and pathways, and over 1,000 new trees that add significantly to the City's urban tree canopy.

e) *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The Project site and proposed subdivision is located in a fully urbanized that has been used for nearly a century for a range industrial, aerospace manufacturing, surface parking activities. An Initial Study was prepared for the Project pursuant to the California Environmental Quality Act (CEQA) and eventually an Environmental Impact Report (EIR) that determined that no native biological resources exist on the Project Site so the Project's development will have no impact on biological resources or adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

f) *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The design of the subdivision or type of improvements that are proposed with the Project is not likely to cause serious public health problems. The Project design, layout and incorporated bicycle and pedestrian amenities will ensure that proper line of sites and physical buffers are built that will provide adequate physical separation between vehicles, pedestrians, and cyclists reducing the potential for traffic accidents. The EIR for the Project has determined that there will be significant and unavoidable impacts related to Air Quality and Transportation from the Project.

As it relates to air quality, the impacts associated with source emissions from mobile sources based on the Project's projected trip generation. However, the Project includes the following Project Design Features, Mitigations, and Public Benefits, which the developer/applicant has voluntarily agreed to build and/or fund and are intended to reduce traffic and related air emissions:

- Public transportation information on display in high visibility areas accessible to all employees;
- Preferential and accessible carpool/vanpool and transit riders parking spaces;
- Bicycle parking facilities;
- Carpool/vanpool loading areas;
- Direct sidewalk access from the bus stops on North Hollywood Way and North San Fernando Boulevard to all Project site buildings;
- Bus stop improvements agreed to by the Developer and the City;
- Enhanced pedestrian and bicycle pathways along adjacent public right-of-way serving the Project site as well as a new bike-pedestrian trail that connects the entire Project site in a north-south direction;
- Construct on-site bicycle and pedestrian facilities to encourage walking and cycling though and around the Project Site;
- Enhance bike, pedestrian and vehicular connectively between the Metrolink Stations to the Airport and the mixed-use campus;
- Supporting the ongoing operation of the new Metrolink Station located along San Fernando Boulevard;
- Provide 60 on-site parking spaces in support of transit ridership at the Burbank Airport-North Metrolink Station as a public benefit for the community's ongoing use for the life of the Project;
- Improve adjacent street segments (N. Hollywood Way, Tulare Avenue, Kenwood Street, Cohasset Street, and North San Fernando Boulevard). Plus, extend and improve Tulare and Kenwood into the Project site and maintain and operate them as public streets for the life of the Project;
- Improve, widen and maintain sidewalks in and around the Project site as well as improve bicycle infrastructure along Hollywood Way and provide up to 20% of employees with public transit subsidies as public benefits in order to promote use of alternative modes of transportation;

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

- Construct all transportation and traffic mitigation measures in a manner that support the Burbank2035 General Plan including designing improvements that serve all transportation users in accordance with the City's Complete Streets Policy;
- Implement the City's Green Streets Policy for new streets and sidewalks in and around the Project site where feasible; and,
- Expand the City's tree canopy and reducing the heat island effect by planting more than 1,000 trees on the Project Site and in the adjacent public right-of-way.

g) *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easement for access through or use of property within the proposed subdivision.*

The design of the Project and associated subdivision or the type of improvements that are being proposed will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision. The existing easements for public utilities will be maintained and new easements for roadway dedications and build out and maintenance of associated infrastructure and utilities as well as reciprocal access easements between parcels for the access to shared parking areas and drive aisles as noted in Tentative Parcel Map No. 74417. All City required easements including those for utility easements will be maintained for the life of the Project.

2. The City Planner is instructed to change the zoning designation for the eight properties subject to this approval (i.e., 3001 N. Hollywood Way) and related Project components, on the City's Official Zoning Map to Planned Development (PD) No. 16-01 ("PD No. 16-01").

3. The City Manager is hereby authorized to execute and deliver the Development Agreement and all other documents necessary to effectuate the Development Agreement, with such non-substantive changes, insertions and omissions as shall be approved by the City Attorney, and the City Clerk is hereby authorized to attest to such execution.

4. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or

application, and to this end each phrase, section, sentence, or word is declared to be severable.

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

PASSED AND ADOPTED this 16th day of April, 2019.

Emily Gabel-Luddy
Mayor

Attest:

Zizette Mullins, MMC, City Clerk

Approved as to Form, City Attorney

By: _____
Joseph H. McDougall
Senior Assistant City Attorney

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

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

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 19-3,916 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 16th day of April, 2019, by the following vote:

AYES: Frutos, Springer, Talamantes and Gabel-Luddy.

NOES: Murphy.

ABSENT: None.

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California, on the 20th day of April, 2019.

Zizette Mullins, MMC, City Clerk

EXHIBIT A

DEVELOPMENT AGREEMENT

[attached]

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

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DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF BURBANK
AND
BURBANK INDUSTRIAL INVESTORS, LP

PLANNED DEVELOPMENT NO.
(Permit No. 16-0004646)

"Avion Burbank" Project

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF BURBANK
AND
BURBANK INDUSTRIAL INVESTORS, LP
PLANNED DEVELOPMENT NO. 1
(Planning Permit No. 16-4646)

THIS DEVELOPMENT AGREEMENT (the "Agreement") is entered into this June 10, 2019, by and among the CITY OF BURBANK, a charter city and municipal corporation (the "City"), and BURBANK INDUSTRIAL INVESTORS, LP . ("Burbank Industrial Investors, LP", "Owner" or "Developer"). The City and Owner are from time to time hereinafter referred to individually as a "party" and collectively as the "parties."

RECITALS

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

B. Pursuant to Government Code Section 65865, the City has adopted rules and regulations establishing procedures and requirements for consideration of development agreements. Such rules and regulations are codified at Section 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.

C. 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. 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.

D. The Developer is the legal owner in that certain real property comprised of sixteen parcels located at the following address: 3001 N. Hollywood Way) as particularly described in Exhibit A attached hereto (the "Project Site").

E. It is the intent of the Developer to develop the Project Site as a planned development under the Planned Development Ordinance, which development may consist of those uses set forth in the "Conditions of Approval," which are defined below, and which are attached hereto as Exhibit D. As required by the Planned Development Ordinance, the development plan for the entire Project Site is set forth fully in the Project report ("Project Report") and site plan ("Site Plan"), which are on file at the office of the City Planner. The Project Report, the Site Plan and the Conditions of Approval collectively describe and govern the Project to be developed.

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

(1) **Planned Development Zoning**. On February 25, 2019, following duly noticed public hearings and Planning Board review and recommendation, the City Council approved the Planned Development zone change for the Project Site, Planned Development No. 16- ("PD Zoning"). The PD Zoning and this Agreement allow the development of six industrial/flex buildings totaling 1,004,307 square feet; nine, two-story office buildings totaling 142,250 square feet; two retail/restaurant buildings of approximately 15,475 square feet; and a six-story 150-room hotel of 101,230 square feet on the 61-acre site (the "Project"). See Exhibit B for a more complete description of the Project and Exhibit E for permitted and conditionally permitted uses.

(2) **Development Review**. Development Review is required for the construction of the proposed Project.

(3) **Tentative Parcel Map No. 74417.** A Vesting Parcel Map is required to subdivide the Project site into nine parcels.

(4) **Amendment to the General Plan.** On February 25, 2019, following duly noticed public hearings and Planning Board review and recommendation, the City Council approve an amendment to the General Plan land use designation for an 18-acres portion of the Project site from Airport to Golden State Commercial/Industrial and to amend the Mobility Element for new roads (Tulare Avenue and Kenwood Street) that will serve the project. See Exhibit C for a map of the amendment area.

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

G. Development of the Project and the Project Site in accordance with this Agreement shall provide for orderly growth consistent with the goals, policies, and other provisions of the General Plan. Developer desires to obtain the binding agreement of the City that the City, notwithstanding changes in City policy, ordinances, approval processes or the makeup of the City's governing body, will permit Developer to construct, develop, use and operate the Projects a Planned Development in accordance with the City's ordinances, rules, regulations and official policies governing permitted land uses, governing density and intensity of uses, dedications, and

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

other exactions, and governing the design, improvement and construction standards and specifications, applicable to development of the Project, the Planned Development and the Project Site (the "Existing Development Regulations"), in force at the time of execution of this Agreement, and without requiring Developer to dedicate property, or construct public improvements or make financial contributions to the City in lieu of public improvements, except as expressly set forth in this Agreement.

H. On February 25, 2019, following a duly noticed public hearing, the Planning Board adopted Resolution 3392 recommending that the City Council approve this Agreement.

I. On March 26, 2019, after a duly noticed public hearing, the City Council took the following actions: (1) determined that the Environmental Impact Report ("EIR") adequately addressed the environmental impacts under the California Environmental Quality Act, Public Resources Code Sections 21000 et seq., ("CEQA") of the Project and approved the EIR; (2) made appropriate findings that the provisions of this Agreement are consistent with the General Plan; and (3) introduced Ordinance No. 19-3,916 approving and authorizing the execution of this Agreement. On April 16, 2019 the City Council adopted Ordinance No 19-3,916.

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

L. In exchange for these benefits, together with the public benefits that will result from the development of the Project and the Project Site pursuant to this Agreement, the Developer desires to receive the assurance that it may proceed with the Project accordance with the Existing Development Regulations (as defined below) of the City as they exist on the Effective Date, subject to the terms, conditions, and exceptions contained herein.

M. The parties agree that this Agreement will promote and encourage the development of the Project by providing the Developer and its lenders with a greater degree of certainty of the Developer's ability to expeditiously and economically complete the development effort, and that the consideration to be received by the City pursuant to this Agreement and the rights granted to Developer hereunder constitute sufficient consideration to support the covenants and agreements of the City and Developer. By entering into this Agreement, the City desires to vest in the Developer, to the fullest extent possible under the law, all possible development entitlements necessary for the completion of the Project.

N. The City Council has determined that the Planned Development is consistent with and satisfies the relevant provisions of the Code, including the goals and objectives of the City's General Plan. The City Council has found that the provisions of the Development Agreement are consistent with the relevant provisions of the Code and the City's General Plan.

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

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

AGREEMENT

ARTICLE 1.

GENERAL PROVISIONS

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

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

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

Section 1.04. Term. The term of this Agreement shall commence upon the Effective Date and shall extend for ten (10) years from the Effective Date.

ARTICLE 2.

DEFINITIONS

"Agreement" shall mean this Development Agreement.

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

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

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

"City General Plan" or **"General Plan"** shall mean the applicable General Plan of the City of Burbank.

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

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

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

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

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

"Existing Development Regulations" shall mean the 1) City laws, ordinances, rules, regulations, policies, motions, directives, the mitigation measures set forth as the Developer's responsibility in the Environmental Impact Report, Mitigations Monitoring Plan , conditions, standards, specifications, dedications, other exactions and impositions of the City, whether enacted or adopted by the City or its electorate through the initiative or referendum process, in effect as of the Effective Date, establishing or regulating the design, density, permitted land uses, occupancy, improvement, construction standards, impact fees, dedications and exactions applicable to the Project Approvals, except as otherwise expressly set forth in this Agreement; and 2) the Project Approvals, this Agreement and the Conditions of Approval.

"Minor Change" shall mean a minimal change or increase in the extent of use or size of structures or of the design, materials, or colors of structures, restriping of parking spaces that does not result in the loss of spaces, may be approved by the Community Development Director. Major modifications (such as changes to the number of stories, bulk or mass, horizontal or vertical articulation) shall be approved by the Planning Board

"New Law" shall mean any law which becomes operative or effective subsequent to the Effective Date and shall include any City laws, ordinances, resolutions, rules or regulations.

"Project Approvals" shall mean (1) Ordinance No. 19-3,916 approving the Planned Development Zone, Development Review, and Tentative Parcel Map No. 74417 and this Agreement; (2) Resolution No. 19-29,077 approving an amendment to the General Plan land use designation for an 18-acres portion of the site from Airport to Golden State Commercial/Industrial and to amend the Mobility Element the extension and construction of Tulare Avenue and Kenwood Street that will serve the project; (3) Resolution No. 19-29,076 Certifying an Environmental Impact Report and adopting a Statement of Overriding Consideration and Mitigation Monitoring and Reporting Program; (4) and other applications or approvals necessary to implement and conditions of approval.

"Subsequent Applications" shall mean applications for other land use approvals, entitlements and permits not necessary to the development of the Project and the Project Site, but desired by Developer subsequent to the Effective Date. The Subsequent Applications may include without limitation amendment of any of the Project Approvals.

ARTICLE 3.

OBLIGATIONS OF DEVELOPER AND CITY

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

(a) Compliance with Agreement and Project Approvals. Developer agrees that it will comply with this Agreement and the Project Approvals as granted in conjunction with this Agreement or as may be amended at a later date. The parties acknowledge that the execution of this Agreement by City is a material consideration for both the Developer's acceptance of, and agreement to comply with, the terms and conditions of this Agreement and the Project Approvals. Notwithstanding the foregoing, Developer reserves the right to appeal any Project Approval issued or denied by the City, subsequent to the date of this Agreement, which Developer deems in its reasonable discretion, as an unreasonable restraint on its ability to develop the Project, in violation of any law, or on any other legal basis which may support Developer's appeal.

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

(a) Compliance with Agreement and Project Approvals. City agrees that it shall comply with this Agreement and the Project Approvals, and that it shall act on all Project Approvals as provided in this Agreement, and pursuant to Existing Development Regulations, subject to the terms, conditions and exceptions contained herein.

ARTICLE 4.

DEVELOPMENT OF PROJECTAND PROJECTSITE

Section 4.01. Vested Right to Develop. Subject to the terms and conditions stated herein, Developer shall have the vested right (but not the obligation) to develop the Project, as described in Exhibit B, and the Project Site as a planned development in accordance with this Agreement the Project Approvals and the Existing Development Regulations as of the Effective Date. The City shall use good faith and reasonable efforts to cause all development permits and other approvals which may be required to develop the Project, to the greatest extent permitted by law, and except as herein provided, to be free of: (a) all discretionary acts or review of the City or anybody or agency thereof, it being understood that any subsequent review shall be ministerial, as further provided herein; and (b) the application of any subsequent building moratoria or restrictions on development which are inconsistent with this Agreement, including, but not limited to, those related to or affecting the rate, timing, phasing or sequencing of the construction of the Project.

Section 4.02. Existing Development Regulations.

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(a) General Rule and Exception.

(1) In accordance with the provisions of Government Code Section 65866, the City and the Developer, each to the extent legally permissible, agree that during the Term of the Agreement, the Existing Development Regulations and the Project Approval shall govern the Project and Project Site with respect to, by way of example, but not limitation, design, density, grading, construction, remodeling, and reconstruction. Except as otherwise provided for herein, no amendment to, revision of, or addition to any Existing Development Regulation, without the Developer's written approval, whether adopted or approved by the City Council or any office, board, or other agency of the City, or by the people of the City through referendum or initiative measure, shall be effective or enforceable by the City with respect to the Project Site, except as expressly provided below.

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

a) Current Uniform Building Code and other uniform construction codes applicable to the Project and Project Site throughout the Term of this Agreement, provided that:

(I) Such uniform codes shall apply to the Project and Project Site only to the extent that the applicable code (and the applicable version or revision of the code) has been adopted by City and is in effect on a Citywide basis; and

(ii) Such uniform codes shall be interpreted and applied to the Project and Project Site in a manner consistent with the express provisions and limits in the particular uniform code provision(s) adopted by City; and

(iii) Provision(s) of such uniform codes shall be interpreted and applied to the Project and Project Site in a manner consistent with the generally prevailing interpretation of such provision(s) under the State Building Standards Code; and

(iv) Such uniform codes shall apply only at the time of construction of the particular improvements constituting the Project, and the Developer shall not be obligated retroactively during the Term of this Agreement to upgrade or modify any improvements previously constructed on account of modification to uniform building codes.

b) Changes in Federal Law pursuant to Section 4.03(d);

c) Changes under health and safety laws to the extent they are found by the City, based upon substantial evidence in the record, to be necessary to stop an imminent threat to the health and safety of the public, as it relates to the Project Site and as are generally applicable to all properties in the City.

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

(c) Mitigation Measures Pursuant to CEQA. In connection with the City's approval of any other Project Approval which is subject to CEQA, and to the extent permitted or required by CEQA, the City shall promptly commence and diligently process any and all initial studies and assessments required by CEQA. The City agrees that no additional CEQA review is required for the Project Approvals, this Agreement and the Conditions of Approval, it being agreed and acknowledged that the Environmental Impact Report (EIR) and Statement of Facts and Statement of Overriding Consideration has adequately disclosed and analyzed the environmental impacts of the Project as reflected in those Project Approvals, including appropriate mitigation measures.

The City shall not impose on the Developer any mitigation measures to decrease environmental impacts of the Project other than those referenced in the Conditions of Approval and this Agreement as the Developer's responsibility.

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

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

(e) Processing Fees. Pursuant to law, including without limitation, Government Code sections 66005, 66013, 66014 and 66016 (or their successor section(s)), the City shall charge Developer only those application and processing fees which represent the reasonable costs to the City of processing any application for Project Approvals (the "Processing Fees"). The City may

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charge the Developer the Processing Fees that are in effect on a citywide basis at the time an application is submitted for a Project Approval.

(f) Impact Fees. Except as otherwise set forth in this Section 4.02(f), the Developer shall pay City development impact fees that are in effect at the time of approval of this Agreement for a time period not exceeding five (5) years from the date of approval. After five (5) years have elapsed from the date of approval of this Agreement, the Developer shall pay all applicable City fees then in effect at the time of issuance of each building permit for the Project. Said fees shall be payable at the time of building permit issuance. The City shall not impose any new categories of impact fees during the Term of this Agreement. In addition, the City shall not require any exactions or fees, or impose any further conditions, reservations, dedications, or public improvements other than as set forth or required herein.

(g) Utility Fees. Except as otherwise stated in this Section 4.02(g), the Developer shall pay to the City standard and non-discriminatory utility fees (the "Standard Fees") and other related utility rates including, but not limited to, hook-up charges and aid-in-construction fees, in accordance with the applicable electrical or water rates and rules in effect at the time of application for service or as otherwise set forth in a separate agreement between the Developer and the City.

(h) Dedications. Except as otherwise provided for in this section, the City shall not require dedication by the Developer of any real property other than the dedication set forth in the Conditions of Approval.

(I) Insurance. Before beginning construction on the Project Site, and when actual work on the Project is being performed by the Developer, its contractors, and subcontractors, the Developer shall obtain and shall keep in force the insurance described in the following subsections (i)(1) and (i)(2) below. The City (including its respective directors, officers and employees), to the extent such parties have insurable interests, shall be included as an additional insured under all of the policies set forth below. The endorsement shall further provide that the insurer shall provide thirty (30) days written notice to the City prior to any cancellation or reduction in coverage. Said insurance shall include:

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

(2) General Commercial Liability Insurance having a combined single limit of Five Million Dollars ($5,000,000) per occurrence, providing coverage for comprehensive general liability (bodily injury and property damage), automobile liability, including owned, hired and non-owned vehicles, blanket contractual liability, and personal injury.

Section 4.03. Cooperation/Implementation.

(a) City Efforts.

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

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

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

(c) Life of Project Approvals. The term of the Project Approvals (including, without limitation, the PD Zoning and the Development Review, the Parcel Map [but not including permits issued for the construction of the Project]) shall automatically be extended for the longer of: (1) the term of this Agreement (2) the term normally given the approval under controlling law.

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

(e) Timing of Project Construction and Completion. The Developer generally anticipates completing development of the project in two phases. Phase I would include demolition of existing pavement, the construction of the industrial, creative office, and retail buildings including onsite and offsite improvements; Phase II, hotel. The Developer deems appropriate within the exercise of its sole and subjective business judgement. The City acknowledges that right is consistent with the intent, purpose and understanding of the Parties to this Agreement.

(f) Processing.

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(1) Upon submission by the Developer of all appropriate applications and processing fees for any Project Approval (such applications and processing fees are collectively referred to herein as the "Application"), the City shall promptly commence and diligently complete all steps necessary to act on the Application, including without limitation: (a) the notice and holding of all required public hearings (if such notice and hearings are required pursuant to Existing Development Regulations or this Agreement); and (b) the approval of the Application to the extent that it complies with this Agreement and the Existing Development Regulations.

(2) The City may deny an Application only if the Application does not comply with this Agreement and the Existing Development Regulations. The City, upon satisfactory completion by the Developer of all required administrative procedures, actions and payments of appropriate processing fees, if any, shall, in a timely fashion, proceed to complete all required steps necessary for the implementation of this Agreement and the development by the Developer of the Project Site. Prior to each request for a building permit, the Developer shall provide the City with a compliance certificate ("Certificate") in a form created by the Developer and approved by the City, which shall describe the Application's consistency with the Project Approvals. The Certificate shall be distributed to relevant City departments for review. The City shall use its best efforts to complete this review within thirty (30) days of a completed Certificate and completed application for building permit.

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

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

(g) Other Governmental Permits. The Developer shall apply in a timely manner for such other permits, approvals, grants, agreements and other entitlements ("Other Governmental Permits") as may be required by other agencies having jurisdiction over, or in connection with the development of, or provision of services to, the Project and Project Site. The City shall cooperate with the Developer relative to such entitlements.

Section 4.04. General Permitted Uses. The permitted uses, density and intensity of use, maximum height and other development standards and provisions for reservation or dedication of land and other terms and conditions of development applicable to the Project shall be substantially as set forth in the Project Approvals, the Project Report and the Site Plan, except as otherwise provided on Exhibit D and Exhibit E, or otherwise modified by the terms and conditions of this Agreement.

Section 4.05. Project Approvals Independent. All Project Approvals which may be granted pursuant to this Agreement, and all land use entitlements or approvals generally which have been issued or will be granted by the City with respect to the Project Site, constitute independent actions and approvals by the City. If any provision of this Agreement, or the application of any provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid or unenforceable, or if this Agreement terminates for any reason, then such invalidity, unenforceability or termination of this Agreement or any part hereof shall not affect the validity or effectiveness of any such Project Approvals or other land use approvals and entitlements. In such cases, such approvals and entitlements will remain in effect pursuant to their own terms, provisions, and Conditions of Approval. The Developer shall have the right to file such new entitlement applications on portions of the Project where such previously approved approvals and entitlements have expired. Any such new applications filed for the Project shall be reviewed in accordance with the Existing Development Regulations. To the extent not expressly held invalid or unenforceable, this Section 4.05 shall survive the termination of this Agreement.

ARTICLE 5.

AMENDMENT

Section 5.01. Amendment of Project Approvals. The Project Approvals from time to time, may be amended or modified in the following manner:

(a) Administrative Amendments. Upon the written request of the Developer, the Community Development Director or his or her designee (the "Community Development Director") shall determine: (1) whether the requested amendment or modification (the "Project Approval Amendment") is minor, as determined by the Community Development Director in his or her sole discretion; and (2) whether the requested Project Approval Amendment is consistent with this Agreement. If the Community Development Director finds that the Project Approval Amendment is both minor and consistent with this Agreement, the Project Approval Amendment shall be determined to be an "Administrative Amendment," and the Community Development Director shall approve the Administrative Amendment without a public hearing, and this Agreement and its pertinent exhibits shall be automatically amended without further action by the parties.

Notwithstanding the foregoing, no administrative amendment will be effective until after thirty (30) days' notice to the City Council and posting in the same manner as agendas. If any member of the City Council requests consideration of such amendment within the 30-day notice period, then the administrative amendment will not be effective unless there is a final a determination approving it. In the event Council requests consideration of an administrative amendment, staff will agendize the matter for Council discussion within 30 days of such request. This 30-day notice provision shall not apply to time-sensitive decisions during construction. In

such a case, time-sensitive administrative amendments will be effective upon approval by the Community Development Director, and the City Council shall be given notice following the Community Development Director's decision.

(b) Non-Administrative Amendments. Any written request by the Developer for an amendment that is determined by the Community Development Director to be either: (1) not minor, or (2) inconsistent with this Agreement, shall be determined not to be an Administrative Amendment, shall be subject to review, consideration and action pursuant to the Existing Development Regulations and this Agreement, and shall be reflected in an amendment to this Agreement and/or its pertinent exhibits pursuant to Section 5.02 of this Agreement.

(c) Changes to Plans; Appeals. If the Community Development Director determines that a proposed revision to the approved Site Plan ("Changes to Plans") is minor, if such revisions do not result in any new, significant, or potentially significant environmental impacts not studied in the Environmental Impact Report and the Community Development Director determines that the proposed revision to the Site Plan is in substantial conformance with the provisions of the Planned Development, the general intent of the approved Site Plan and consistent with this Agreement, the revised plan shall be approved by the Community Development Director without submittal to the Planning Board for review and approval. The decision of the Community Development Director shall be final unless appealed to the Planning Board within ten (10) days from the date of such decision. If the Community Development Director determines that the proposed revision is not in substantial conformance with the approved Site Plan, then the revised plan shall be submitted to the Planning Board for review and action pursuant to this Subsection. Notwithstanding the foregoing, the Community Development Director shall have the discretion to refer consideration of the revised plan to the Planning Board as a report and recommendation item. If the Planning Board determines that the proposed revision is in substantial conformance with the provisions of the Planned Development and the general intent of the approved Site Plan, the revised plan shall be approved by the Planning Board. The decision of the Planning Board shall be final unless appealed to the City Council within ten (10) days from the date of such decision. Before any decision by the Community Development Director is final under this subsection, notice shall be provided in the same manner as agendas and by publication at least ten (10) days prior to the end of the appeal period. The City agrees that notwithstanding the foregoing, whenever possible, in the interest of expediting the Project for the benefit of both the Developer and the City, the City shall use its best efforts to make all determinations regarding the Changes to Plans as stated herein, in a prompt fashion as time is of the essence.

Section 5.02. Amendment of This Agreement.

(a) Generally. This Agreement may be amended from time to time in whole or in part by mutual consent of the original parties or their successors in interest, in accordance with this Agreement and Sections 65867, 65867.5, and 65868, of the Government Code.

(b) Administrative Amendments. Notwithstanding Section 5.02(a) above, any amendment to this Agreement which does not relate to (1) the Term, uses other than those permitted by the Planned Development, (2) provisions for reservation and dedication of land, or conditions, terms, restrictions, and requirements relating to subsequent discretionary actions, (3) monetary contributions agreed to by Developer pursuant to this Agreement, if any, or (4) changes to any condition set forth in the Conditions of Approval, may be determined by the Community Development Director to be an Administrative Amendment and if so, shall be processed pursuant to Section 5.01(a) above. A memorandum shall be recorded to reflect such Administrative Amendment.

ARTICLE 6.

COOPERATION IN THE EVENT OF LEGAL CHALLENGE

In the event of any administrative or legal action, or other proceeding instituted by a third party, including another governmental entity or official challenging the validity or legality of any of the Project Approvals, the EIR or this Agreement (a "Challenge"), the parties shall cooperate in defending the Challenge. The City shall tender the complete defense of the action to the Developer (the "Tender") and upon the Developer's acceptance of the Tender, the Developer shall indemnify and hold harmless the City from all costs and liabilities arising from such an action or proceeding and shall control the defense. However, Developer shall not enter into any settlement or resolution of any Challenge without first obtaining written approval of such settlement or resolution by City.

The Developer shall be responsible for the attorneys' fees owing to the legal counsel and all other costs of the litigation, including but not limited to expert witness fees. Should the Developer refuse to accept the Tender by City, the City may defend such action or proceeding, at its sole discretion, and if City so defends, the Developer shall indemnify and hold City harmless from all reasonable attorneys' fees related to such defense. In the event City must bring a legal action against Developer to enforce the provisions of this Section, City shall be entitled to all reasonable attorneys' fees related to such action.

ARTICLE 7.

DEFAULT; REMEDIES; TERMINATION

Section 7.01. General Provisions.

(a) Failure or unreasonable delay by the Developer to perform any term, provision, or condition of this Agreement for a period of sixty (60) days after written notice thereof from the City shall constitute a default under this Agreement, subject to extensions of time by mutual consent in writing. The time of notice shall be measured from the date of certified mailing. Said notice shall specify the nature of the alleged default and, where appropriate, the manner and period of time in which said default may be satisfactorily cured. If the nature of the alleged default is such that it cannot reasonably be cured within such 60-day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

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

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(c) Subject to the foregoing, after notice and expiration of the 60-day period without cure or commencement of cure, the City, at its option, may institute legal proceedings pursuant to this Agreement and may give notice of intent to terminate this Agreement pursuant to Government Code Section 65868. Following such notice of intent to terminate, the matter shall be scheduled for consideration and review by the Planning Board and City Council in the manner set forth in Government Code Sections 65865, 65867, and 65868, and Burbank Municipal Code Sections 10-1-19115 and 10-1-19116.

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

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

(f) If the City does not accept, process, or render a decision on the Project Approvals in a timely manner, in accordance with the terms of this Agreement, or the City otherwise defaults under the provisions of this Agreement, Developer, upon a reasonable determination by Developer that the City remains in default after the cure period has elapsed, shall be entitled to exercise its remedies hereunder including, without limitation, the right to terminate or modify this Agreement.

In addition to any other remedies of Developer, Developer may, at its option, terminate or modify the terms of the Agreement to remedy the effect of City's default. If Developer desires to terminate or modify the terms of this Agreement, it shall request a processing of such modification pursuant to Government Code Section 65868 and City staff shall be required to present such requested modifications thereof to the City's Planning Board and the City Council at the earliest available public meeting thereof

Section 7.02. Annual Review.

(a) On or before the first anniversary of the Effective Date, and on or before each anniversary date during the Term of this Agreement thereafter, the City shall review the good faith compliance by the Developer with the terms of this Agreement. This review shall be conducted by the Community Development Director and shall be limited in scope to compliance with the terms of this Agreement pursuant to California Government Code (a) Section 65865.1, provided that, if the City Council imposes a mitigation monitoring or reporting program pursuant to CEQA which is to be completed simultaneously with the annual review of this Agreement, then the scope of the annual review may include implementation of ongoing mitigation measures that are the Developer's responsibility pursuant to the EIR.

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

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

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

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

Section 7.03. Enforced Delay; Extension of Time of Performance. Performance by either party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, strikes, walk-outs, inability to obtain labor and/or supplies, riots, floods, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the City, enactment of conflicting state or federal laws or regulations, or similar bases for excused performance which are not within the reasonable control of the party to be excused. An administrative or legal/equitable challenge or proceeding addressing the validity of this Agreement, any other Project Approvals, the EIR or any permit, approval, agreement or other entitlement or action of a governmental agency necessary or desirable for the development of the Project Site pursuant to this Agreement shall be deemed to create an excusable delay as to the Developer. Upon the request of either party hereto, an extension of time for such cause shall be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon. The Term set forth in Section 1.04 of this Agreement shall be automatically extended for an amount of time equal to the duration of any litigation, including appeals, challenging the

Agreement, any Project Approvals, or any other permit or entitlement approved or issued by the City.

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

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

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

(b) Appeals of Interpretations. The Developer may appeal any interpretation issued by the Community Development Director, or the failure to timely issue an interpretation, to the Planning Board, which shall act within thirty (30) days of receipt of a written appeal. The Developer may appeal any interpretation adopted by the Planning Board, or the failure of the Planning Board to timely adopt an interpretation, to the City Council, which shall act within thirty (30) days of receipt of a written appeal.

(c) Litigation. If the City Council fails to timely render an interpretation within thirty (30) days after a written appeal is filed with the City Council by the Developer, or if the Developer contests the interpretation adopted by the City Council, the Developer may institute legal action, including, but not limited to, an action for declaratory relief pursuant to Code of Civil Procedure Section 1060 et seq., to interpret this Agreement after complying with the administrative procedures of this subsection.

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

ARTICLE 8.

MORTGAGEE PROTECTIONS

Section 8.01. Encumbrance of Developer's Interest.

The Developer shall have the absolute right to encumber and/or collaterally assign or grant a security interest in the Developer's right, title and interest in, to and under this Agreement and the Project Site pursuant to one or more mortgages or other form of debt or equity financing (each a "Permitted Mortgage"), provided that each such Permitted Mortgage is given for the purpose of securing funds to be used for financing the acquisition of the Project Site or any portion thereof, the construction of the Project thereon, and any other expenditures reasonably necessary and appropriate to develop the Project in accordance with this Agreement. The City acknowledges that a mortgagee may require certain modifications to this Agreement, and the City agrees, upon request, from time to time, to meet with Developer and/or representatives of any such mortgagee to negotiate in good faith any such request for modification. The City further agrees that it will not unreasonably withhold its consent to any such requested modification to this Agreement provided such modifications are processed in accordance with Section 8.02 below related to procedures for amendment of this Agreement. Any mortgagee and its successors and assigns shall be entitled to the rights and privileges set forth in this section.

Section 8.02. Mortgagee Protections.

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

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

(b) Notices. If the City shall give any Notice of Default to the Developer hereunder, the City shall simultaneously give a copy of such Notice of Default to the Mortgagee at the address theretofore designated by it. No Notice of Default given by the City to the Developer shall be binding upon or affect said Mortgagee unless a copy of said Notice shall be given to Mortgagee pursuant to this Section. In the case of an assignment of such Permitted Mortgage or change in address of such Mortgagee, said assignee or Mortgagee, by written notice to City, may change the address to which such copies of Notices are to be sent. City shall not be bound to recognize any assignment of such Permitted Mortgage unless and until the City shall be given written notice thereof, a copy of the executed assignment, and the name and address of the assignee. Thereafter, such assignee shall be deemed to be the Mortgagee hereunder with respect to the Permitted Mortgage being assigned. If such Permitted Mortgage is held by more than one person, corporation or other entity, no provision of this Agreement requiring the City to give notices or copies thereof to said Mortgagee shall be binding upon the City unless and until all of said holders shall designate in writing one of their number to receive all such notices and copies thereof and shall have given to the City an original executed counterpart of such designation.

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

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

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

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

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

The Mortgagee shall not be required to obtain possession or to continue in possession as Mortgagee of the Property pursuant to Subsection 8.02(d)(1) above, or to continue to prosecute foreclosure proceedings pursuant to Subsection 8.02(d)(2) above, if and when such default shall be cured. Nothing herein shall preclude the City from exercising any of its rights or remedies with respect to any other default by the Developer during any period of such forbearance, but in such event the Mortgagee shall have all of its rights provided for herein. If the Mortgagee, its nominee, or a purchaser in a foreclosure sale, shall acquire title to the Developer's right, title and interest hereunder and shall cure all defaults which are susceptible of being cured by the Mortgagee or by said purchaser, as the case may be, then prior Defaults which are not susceptible of being cured by the Mortgagee or by said purchaser shall no longer be deemed defaults hereunder.

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

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

(f) [Reserved]

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

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

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

The undersigned, whose address is (to be inserted with notice) does hereby certify that it is the Mortgagee (as such term is defined in that certain Development Agreement dated as of June 10, 2019 between the City of Burbank and Burbank Industrial Investors, LP [the "Development Agreement"]) of the parcels of land described on Exhibit "A" attached hereto, which parcels are owned by Burbank Industrial Investors, LP. In the event that any notice shall be given of a default of a party to the Development Agreement (a "Party"), a copy thereof shall be delivered to the undersigned who shall have the rights of a Mortgagee to cure the same, as specified in the Development Agreement. Failure to deliver a copy of such notice shall in no way affect the validity of the notice to the Party, but no such notice shall be effective as it relates to the rights of the undersigned under the Development Agreement with respect to the Permitted Mortgage, including the commencement of any cure periods applicable to the undersigned, until actually received by the undersigned.

(j) Estoppel Certificate. The City shall execute an estoppel certificate in form and substance reasonably satisfactory to the Mortgagee at the time of the initial advances in connection with construction, permanent and equity financing and from time to time thereafter, upon the reasonable request of the Mortgagee. This estoppel certificate can be administratively issued by the Community Development Director within the time period provided for delivery thereof set forth in Section 10.01(a) if it is in the form required by Section 10.01(a).

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

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

ARTICLE 9.

MISCELLANEOUS

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

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

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

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

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

Section 9.06. Covenants, Easements, No Dedication or Lien. The provisions of this Agreement shall constitute covenants and easements including public easements for utilities, fire access, public access for the multi-use path, shared parking access and public access for the 60 parking spaces to be used for the Metrolink, which shall run with the land comprising the Project Site for the benefit thereof, and the burdens and benefits hereof shall bind and inure to the benefit of each of the parties hereto and all successors in interest to the parties hereto for the Term of this Agreement. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, the title to the Project Site, other than those dedications required herein.

Section 9.07. Cooperation in Carrying Out Agreement. Each party shall take such actions and execute and deliver to the other all such further instruments and documents as may be

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reasonably necessary to carry out this Agreement in order to provide and secure to the other party the full and complete enjoyment of its rights and privileges hereunder.

Section 9.08 Certificate of Performance. Upon the completion of the Project, or any phase thereof, or upon performance of this Agreement or its earlier revocation and termination, the City shall provide Developer, upon Developer's request, with a statement ("Certificate of Performance") evidencing said completion, termination or revocation and the release of Developer from further obligations hereunder, except for any further obligations which survive such completion, termination or revocation. The Certificate of Performance shall be signed by the appropriate agents of Developer and the City and shall be recorded against title to the Property in the official records of Los Angeles County, California. Such Certificate of Performance is not a notice of completion as referred to in California Civil Code Section 3093.

ARTICLE 10.
NOTICES

Section 10.01. Method of Notice.

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

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

If to City to:

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

With a Copy to:

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

If to Developer, to:

Burbank Industrial Investors, LP
19300 S. Hamilton Ave., Suite 200
Gardena, CA 90248
Attention: Timur Tecimer

With a Copy to:

Elkins, Kalt, Wintraub Reuben
2049 Century Park East, Suite 2700
Los Angeles, CA 90067
Attention: Keith D Elkins; John Bowman

ARTICLE 11.

ASSIGNMENT

Section 11.01. Limitation; Permitted Transfers; Transfer Approvals.

(a) The qualifications and identity of the Developer are of particular concern to the City. It is because of those qualifications and identity that the City has entered into this Agreement with the Developer. Accordingly, for the period commencing upon the Effective Date until a Certificate of Occupancy for the improvements comprising the Project has been issued, no voluntary or involuntary successor in interest of the Developer shall acquire any rights or powers under this Agreement ("Transfer") without the prior written approval of the City, except as expressly set forth herein.

(b) Notwithstanding Subsection (a) above, City approval of a Transfer shall not be required in connection with any Transfer of the Developer's interests, rights and obligations under this Agreement to an Affiliate. In the event of a Transfer by Developer under this Subsection (b) not requiring the City's prior approval, Developer nevertheless agrees that on or at least thirty (30) days after such Transfer it shall give written notice to City of such assignment and satisfactory evidence that the assignee has assumed in writing through an assignment and assumption agreement as required by Subsection (d) below. "Affiliate" means any person or entity directly or indirectly controlling, controlled by, or under common control with, Developer/Owner or an entity in which Developer is the general partner or managing member.

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(c) The City agrees that it will not unreasonably withhold, condition or delay approval of a request for approval of a Transfer in accordance with the standards of such approval set forth below, provided the Developer delivers written notice to the City requesting such approval. Such notice shall be accompanied by evidence regarding the proposed transferee's development and/or operational qualifications and experience, and its financial commitments and resources, in sufficient detail to enable the City to evaluate the proposed assignee or purchaser pursuant to the criteria set forth in this Section 11.01 and as reasonably determined by the City. The City may, in considering any such request, take into consideration such factors as (i) the quality of any new and/or replacement developer (ii) the transferee's past performance and experience as developer of high-quality industrial and commercial developments (iii) the current financial condition of the transferee, and similar factors.

(d) If this Agreement is transferred by the Developer to any person or entity (a "Transferee"), the Transferee shall succeed to all of the Developer's Rights under this Agreement regarding the Transferred Property. A written assignment and assumption agreement (the "Assignment") in a form approved by the City Attorney, shall be executed by the Transferee, and a copy provided to the City.

ARTICLE 12.

ENTIRE AGREEMENT, COUNTERPARTS' EXHIBITS, RECORDING

Section 12.01. Generally. This Agreement consists of 107 pages and 5 exhibits, constitutes the final and exclusive understanding and agreement of the parties, and supersedes all negotiations and any previous agreements between the parties with respect to all or any part of the subject matter hereof.

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

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

Exhibit A	-	Project Site Legal Description
Exhibit B	-	Project Description
Exhibit C	-	Map of Amendment to the General Plan Land Use Designation
Exhibit D	-	Conditions of Approval
Exhibit E	-	List of Permitted and Conditionally Permitted Uses

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

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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 Los Angeles

On July 2, 2019 (Date) before me, Lusine Arutyunyan, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Justin Hess (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.

LUSINE ARUTYUNYAN
Commission # 2128366
Notary Public - California
Los Angeles County
My Comm. Expires Sep 28, 2019

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 and/or Stamp Above

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:	Signer's Name:
☐ Corporate Officer – Title(s):	☐ Corporate Officer – Title(s):
☐ Partner – ☐ Limited ☐ General	☐ Partner – ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian of Conservator	☐ Trustee ☐ Guardian of Conservator
☐ Other:	☐ Other:
Signer is Representing:	Signer is Representing:

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 corporation

~~Ron Davis~~ Justin Hess
Acting City Manager

"DEVELOPER" and "OWNER"

BURBANK INDUSTRIAL INVESTORS, LP
a Delaware Limited Partnership
Burbank Airport Partners GP, LLC,
a Delaware limited liability company,
its General Partner

By: TIMUR TECIMER
Its: MANAGER

By: _____
Its: _____

ATTEST:

_____, City Clerk

APPROVED AS TO FORM FOR CITY
Office of the City Attorney

By: Joseph H. McDougall
Senior Assistant City Attorney

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ACKNOWLEDGMENT FOR DEVELOPER/OWNER

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

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

On JUNE 10TH 2019, before me, JANINE WALKER, Notary Public, personally appeared TIMUR TECIMER, who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

JANINE WALKER
COMM. #2273491
Notary Public - California
Los Angeles County
My Comm. Expires Jan. 26, 2023

Signature of Notary Public

(SEAL)

ACKNOWLEDGMENT FOR DEVELOPER/OWNER

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

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

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

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

WITNESS my hand and official seal.

Signature of Notary Public

(SEAL)

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

EXHIBIT A
PROJECT SITE
LEGAL DESCRIPTION(S)

EXHIBIT "A"

DESCRIPTION OF LAND

6

APNs 2466-011-909 and 2466-011-917:

PARCEL "J" AS SHOWN ON MAP OF RECORD OF SURVEY, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, FILED IN BOOK 113 PAGES 90 AND 91 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF TRACT NO. 11663, AS SHOWN ON MAP RECORDED IN BOOK 257 PAGE 36 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 1, NORTH 88° 50' 14" WEST 231.01 FEET TO THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF THE LAND DESCRIBED IN PARCEL 1 OF THE DEED TO PACIFIC AIRMOTIVE CORPORATION, REAL ESTATE COMMISSIONER ON NOVEMBER 29, 1946 IN BOOK 24004 PAGE 73, OFFICIAL RECORDS, AS INSTRUMENT NO. 1593, IN SAID OFFICE OF THE COUNTY RECORDER; THENCE ALONG SAID PROLONGATION AND EASTERLY LINE, NORTH 1° 04' 32" EAST 172 FEET TO THE NORTHEASTERLY CORNER OF SAID LAND; THENCE NORTH 88° 50' 14" WEST 213 FEET TO THE NORTHWESTERLY CORNER OF SAID LAND; THENCE ALONG THE WESTERLY LINE OF SAID LAND AND ITS SOUTHERLY PROLONGATION SOUTH 1° 04' 32" WEST 172 FEET TO THE SOUTHERLY LINE OF SAID LOT 1; THENCE ALONG SAID SOUTHERLY LINE, NORTH 88° 50' 14" WEST 169.42 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, BEING ALSO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER TO THE NORTHWESTERLY CORNER OF THE LAND DESCRIBED IN DEED TO LOCKHEED AIR TERMINAL, INC., RECORDED ON SEPTEMBER 19, 1947 IN BOOK 25099 PAGE 177 OF SAID OFFICIAL RECORDS, AS INSTRUMENT NO. 25; THENCE ALONG THE NORTHWESTERLY LINE OF SAID LAND, SOUTH 46° 03' 28" WEST 381.13 FEET TO THE SOUTHERLY LINE OF THE NORTHERLY 270 FEET, MEASURED ALONG THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE ALONG SAID LAST MENTIONED SOUTHERLY LINE, NORTH 88° 50' 14" WEST 28.25 FEET TO THE WESTERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE NORTHERLY ALONG SAID WESTERLY LINE, TO THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF THE SOUTHERLY 52.50 FEET OF LOT 6 OF TRACT NO. 6093, AS SHOWN ON MAP RECORDED IN BOOK 67 PAGE 77 OF MAPS, IN SAID OFFICE OF THE COUNTY RECORDER; THENCE EASTERLY ALONG SAID PROLONGATION AND NORTHERLY LINE AND ITS EASTERLY PROLONGATION TO THE SOUTHWESTERLY CORNER OF THAT PORTION OF KENWOOD STREET, 60 FEET WIDE, AS SHOWN ON SAID MAP OF TRACT NO. 6093, THAT IS DESCRIBED IN RESOLUTION NO. 13870 OF SAID CITY

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Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

ADOPTED OCTOBER 3, 1964, A CERTIFIED COPY OF WHICH WAS RECORDED ON OCTOBER 15, 1964 IN BOOK D-2665 PAGE 527 OF SAID OFFICIAL RECORDS, AS INSTRUMENT NO. 6303; THENCE NORTHERLY ALONG SAID WESTERLY LINE, TO THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF LOT 9 OF SAID TRACT NO. 6093; THENCE EASTERLY ALONG SAID LAST MENTIONED PROLONGATION AND NORTHERLY LINE, TO THE EASTERLY LINE OF SAID TRACT NO. 6093; THENCE NORTHERLY ALONG SAID EASTERLY LINE, TO A STRAIGHT LINE EXTENDING FROM A POINT ON THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4, DISTANT NORTHERLY THEREON 315 FEET FROM THE NORTH LINE OF LOT 8 OF SAID TRACT NO. 6093, SOUTHEASTERLY TO A POINT ON THE EASTERLY LINE OF THE WEST 134 FEET OF SAID EAST HALF, DISTANT NORTHERLY THEREON 206 FEET FROM THE EASTERLY PROLONGATION OF THE NORTH LINE OF LOT 8 OF SAID TRACT NO. 6093; THENCE SOUTHEASTERLY ALONG SAID STRAIGHT LINE TO SAID POINT ON THE EASTERLY LINE OF THE WEST 134 FEET OF SAID EAST HALF; THENCE SOUTHERLY ALONG SAID EASTERLY LINE, TO THE NORTHERLY LINE OF THE SOUTH 128 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE EASTERLY ALONG SAID LAST MENTIONED NORTHERLY LINE, TO THE WEST LINE OR ITS PROLONGATION OF LOT 2 OF SAID TRACT NO. 11663; THENCE ALONG SAID LAST MENTIONED LINE TO THE NORTHWESTERLY CORNER OF SAID LOT 2; THENCE EASTERLY, NORTHERLY, SOUTHEASTERLY AND SOUTHERLY ALONG THE NORTHERLY, NORTHEASTERLY AND EASTERLY BOUNDARY LINES OF SAID LOT 2 AND SOUTHERLY ALONG THE EASTERLY BOUNDARY LINE OF LOT 1 OF SAID TRACT NO. 11663, TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THOSE PORTIONS OF LOTS 1 AND 2 OF TRACT NO. 11663, AS SHOWN ON MAP FILED IN BOOK 257 PAGE 36 OF MAPS, IN THE OFFICE OF THE REGISTRAR-RECORDER OF THE COUNTY OF LOS ANGELES, WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

COMMENCING AT THE INTERSECTION OF A LINE PARALLEL WITH AND 30 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES FROM THE STRAIGHT LINE IN THE SOUTHERLY BOUNDARY OF LOT 14 OF TRACT NO. 10347, AS SHOWN ON MAP FILED IN BOOK 148 PAGES 81 AND 82 OF SAID MAPS, WITH A LINE PARALLEL WITH AND 50 FEET WESTERLY, MEASURED AT RIGHT ANGLES FROM THE STRAIGHT LINE IN THE WESTERLY BOUNDARY OF SAID LAST MENTIONED LOT; THENCE NORTH 0° 21' 10" EAST ALONG SAID LAST MENTIONED PARALLEL LINE, 198.74 FEET; THENCE NORTH 1° 04' 46" WEST ALONG A STRAIGHT LINE TO THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 2; THENCE WESTERLY ALONG SAID EASTERLY PROLONGATION TO THE SOUTHEASTERLY CORNER OF SAID LAST MENTIONED LOT, SAID SOUTHEASTERLY CORNER BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 0° 21' 10" EAST ALONG THE EASTERLY LINE OF SAID LAST MENTIONED LOT TO THE NORTHEASTERLY CORNER OF SAID LAST MENTIONED LOT; THENCE NORTH 51° 05' 55" WEST ALONG THE NORTHEASTERLY LINE OF SAID LAST MENTIONED LOT, A DISTANCE OF 144.35 FEET; THENCE SOUTH 0° 50' 26" WEST 134.54 [133.47] FEET TO THE

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BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 148 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE 142.22 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 112 FEET, SAID REVERSE CURVE, ALSO BEING TANGENT AT THE SOUTHERLY TERMINUS THEREOF TO A LINE PARALLEL WITH AND 50 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID LAST MENTIONED STRAIGHT LINE; THENCE SOUTHEASTERLY ALONG SAID REVERSE CURVE, 103.88 FEET TO SAID LAST MENTIONED PARALLEL LINE; THENCE SOUTH 1° 04' 46" EAST ALONG SAID LAST MENTIONED LINE, 191.91 [192.14] FEET TO THE EASTERLY LINE OF SAID LOT 1; THENCE NORTH 0° 21' 10" EAST ALONG SAID LAST MENTIONED EASTERLY LINE TO SAID TRUE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION OF SAID LAND INCLUDED WITHIN THE LINES OF THE LAND DESCRIBED IN THE DEED TO COHASSET KENWOOD COMPANY, A LIMITED PARTNERSHIP, RECORDED ON SEPTEMBER 19, 1975 AS INSTRUMENT NO. 1055, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALSO EXCEPT THAT PORTION OF SAID LAND INCLUDED WITHIN THE LINES OF LOT 9 OF TRACT NO. 6093, AS PER MAP RECORDED IN BOOK 67 PAGE 77 OF MAPS, IN THE LOS ANGELES COUNTY RECORDERS OFFICE.

TOGETHER WITH THAT PORTION OF LOT 1 OF TRACT NO. 11663, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED IN BOOK 257 PAGE 36 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 1; THENCE SOUTH 88° 50' 14" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 169.42 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 1° 04' 32" EAST, A DISTANCE OF 30.50 FEET; THENCE SOUTH 88° 50' 14" EAST, A DISTANCE OF 213.00 FEET; THENCE SOUTH 1° 04' 32" WEST 30.50 FEET TO THE SOUTHERLY LINE OF SAID LOT 1; THENCE NORTH 88° 50' 14" WEST ALONG SAID SOUTHERLY LINE, 213.00 FEET TO THE TRUE POINT OF BEGINNING.

ALSO TOGETHER WITH THAT PORTION OF THAT CERTAIN ALLEY, 20 FEET WIDE, NOW VACATED AS SHOWN ON TRACT NO. 6949, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 142 PAGES 56 AND 57 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 2 OF TRACT NO. 11663, AS PER MAP RECORDED IN BOOK 257 PAGE 36 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTH 51° 05' 55" EAST ALONG THE NORTHERLY LINE OF SAID LOT 2 TO A POINT DISTANT THEREON NORTH 51° 05' 55" WEST 144.35 FEET FROM THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE NORTHERLY IN A DIRECT LINE TO THE MOST SOUTHERLY CORNER OF

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Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

THE LAND DESCRIBED IN THE DEED TO LOCKHEED PROPERTIES INC., RECORDED ON AUGUST 4, 1982 AS INSTRUMENT NO. 82-785803, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID CORNER BEING A POINT IN A LINE PARALLEL WITH AND 10 FEET NORTHEASTERLY, MEASURED AT RIGHT ANGLES FROM THE NORTHEASTERLY LINE OF SAID LOT 2; THENCE NORTH 51° 05' 55" WEST ALONG SAID PARALLEL LINE TO THE EASTERLY LINE OF LOT 1 OF TRACT NO. 6949, AS PER MAP RECORDED IN BOOK 142 PAGES 56 AND 57 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTHERLY ALONG SAID EASTERLY LINE TO THE POINT OF BEGINNING.

APN 2466-011-915:

THAT PORTION OF PARCEL "B" AS SHOWN ON MAP OF RECORD OF SURVEY, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, FILED IN BOOK 113 PAGES 90 AND 91 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHERLY 650.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND.

EXCEPT THEREFROM THAT PORTION OF ABOVE DESCRIBED LAND, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, DISTANT THEREON NORTH 88° 50' 14" WEST 568.75 FEET FROM THE NORTHEAST CORNER THEREOF; THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 88° 50' 14" WEST 758.12 FEET, MORE OR LESS, TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4, SOUTH 1° 09' 54" WEST [SOUTH 1° 10' 50" WEST] 270.00 FEET; THENCE PARALLEL WITH THE FIRST MENTIONED COURSE IN THIS DESCRIPTION, SOUTH 88° 50' 14" EAST 757.25 [758.96] FEET TO A LINE WHICH IS PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4 AND WHICH PASSES THROUGH THE POINT OF BEGINNING; THENCE NORTH 00° 58' 30" EAST [NORTH 0° 59' 12" EAST] 270.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND LYING WITHIN HOLLYWOOD WAY, 100.00 FEET WIDE.

AND:

THAT PORTION OF PARCEL "B" AS SHOWN ON MAP OF RECORD OF SURVEY, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, FILED IN BOOK 113 PAGES 90 AND 91 OF RECORDS OF SURVEY, IN THE OFFICE OF

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THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, DISTANT THEREON NORTH 88° 50' 14" WEST 568.75 FEET FROM THE NORTHEAST CORNER THEREOF; THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 88° 50' 14" WEST 758.12 [758.05] FEET, MORE OR LESS, TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4, SOUTH 01° 09' 54" WEST 270.00 FEET; THENCE PARALLEL WITH THE FIRST MENTIONED COURSE IN THIS DESCRIPTION, SOUTH 88° 50' 14" EAST 759.01 [758.96] FEET TO A LINE WHICH IS PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, AND WHICH PASSES THROUGH THE POINT OF BEGINNING; THENCE NORTH 00° 58' 30" EAST 270.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION OF ABOVE DESCRIBED PROPERTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4, AS THE TRUE POINT OF BEGINNING; THENCE SOUTH 01° 09' 54" WEST, A DISTANCE OF 270.00 FEET; THENCE SOUTH 88° 50' 14" EAST, A DISTANT OF 28.25 FEET; THENCE NORTH 46° 03' 28" EAST, A DISTANT OF 381.13 FEET; THENCE NORTH 88° 50' 14" WEST, A DISTANCE OF 297.25 FEET TO THE TRUE POINT OF BEGINNING.

APN 2466-028-908:

PARCEL "I" AS SHOWN ON MAP OF RECORD OF SURVEY, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, FILED IN BOOK 113 PAGES 90 AND 91 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF LOTS 1 TO 6 INCLUSIVE OF TRACT NO. 6949, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 142 PAGES 56 AND 57 OF MAPS, IN THE OFFICE OF THE REGISTRAR-RECORDER OF THE COUNTY OF LOS ANGELES, TOGETHER WITH THAT PORTION OF PEPPER STREET, 30 FEET WIDE, NOW VACATED, AS SHOWN ON SAID MAP AND THAT PORTION OF THAT CERTAIN ALLEY, AS SHOWN ON SAID MAP, NOW VACATED, WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

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COMMENCING AT THE INTERSECTION OF A LINE PARALLEL WITH AND 30 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES FROM THE STRAIGHT LINE IN THE SOUTHERLY BOUNDARY OF LOT 14 OF TRACT NO. 10347, AS SHOWN ON MAP FILED IN BOOK 148 PAGES 81 AND 82 OF SAID MAPS, WITH A LINE PARALLEL WITH AND 50 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM THE STRAIGHT LINE IN THE WESTERLY BOUNDARY OF SAID LAST MENTIONED LOT; THENCE NORTH 0° 21' 10" EAST ALONG SAID LAST MENTIONED PARALLEL LINE, 478.74 FEET; THENCE WESTERLY AT RIGHT ANGLES FROM SAID LAST MENTIONED PARALLEL LINE, 7.00 FEET; THENCE NORTH 2° 43' 10" EAST, ALONG A LINE WHICH IS TANGENT TO THE SOUTHERLY TERMINUS OF A CURVE CONCAVE TO THE WEST, AND HAVING A RADIUS OF 200 FEET, SAID CURVE ALSO BEING TANGENT AT THE NORTHERLY TERMINUS THEREOF TO THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF LOT 11 OF TRACT NO. 5761, AS SHOWN ON MAP FILED IN BOOK 85 PAGES 43 AND 44 OF SAID MAPS, AT A POINT DISTANT SOUTH 0° 33' 55" WEST ALONG SAID SOUTHERLY PROLONGATION 75.40 FEET FROM THE SOUTHEASTERLY CORNER OF SAID LAST MENTIONED LOT, TO THE SOUTHEASTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF LOT 8, SAID TRACT NO. 6949; THENCE NORTHWESTERLY ALONG SAID SOUTHEASTERLY PROLONGATION AND THE SOUTHWESTERLY LINES OF LOTS 8, 7 AND 6, SAID TRACT NO. 6949, TO A POINT IN A LINE PARALLEL WITH AND 167 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID COURSE OF NORTH 2° 43' 10" EAST, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 2° 43' 10" EAST ALONG SAID LAST MENTIONED PARALLEL LINE, 101.04 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 62 FEET, TANGENT TO SAID LAST MENTIONED PARALLEL LINE AND TANGENT TO THE SOUTHWESTERLY LINE OF THE NORTHEASTERLY 3 FEET OF SAID LOT 5; THENCE NORTHWESTERLY ALONG SAID CURVE, 58.24 FEET TO SAID SOUTHWESTERLY LINE; THENCE NORTH 51° 05' 55" WEST ALONG SAID SOUTHWESTERLY LINE, AND ITS NORTHWESTERLY PROLONGATION, 269.75 [269.86] FEET TO THE WESTERLY BOUNDARY OF SAID PEPPER STREET, NOW VACATED; THENCE SOUTHERLY ALONG SAID LAST MENTIONED WESTERLY BOUNDARY TO THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 1; THENCE EAST AND NORTHERLY ALONG SAID WESTERLY PROLONGATION OF SAID SOUTHERLY LINE AND THE EASTERLY LINE OF SAID LOT 1, TO A LINE PARALLEL WITH AND 10 FEET NORTHEASTERLY, MEASURED AT RIGHT ANGLES FROM THE NORTHEASTERLY LINE OF LOT 2 OF TRACT NO. 11663, AS SHOWN ON MAP FILED IN BOOK 257 PAGE 36 OF SAID MAPS; THENCE SOUTH 51° 05' 55" EAST ALONG SAID LAST MENTIONED PARALLEL LINE TO A STRAIGHT LINE WHICH PASSES THROUGH A POINT IN SAID NORTHEASTERLY LINE, DISTANT NORTH 51° 05' 55" WEST THEREON 144.35 FEET FROM THE NORTHEASTERLY CORNER OF SAID LAST MENTIONED LOT AND WHICH PASSES THROUGH SAID TRUE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID LAST MENTIONED STRAIGHT LINE TO SAID TRUE POINT OF BEGINNING.

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THAT PORTION OF THE WEST 134 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND, BOUNDED ON THE NORTHEAST BY THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED IN DEED TO THE CITY OF BURBANK, RECORDED ON JULY 11, 1944, AS INSTRUMENT NO. 1853 AND BOUNDED ON THE SOUTHEAST BY THE NORTHEASTERLY LINE OF THE LAND DESCRIBED IN DEED TO LOCKHEED AIRCRAFT CORPORATION, RECORDED ON APRIL 25, 1952, AS INSTRUMENT NO. 597, IN BOOK 38792 PAGE 52, OFFICIAL RECORDS OF SAID COUNTY.

EXCEPT ANY PORTION OF SAID LAND WITHIN THE BOUNDARIES OF TRACT NO. 6093.

ALSO EXCEPT THAT PORTION OF SAID LAND INCLUDED WITHIN THE LINES OF THE LAND DESCRIBED IN THE DEED TO COHASSET KENWOOD COMPANY, A LIMITED PARTNERSHIP, RECORDED ON SEPTEMBER 19, 1975 AS INSTRUMENT NO. 1055, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN 2466-011-913:

PARCEL "A NORTH" BEING THAT PORTION OF PARCEL "A" AS SHOWN ON MAP OF RECORD OF SURVEY, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, FILED IN BOOK 113 PAGES 90 AND 91 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND.

EXCEPTING THE EASTERLY 50 FEET OF SAID LAND.

ALSO EXCEPT THE NORTHERLY 650 FEET OF SAID LAND.

AND ALSO EXCEPTING THAT PORTION OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, LYING SOUTHERLY OF A LINE PARALLEL WITH AND DISTANT NORTHERLY 750.00 FEET MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF THE EAST-WEST RUNWAY OF THE BURBANK-GLENDALE-PASADENA AIRPORT, SAID CENTERLINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF HOLLYWOOD WAY (100.00 FEET WIDE) WITH THE CENTERLINE OF WINONA AVENUE, BEING THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4;

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Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

THENCE ALONG SAID CENTERLINE OF HOLLYWOOD WAY, SOUTH 1° 00' 12" WEST 621.13 FEET TO ITS INTERSECTION WITH THE EASTERLY PROLONGATION OF THE CENTERLINE OF SAID RUNWAY; THENCE ALONG SAID PROLONGATION AND SAID CENTERLINE, NORTH 89° 03' 06" WEST TO THE WESTERLY LINE OF SAID AIRPORT.

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EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

Parcel 1:

Beginning at the Southwest Corner of Tract No. 11663, as recorded in Map Book 257, Page 36, Records of Los Angeles County, State of California, thence South 88° 50' 14" East along the Southerly boundary of said Tract No. 11663 a distance of 169.42 feet to a point; thence North 1° 04' 32" East a distance of 30.50 feet to the true point of beginning; thence North 1° 04' 32" East a distance of 141.50 feet to a point; thence South 88° 50' 14" East a distance of 213.00 feet to a point; thence South 1° 04' 32" West a distance of 141.50 feet to a point, thence North 88° 50' 14" West a distance of 213.00 feet to the true point of beginning.

Parcel 2:

A permanent easement 20.00 feet in width for ingress and egress and for right of way purposes, and for utilities including but not limited to water, sewerage, gas, power, and telephone connections whether by pipe, wire or cable line, together with the privilege of surfacing or resurfacing and repairing the same as the grantee may see fit, from the Southeasterly corner of the above described Parcel 1 to the Westerly line of Hollywood Way, more particularly described as follows:

Beginning at the Southeast corner of the above described Parcel No. 1; thence South 88° 50' 14" East along the Easterly prolongation of the Southerly line of said Parcel No. 1 a distance of 164.66 feet to a point of tangency with a curve concave to the Northwest; thence Northeasterly along the arc of said curve with a radius of 60.00 feet and central angle of 41° 24' 57" a distance of 43.37 feet to a point of tangency with a curve concave to the Southeast; thence Northeasterly along the arc of said curve with radius of 40.00 feet and central angle of 41° 24' 57" a distance of 28.91 feet to a point; thence South 88° 50' 14" East a distance of 0.07 feet more or less to a point in the Westerly line of Hollywood Way 100.00 feet wide, thence North 0° 58' 30" East along the Westerly line of Hollywood Way a distance of 20.00 feet to a point at the end of the arc of a curve concave to the Southeast; thence Southwesterly along the arc of said curve with a radius of 60.00 feet and central angle of 41° 24' 57" and concentric with above described curve with 40.00 radius a distance of 43.37 feet to a point of tangency with a curve concave to the Northwest said curve being concentric with first curve described above with radius of 60.00 feet; thence along the arc of said concentric curve with radius of 40.00 feet and central angle of 41° 24' 57" a distance of 28.91 feet to a point of tangency with a line parallel to and distant 20.00 feet at right angles Northerly from the Easterly prolongation of the above described Parcel No. 1; thence North 88° 50' 14" West along said parallel line a distance of 164.69 feet more or less to a point in the Easterly line of the above described Parcel No. 1; thence South 1° 04' 32" West along the Easterly line of said Parcel No. 1 a distance of 20.00 feet to the Southeasterly corner of said Parcel No. 1, the true point of beginning.

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

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The land situated in the City of Burbank, County of Los Angeles, State of California, and described as follows:

PARCEL 1:

LOT 10 OF TRACT NO. 6093, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 67, PAGE 77 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AND THAT PORTION OF KENWOOD STREET ADJACENT TO SAID LOT 10 VACATED BY RESOLUTION NO. 13,870 OF THE CITY COUNCIL OF THE CITY OF BURBANK AND RECORDED IN BOOK D-2665, PAGE 527, OFFICIAL RECORDS OF SAID COUNTY, SAID PARCEL IS MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 10 OF SAID TRACT NO. 6093; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 10 AND ITS WESTERLY PROLONGATION, NORTH 88° 48' 22" WEST 319.38 FEET TO THE WESTERLY LINE OF SAID VACATED PORTION OF KENWOOD STREET; THENCE SOUTHERLY ALONG SAID WESTERLY LINE SOUTH 1° 00' 48" WEST 105.00 FEET; THENCE SOUTH 88° 48' 22" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 10 AND ITS WESTERLY PROLONGATION 318.69 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT; THENCE ALONG THE EASTERLY LINE OF SAID LOT, NORTH 1° 23' 28" EAST 105.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

LOT 9 OF TRACT NO. 6093, IN THE CITY OF BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 67, PAGE 77 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND THAT PORTION OF KENWOOD STREET ADJACENT TO SAID LOT 9 VACATED BY RESOLUTION NO. 13,870 OF THE CITY COUNCIL OF THE CITY OF BURBANK AND RECORDED IN BOOK D-2665 PAGE 527, OFFICIAL RECORDS OF SAID COUNTY,

SAID PARCEL IS MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 9 OF SAID TRACT NO. 6093; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 9 AND ITS WESTERLY PROLONGATION, NORTH 88° 48' 22" WEST 318.69 FEET TO THE WESTERLY LINE OF SAID VACATED PORTION OF KENWOOD STREET; THENCE SOUTHERLY ALONG SAID WESTERLY LINE, SOUTH 01° 00' 48" WEST 105.00 FEET; THENCE SOUTH 88° 48' 22" EAST ALONG THE SOUTHERLY LINE OF LOT 9 AND ITS WESTERLY PROLONGATION 318.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT; THENCE ALONG THE EASTERLY LINE OF SAID LOT, NORTH 01° 23' 28" EAST 105.00 FEET TO THE POINT OF BEGINNING.

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EXHIBIT B
PROJECT DESCRIPTION
PROJECT NO. 16-0004646
3001 N. Hollywood Way
Applicant: Burbank Industrial Investors, LP

A PLANNED DEVELOPMENT, TEN YEAR DEVELOPMENT AGREEMENT, AND DEVELOPMENT REVIEW PERMIT FOR AN OFFICE/COMMERCIAL/INDUSTRIAL PROJECTCONSISTING OF SIX SINGLE-STORY INDUSTRIAL FLEX BUILDINGS TOTALING 1,004,307 SQUARE FEET; NINE TWO-STORY OFFICE BUILDINGS TOTALING 142,250 SQUARE FEET; TWO SINGLE-STORY RETAIL/RESTAURANT BUILDINGS OF 15,475 SQUARE FEET; AND SIX-STORY 150 ROOM HOTEL OF 101,230 SQUARE FEET ON A 61-ACRE SITE. AN AMENDENT TO THE GENERAL PLAN LAND DESIGNATION FOR 18-ACRES OF THE SITE FROM AIRPORT TO GOLDEN STATE COMMERCIAL/INDUSTRIAL AND AN AMENDMENT TO THE MOBILITY ELEMENT FOR THE NEW PUBLIC STREETS (TULARE AVENUE AND KENWOOD STREET) THAT WILL SERVE THE PROJECT. A TENTATIVE PARCEL MAP SUBDIVIDING THE SITE INTO 9 PARCELS. THE EXTENSION, CONSTURCTION, AND PUBLIC DEDICATION OF TULARE AVENUE AND NORTH KENWOOD STREET. PUBLIC IMPROVEMENTS ADJACENT TO THE PROJECTSITE INCLUDE PEDESTRIAN AND BICYCLE AMENITIES, STREET FURNITURE, LANDSCAPE AND LIGHTING WITHIN THE PUBLIC RIGHT-OF-WAY. THE CONSTRUCTION, EXTENSION AND DEDICATION OF TWO PUBLIC STREETS THE PROJECTAPPROVAL INCLUDES CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT, AND ADOPTION OF STATEMENT OF FACTS AND STATEMENT OF OVERRRIDING CONSIDERATION, AND A MITIGATION MONITORING/REPORTING PROGRAM.

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

EXHIBIT C
MAP OF AMENDENT TO GENERAL PLAN LAND USE DESIGNATION

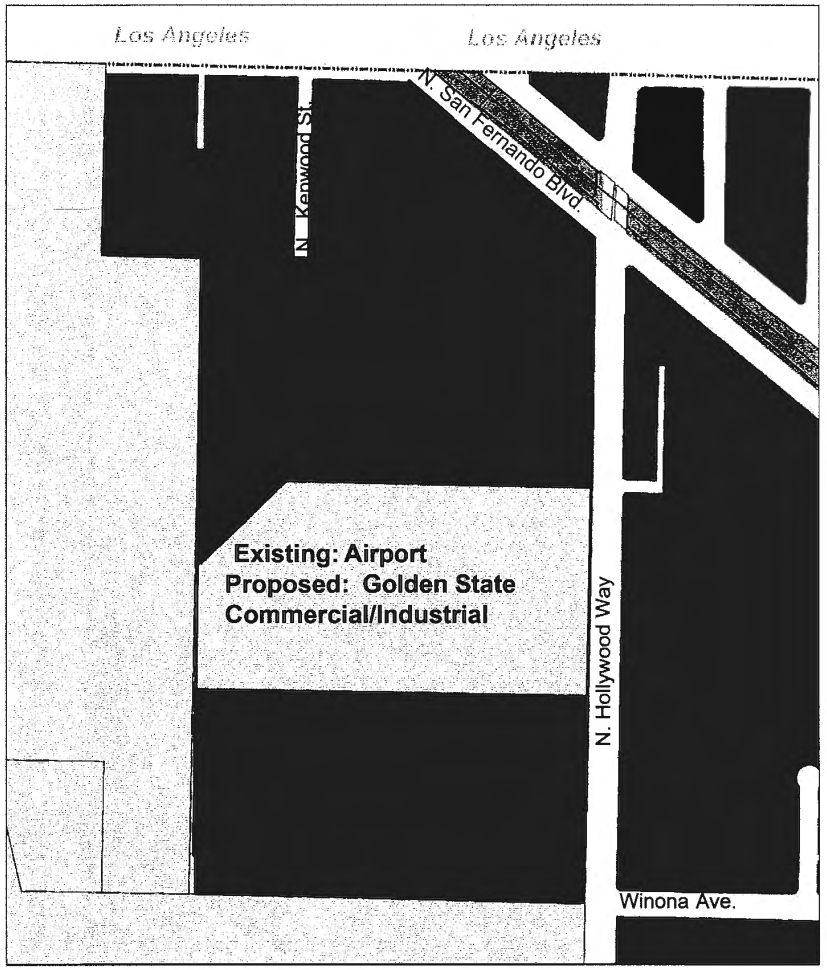

EXHIBIT C- GENERAL PLAN AMENDMENT
3001 N. Hollywood Way

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EXHIBIT D
CONDITIONS OF APPROVAL

PLANNING DIVISION

1. Project16-0004646 (Planned Development, ten year Development Agreement, and Development Review, Amendment to General Plan Land Use Designation and amendment to the Mobility Element, and Tentative Parcel Map 74417) allows for the construction of an office/commercial/industrial Project consisting of six industrial flex buildings totaling 1,004,3007 square feet; nine office buildings totaling 142,250 square feet; two retail and restaurant buildings totaling 15,475 square feet; one 150-room hotel; a tentative parcel map subdividing the Project site into 9 lots and related on-site and public improvements on the sixty-one acre Project site (the "Project").

2. The buildings may accommodate as allowable uses industrial, office, retail, restaurant, commercial services, and personal services as listed in Exhibit E, attached hereto and incorporated herein by reference. The Developer shall be obligated to pay only those applicable City fees (e.g., permit fees, plan check fees, development impact fees, etc.) in effect at the time of approval of this Agreement for a time period not exceeding five (5) years from the date of approval of building permit issuance. Agreements to pay fees or to construct infrastructure, which are contained in development agreements evidence contractual agreements between government and the developer, and are not constrained by AB 1600 requirements.

3. The proposed Project may be constructed in two phases. The phasing would occur as follows: Phase I would be the construction of the industrial, creative office, and retail buildings including onsite and offsite improvements; Phase II, hotel.

4. Development of the subject property and operations on the Project site shall remain in substantial conformance with the plans dated October 2, 2018, ("the plans") on file with the Planning Division unless otherwise modified by the Planning Board and City Council.. The Project shall conform to the approved site, landscape and architectural plans, except as otherwise specified in these conditions. A minor modification may be granted for minimal changes in the placement or size of structures, or of the design, materials, or colors of structures and may be approved by the Community Development Director or designee. Major modifications (such as changes to number of stories, increase in bulk or mass, horizontal or vertical articulation) shall be approved by the Planning Board as Conditional Use Permit.

5. The applicant has been approved for one six-story, 150 room hotel. The applicant shall apply for a Development Review for the site plan, landscape plan and architectural design of the hotel building to be approved by the Community Development Director or his/her designee. The applicant shall provide up to three off-street loading spaces per the requirements of Article 15 (Off-Street Loading Standards) of the Burbank Municipal Code. The location, design and number of loading spaces shall be approved by the Community Development Director or his or her designee. Major modifications to the approval of the hotel including changes increase the height and number of rooms shall be approved by the Planning Board as a Conditional Use Permit.

6. The final design of walls and fences shall be approved by the Community Development Director or his or her designee. Chain link and vinyl fences are prohibited.

7. The applicant shall comply with all Federal, State, and local laws. Violations or convictions of any of those laws in connection with the use will be cause for revocation of this permit. This requirement includes all applicable South Coast Air Quality Management District rules and regulations, including SCAQMD Rule 1166.

8. Subject to the provisions of Article 7 of the Development Agreement, Project No. 16-0004646 (Planned Development, Development Agreement, and Development Review) may be modified or revoked by the City should it be determined that the proposed use as permitted by this approval or conditions under which they were permitted are detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity or if the use is maintained so as to constitute a public nuisance, or if there has been a violation of these conditions or the Agreement.

9. Developer shall apply high-quality exterior architectural treatments, materials, and finishes to the satisfaction of the Community Development Director or his/her designee. Prior to issuance of any building permit(s) for any phase, the Developer shall label all elevations and identify all treatments/materials/finishes on the building set of plans to the satisfaction of the Community Development Director or designee.

10. A minimum of eighteen feet (15'0") interior ceiling height shall be provided in the retail/restaurant buildings for the purpose of accommodating flexible use and re-use of the space for a mix of retail and restaurant tenants. The 15'0" dimension will be measured from the top of the ground-level finish floor to the bottom of the floor above.

11. Irrigation shall be provided for landscaping onsite and in the in the public right-of-way along the Project frontage. The irrigation plans shall be submitted with the building permit set of plans.

12. The applicant shall submit landscape and irrigation plans prepared by a landscape architect licensed by the State of California. Plans shall demonstrate compliance with all applicable aspects of AB 1881 (Water Conserving Landscape). The landscape plans shall list the specie(s), size, location and number to be planted and shall be submitted at time of building permit submittal.

13. All trees installed for the Project shall be a minimum 36" box trees, unless otherwise approved by the Community Development Director or his/her designee. The tree canopy coverage for the parking lot shall be 50% of the parking lot fifteen years after project completion. The applicant shall provide a report of the tree canopy progress from a licensed landscape architect or arborist on the third, sixth, ninth, twelfth and fifteenth year. If the parking lot canopy does not achieve the 50% canopy coverage fifteen years after project completion, or the tree canopy is not making significant progress towards the 50% canopy coverage during the noted review periods, the Community Development Director or his/her designee can approve changes to the landscape plan to increase the parking lot tree canopy coverage.

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14. Smoking shall be prohibited in the outdoor open spaces in accordance with prevailing State of California laws and/or City of Burbank ordinances, whichever is more restrictive.

15. Prior to issuance of any building permit for Phase 1, the Developer shall submit a master sign program to the Community Development Department at the time of Plan Check review and associated fees. The comprehensive sign program shall indicate maximum allowable signage permitted per street frontage, signage type(s) and locations proposed, and identify any special characteristics associated with proposed signs. The comprehensive sign program is subject to approval by the Community Development Director or his/her designee.

    a. As part of the master sign program, the Developer shall provide a sign plan for the industrial, commercial, retail and hotel uses and portions of the parking lots. The plan shall indicate all wayfinding signs, including colors of paint used to indicate presence of parking stalls and elevator vestibules.

    b. Revisions to the comprehensive sign program may be approved by the Community Development Director or his/her designee with a standard sign permit if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new comprehensive sign program by the Community Development Director prior to issuance of the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first) .

    c. Other than permanent signs, advertising shall cover no more than 25 percent of the windows of the commercial spaces facing all public streets, or otherwise placed on the interior or exterior of the business with the intent of being visible from a public street. No additional window advertising will be permitted.

16. A copy of the approved Conditions of Approval and a written explanation how the Project meets the Conditions of Approval shall be included with the construction plans submitted to the Building Division.

17. Prior to issuance of any building permits, Developer shall comply with the requirements for public art as contained on BMC Section 10-1-1114, or pay an in lieu fee based on the formula contained in Section 10-1-1114(I).

18. Prior to issuance of building permits, Developer shall demonstrate that light standards will not conflict with tree locations. Developer shall submit a plan showing both the lighting and landscape on the same sheet.

19. Developer shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Developer shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color.

20. For any exterior utility meter panels, Developer shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible.

21. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Street & Solid Waste Division (Public Works Department), or Developer shall arrange for self-hauling to an authorized facility.

22. Plans submitted for plan check shall include a parking management plan for contractor/ subcontractor vehicles and construction vehicles, including on-site and off-site (if applicable) parking, for review and approval by the Community Development Director or his/her designee prior to issuance of building permit. The Developer and/or on-site primary general contractor (superintendent) shall have responsibility for monitoring and enforcing the approved parking management plan.

23. These Construction Impact Prevention Guidelines provide a comprehensive outline of how the Developer and Contractor(s) shall implement construction work at the Project site and vicinity, as well as addressing the issues of parking, access, deliveries, etc. A great deal of care and concern will be extended to ensure that the project's construction activities have as little impact on the neighbors as possible. The distribution and enforcement of these construction guidelines will ensure that such is the case, and the general contractor(s) and any sub-contractor(s) are directed to strictly enforce these guidelines:

    a. All parties associated with the Avion Project shall be kind, courteous, and patient with neighbors, pedestrians, motorists, and all other trades at or around the site in every respect.
    b. No construction personnel whatsoever will park any vehicle anywhere on public streets. The contractor should also be required to post, and enforce, "NO CONSTRUCTION PARKING" signs at these locations. This has been successful during construction to alleviate neighborhood complaints.
    c. There shall be no set-up, staging, or similar operations whatsoever until 7:00 a.m.
    d. No construction equipment or tools of any kind shall be used before 7:00 a.m.
    e. There shall be no construction work whatsoever until 7:00 a.m.
    f. There shall be no deliveries to the site accepted prior to 7:00 a.m. Delivery vehicles, if any, prior to 7:00 a.m. shall not impede or block traffic, idle the engine, nor otherwise generate any public nuisances. A queuing plan for delivery trucks should be included to identify acceptable locations.
    g. Requests for work outside of Burbank Municipal Code construction hours may be granted for specific purposes, and limited time periods only. All requests must be submitted in writing and approved prior to commencing any off-hour work.
    h. Notices shall be distributed to neighbors within 300 feet of the Project site, both residential and commercial, notifying them of construction work, and listing these requirements including contractor contact information. This has been very helpful in

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reducing the number of complaints. This should also include notifications of work in the right-of-way by the Public Works Department and/or Burbank Water & Power. Notice to neighbors who have contacted the Developer and asked to be kept advised of construction operations shall, to the extent possible, be advised in advance of any early starts, street closures, etc.

24. The Developer shall submit a lighting plan at the time of Plan Check review (prior to building permit issuance for each phase) that identifies all: exterior structure lighting; landscape and perimeter lighting; or rooftop lighting. The photometric plan shall ensure that there will be no spillover lighting or glare on adjacent streets or properties, to the satisfaction of the Community Development Director or his/her designee.

25. All building-mounted lighting that will be directed onto the Project site shall be shielded so as not to illuminate adjacent public rights-of-way, the airport, and/or freeway.

26. The Developer shall locate all equipment cabinets, backflow prevention devices so as not to be visible from public right-of-way. All equipment shall be screened with landscaping to the satisfaction of the Community Development Director or his/her designee. The Developer shall work with the Fire Department and Community Development Department to ensure appropriate placement and screening.

27. Developer shall provide sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to throughout the Project.

28. The onsite pedestrian/bike path shall be a minimum 10' wide with 3' of landscaping on both sides.

29. The Project site is in the vicinity of the Hollywood-Burbank Airport, and the provisions of Burbank Municipal Code Sections 10-1-1305 through 10-1-1309 shall be applicable to the project.

    a. Notice of Proposed Construction or Alteration. All applicants for structures subject to Section 10-1-1308 per the terms of Section 10-1-1307 shall be required to file a Notice of Proposed Construction or Alteration with the Federal Aviation Administration (FAA) pursuant to Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77). No building permit shall be issued for any structure subject to this Section until the building permit applicant submits to the Director proof of submission of the Notice of Proposed Construction or Alteration and copies of all documentation received from the FAA in response to such Notice including the determination and any final decision of the FAA as to whether the proposed structure would be an obstruction or hazard to air navigation.

    b. Obstruction Determination. In the event the FAA determines that the proposed structure would be an obstruction to air navigation, a building permit for the structure may be issued subject to the applicant complying with all applicable provisions of the Code. If the FAA imposes any conditions or requirements upon the proposed structure as part of its determination, including but not limited to lighting or painting requirements, the applicant shall demonstrate compliance with such conditions or requirements on the plans submitted for building permit approval.

    c. Hazard Determination. In the event the FAA determines that the proposed structure would be a hazard to air navigation, then no building permit shall be issued until the applicant has applied for and obtained an Administrative Use Permit (AUP) in accordance with Section 10-1-1954 et seq. If a Conditional Use Permit (CUP) would otherwise be required for the proposed construction or alteration in accordance with Section 10-1-1934 et seq., such CUP shall be used instead of an AUP to consider the hazard status of the Project and an AUP shall not be required.

    d. Please be advised that due to the Project site's proximity to the Hollywood-Burbank Airport, the applicant must coordinate with the FAA and file their Form 7460 concerning construction and height restrictions, both permanent and those that are temporary caused by construction (i.e. crane). The Form 7460 can be found on the FAA's web-site at faa.gov.

30. Developer shall file a Form 7460-1 "Notice of Construction or Alteration" and Form 7460-2 "Notice of Actual Construction or Alteration" that enables the Federal Aviation Administration (FAA) to review the proposed development for any hazards to airport/aviation operations. Prior to issuance of any building permits, the applicant shall provide copies of all documentation received from the FAA in response to such Notice, including the determination and any final decision of the FAA as to whether the proposed structure would be an obstruction or hazard to air navigation.

31. Prior to issuance of any building permits, the Developer shall include on all construction plans any and all recommendations and/or requirements from the Federal Aviation Administration regarding structure marking and/or lighting (in accordance with FAA Advisory Circular AC 70/7460-1K, "Obstruction Marking and Lighting").

32. Construction equipment operating at the Project site will be subject to the following requirements, which shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment:

    The Project will require all off-road diesel equipment greater than 50 horsepower (hp) used for this Project to meet USEPA Tier 4 off-road emission standards or equivalent. Welders shall also meet USEPA Tier 4 off-road emission standards or shall be electric-powered.

33. Prior to the issuance of building permits, the Developer shall demonstrate that the Project is designed to meet mandatory CAL Green Building Standards, and for commercial components the CAL Green Tier 1 energy efficiency criteria. In addition, the Project shall incorporate the following energy and emission saving features:
    a. CAL Green Tier 1 requires recycle and/or salvage at least 65 percent of non–hazardous construction and demolition debris. The Project shall recycle and balance on-site all non–hazardous construction and demolition debris.
    b. The Project shall use water efficient landscaping and native drought tolerant plants.

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c. The Project shall include easily accessible recycling areas dedicated to the collection and storage of non-hazardous materials such as paper, corrugated cardboard, glass, plastics, metals, and landscaping debris (trimmings).
d. The Project shall include efficient heating, ventilation, and air conditioning (HVAC) systems.
e. The Project shall include passive cooling/heating features.
f. The Project shall include pre-wiring for solar panels.
g. The Project shall encourage the use of alternative modes of transportation by installing the pre-wiring for 177 electric vehicle charging stations of which 115 will have Level 2 chargers and prewire 32 electrical charging stalls for use by distribution trucks at truck bays. In addition, install four bike share stations and increased access to the Burbank Airport-North Metrolink Station for the Antelope Valley Metrorail Link. correct

34. Prior to the issuance of building permits, the Developer shall demonstrate the Project will have 7.34 acres of landscaping area.

35. Prior to the issuance of building permits, the Developer shall demonstrate the Project will plant approximately 1,200 new trees on-site and off-site in the public right-of-way adjacent to the Project.

36. Prior to the issuance of building permits, the Developer applicant shall demonstrate the Project will use water-saving plumbing fixtures (indoor) and drip irrigation and drought tolerant plants for landscaping and make available future recycled water for irrigation.

37. Prior to the issuance of building permits, the Developer shall demonstrate the Project will be designed to reduce building energy needs by installation of cool roofs in all buildings; install operable windows for the office buildings; install skylights and clear story glass in the creative industrial and office to allow for natural lighting during the day; use Light-emitting diode (LED) lights in all outdoor areas; and Implement smart grid technology by installing "smart meters".

38. Prior to the issuance of building permits, the Developer shall demonstrate the Project will provide users with the ability to use roof-mounted solar systems.

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

40. The Developer shall implement fugitive dust control measures consistent with SCAQMD rules and regulations. The dust control measures would consist of various elements including: proper maintenance and watering of internal haul roads; water spraying of soil excavated and placed for cover or soil reconsolidation; applying water on intermediate soil cover areas; and seeding/planting vegetation on the completed protective cap. Water used for this purpose would most likely be recycled water. Other approved fugitive dust control measures could be used, such as Soil-Cement or foam. This Project design feature is consistent with SCAQMD Rule 403 requirements.

41. The Developer shall comply with applicable SCAQMD rules that govern the control of air pollutant emissions, including SCAQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. This would include the following:

    Submit a Mitigation Plan to minimize VOC emissions during excavation, grading, handling and treatment of VOC contaminated soil in accordance with Attachment A of SCAQMD Rule 1166, and obtain approval from the SCAQMD. A copy of the approved plan must be on site during the entire excavation period. The plan specifies what to do if contaminated soils are encountered. If vapors are encountered during excavation, then soils would be monitored for VOC contaminated soils by recording concentrations every 15 minutes. If contaminated, soils would be segregated from non-contaminated soils. Contaminated soils would be sprayed with water and/or approved vapor suppressant and covered with plastic sheeting for all periods of inactivity lasting more than an hour. Daily inspections of contaminated soil would occur until soils are treated or removed. If treating soil on site, a permit to construct and operate the treatment equipment would be obtained. Treatment options could include; an underground VOC collection and disposal system prior to excavation, or a collection and disposal of the VOC from the excavated soil using approved equipment. If transporting the soil off-site for disposal, trucks must be tarped and the exterior of the truck, trailer and tires would be cleaned prior to the truck leaving the Project site.

    Monitor for the presence of VOCs and implement the approved mitigation plan when VOC-contaminated soil, as defined in Rule 1166, is detected. If required, obtain a SCAQMD Permit for Project activities, and provide a copy of said Permit to the DTSC.

42. The Project applicant will prepare a Health and Safety Plan which will include, at a minimum, "identification/description of the following: Project site description and features; Project site map; Project site history; waste types encountered; waste characteristics; hazards of concern; disposal methods and practices; hazardous material summary; hazard evaluation; required protective equipment; decontamination procedures; emergency contacts; hospital map and contingency plan." Construction workers would be properly trained for and prepared to deal with these hazardous materials and wastes. If an accidental release (spill) occurs, the lead agencies with jurisdiction would be notified and immediate actions to ensure the health and safety of the public and workers and to protect the environment would be taken. The Project site-specific Health and Safety Plan incorporates OSHA and Cal OSHA regulations, as well as FAA and airport health and safety requirements. This plan will be provided to the City as part of the documents prior to issuance of building permits.

43. The Project site was investigated for potential groundwater and soil contamination under the WIP as part of the San Fernando Valley Groundwater Basin Superfund Site. The Project site lies within the Burbank Operable Unit. As a result of past uses, there is a potential that construction activities could uncover previously contaminated soils. Thus, the Project applicant has already developed a Soil Management Plan (SMP) which outlines the framework for soils assessment, remediation, and removal, and confirmation actions to be undertaken if contaminated soils are encountered

during construction activities. This plan will be provided to the City as part of the documents prior to issuance of building permits.

Tentative Parcel Map

44. This Tentative Parcel Map No. 74417 authorizes the subdivision of the Project site into 9 lots, located at 3001 N. Hollywood Way.

45. Approval of the Tentative Parcel Map does not constitute approval for the construction of any structures. New construction shall require approval of a Development Review application and Planned Development amendment if applicable.

46. The Final Parcel Map shall comply with the Subdivision Map Act and the Burbank Municipal Code (BMC).

47. The Final Parcel Map shall be in substantial conformance with the Tentative Parcel Map and plans submitted by the applicant, approved by the Community Development Director or his/her designee and placed on file in the office of the Planning Division.

48. To allow for legible microfilming, the Parcel Map shall have notes and callouts at one-eighth inch (1/8") in height [number four (#4) setting on the Ames Lettering Guide] and minimum line thickness provided by a number one (#1) lettering pen.

49. Prior to Final Parcel Map clearance, the applicant shall submit one (1) copy of each of the final Articles of Incorporation, Bylaws of the Owners' Association, and Declaration of Covenants, Conditions, and Restrictions (CC&Rs) to the Planning Division for review and approval. After recordation of the final CC&Rs, two (2) copies of said recorded CC&Rs shall be submitted to the Planning Division.

50. The Final Map shall include public easements for utilities, fire access, public access for the onsite multi-use path, shared parking and access in the parking lots, and public access for the 60 parking spaces to be used for the Metrolink Station.

Transportation

51. Pursuant to the City's Transportation Demand Management Ordinance, Developer shall provide the following TDM measures applicable to non-residential development of 100,000 square feet or more:

a. A bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees are likely to see it. This shall be installed prior to certificate of occupancy for tenant improvements and shall be included in all lease agreements. Information in the area shall include, but is not limited to, the following:

i. Current maps, routes and schedules for public transit routes serving the site.

ii. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators.

iii. Ridesharing promotional material supplied by commuter-oriented organizations.

iv. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information.

v. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

b. For retail projects, not less than three percent, and for all other non-residential projects, not less than ten percent of the total required parking spaces, shall be located as close as is practical to the employee entrance(s) and shall be reserved for use by potential employee carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for Development Review, to the satisfaction of the City. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/striped as demand warrants; provided that at all times at least one (1) space for projects of 50,000 square feet and two (2) spaces for projects over 100,000 square feet will be signed/striped for carpool/vanpool vehicles and shall be installed prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

c. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven (7) feet two (2) inches shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas and shall be installed prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

d. Off-street bicycle parking shall be provided in an amount equal to or greater than 5% of the required vehicle parking spaces. For industrial/office/hotel uses, 15 percent of the bicycle parking shall be short-term parking, and 85 percent of the bicycle parking shall be long-term parking. For commercial/retail/restaurant uses, 75 percent of the bicycle parking shall be short-term parking, and 25 percent of the bicycle parking shall be long-term parking. Short-term parking means bicycle parking which accommodates visitors, customers, messengers, and others expected generally to depart within two hours. Racks are relatively low-cost

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devices that typically hold between two to eight bicycles. The racks are secured to the ground and are generally located in highly visible areas. Long-term parking means bicycle parking which accommodates residents, employees, students, and others expected to park more than two hours. This parking shall be provided in a secure, weather-protected location. Bicycle parking shall be convenient and should be located as close as practical to the entrance of building entrances. Bicycle parking is subject to approval by the Community Development Department and shall be installed prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

e. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers and shall be installed prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first) .

f. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development. All internal pedestrian pathways shall connect to the public street system and shall be installed prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

g. Bus stop improvements must be provided at the following locations and shall be installed prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first) :

    i. San Fernando Boulevard and eastbound San Fernando Boulevard ramp to Hollywood Way: Developer shall relocate existing bus stop located at the southbound San Fernando Boulevard ramp to southbound San Fernando Boulevard on the nearside approach to the ramp. Developer shall install concrete bus pad, transit shelter, and pedestrian-level lighting.

    ii. Hollywood Way and Tulare Avenue (northbound). Developer shall maintain and improve existing bus stop and install concrete bus pad, transit shelter, and pedestrian-level lighting.

    iii. Hollywood Way and Tulare Avenue (southbound). Developer shall reconstruct bus stop to integrate with adjoining raised protected bike lane. Developer shall construct raised 8-foot by 100 foot "floating" bus stop landing area adjacent to the Hollywood Way travel lanes and install concrete bus pad, transit shelter, and pedestrian-level lighting per Burbank Water and Power lighting standards (pedestrian lighting shall be installed in addition maintaining or installing required roadway safety lighting. The southbound raised protected bike lane shall be routed behind the bus stop landing area within 22 foot parkway. Pedestrian crossing of bike lane shall be provided.

    iv. All bus stops on the Project's frontage shall be maintained by the developer for the life of the Project. All bus stops on the Project's frontage shall be designed to coordinate with pedestrian and protected bike lane improvements required elsewhere in these conditions of approval. All bus stop improvements and/or relocations shall be subject to approval by the City of Burbank' Community Development Department, Public Works Department, and Metro.

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

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

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

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

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

53. The Developer will be required to re-surface (grind and overlay with rubber asphalt 2") Hollywood Way from curb to curb, along the Project frontage. Developer shall also be required to restore pavement on other portions of Hollywood Way between Avon Street and Cohasset Street to accommodate lane restriping or to construct other mitigation measures, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

54. Developer shall contribute the following fair-share contribution prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

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a. $220,000 to the City of Burbank towards BurbankBus transit service in the Airport Area that will serve the Project site; and
b. $250,000 towards the study and implementation of a residential neighborhood protection or street safety plan for any neighborhood determined to be affected by cut-through traffic caused by traffic congestion on Hollywood Way or Buena Vista Street. The residential neighborhood protection or street safety plan could apply to any residential neighborhood located in the area generally bound by San Fernando Boulevard to the north; Victory Place, N. Victory Boulevard and S. Victory Boulevard to the east; the City Limit to the west; and Riverside Drive, Alameda Avenue, and Olive Avenue to the south. The study and implementation of the residential neighborhood protection or street safety plan shall be initiated and under the direction of the Community Development Director or his or her designee.

55. The developer shall pay a fair-share contribution in the amount of $108,000 to the City of Burbank towards annual maintenance of the Burbank Airport North Metrolink Station, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

56. The developer shall offer to dedicate a public right-of-way extension of Tulare Avenue westward from the proposed cul-de-sac that may be necessary for access to the Airport roadway of the future relocated Hollywood Burbank Airport terminal, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

57. The developer shall provide and construct 60 onsite, publically-accessible parking spaces for the Burbank Airport North Metrolink Station, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first). The applicant shall enter into a covenant or similar agreement as prepared by the City attorney to maintain the parking lot for the life of the project. Operations and management of the parking shall be the responsibility of the City of Burbank.

58. The developer shall prewire 177 electric vehicle charging stations, of which 115 will have level 2 chargers installed and prewire 32 electrical charging stalls for use by distribution trucks at truck bays, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

59. The developer shall design all public right-of-way -- within and adjacent to the Project-- as well as on-site landscaping and parking areas, to meet the City's Green Street Policy whenever physically feasible.

60. The developer will be required to maintain, for the life of the project, all public right of way infrastructure within and adjacent to the Project site. The applicant shall enter into a covenant or similar agreement as prepared by the City attorney to maintain the infrastructure in the public right-of-way. This shall include sidewalks, trees and landscaping, transit stops and shelters, painted and raised protected bike facilities, and lighting. In addition, developer shall be required to maintain, for the life of the project, the portions of Tulare Avenue and Kenwood Street lying to maintain, for the life of the project, the portions of Tulare Avenue and Kenwood Street lying within the Project site, including curb, gutter, pavement, sewers, storm drains, utilities, lighting, signage and striping, and other improvements to the satisfaction of the Public Works Director.

61. Prior to the submittal of all final building permits, the developer shall provide third party civil engineering services to assist the Public Works Department with the review of all public on-and off-site improvements. The developer shall provide third party civil engineering inspection services to inspect the construction of all public on-site and off-site improvements. The third party civil engineer and inspector shall be hired by the City and paid for by the applicant.

62. Prior to Grading Permit issuance, the Project Applicant shall demonstrate, to the satisfaction of the Burbank Planning and Transportation Division that the Project complies with the following

a. Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices;
b. A sign, legible at a distance of 50 feet, shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the City of Burbank Planning and Transportation Division, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints
c. The Project Applicant shall provide, to the satisfaction of the City of Burbank Planning and Transportation Division, a qualified "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Burbank Planning and Transportation Division. All signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator;
d. Prior to issuance of any Grading or Building Permit, the Applicant shall demonstrate to the satisfaction of the City's Building Official that construction noise reduction methods equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools.
e. Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.

63. Construction equipment operating at the Project site will be subject to the following requirements, which shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment:

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The Project will require all off-road diesel equipment greater than 50 horsepower (hp) used for this Project to meet USEPA Tier 4 off-road emission standards or equivalent. Welders shall also meet USEPA Tier 4 off-road emission standards or shall be electric-powered. This shall reduce diesel particulate matter and NOx emissions during construction activities.

64. Prior to the issuance of building permits, the Project applicant shall demonstrate that the Project is designed to meet mandatory CAL Green Building Standards, and for commercial components the CAL Green Tier 1 energy efficiency criteria. In addition, the Project shall incorporate the following energy and emission saving features:
    a. The Project shall be designed as LEED Silver and shall be certified for core and shell;
    b. CAL Green Tier 1 requires recycle and/or salvage at least 65 percent of non–hazardous construction and demolition debris. The Project shall recycle and balance on-site all non–hazardous construction and demolition debris;
    c. The Project shall use water efficient landscaping and native drought tolerant plants;
    d. The Project shall include easily accessible recycling areas dedicated to the collection and storage of non-hazardous materials such as paper, corrugated cardboard, glass, plastics, metals, and landscaping debris (trimmings);
    e. The Project shall include efficient heating, ventilation, and air conditioning (HVAC) systems;
    f. Contribute to the Burbank Airport-North Metrolink station;
    g. The applicant will shall contribute a fair-share contribution in the amount of $220,000 to the City of Burbank towards BurbankBus transit service in the Airport Area that will serve the Project site,
    h. The Project shall include passive cooling/heating features;
    i. The Project shall include pre-wiring for solar panels;
    j. The Project shall encourage the use of alternative modes of transportation by installing the pre-wiring for 177 electric vehicle charging stations, providing four bike share stations and increased access to the Burbank Airport-North Metrolink Station for the Antelope Valley Metrorail Link;
    k. As a public benefit, the Project shall provide 60 onsite parking stalls for dedicated use and shall maintain the parking lot at the Burbank Airport-North Metrolink Station for the Antelope Valley Metrorail Link;
    l. 8 percent of the total Project parking stalls (177) shall be prewired for electric vehicle (EV) charging stations, 115 of which (5 percent of all Project parking stalls) shall be fully-installed as Level 2 EV chargers and prewire 32 electrical charging stalls for use by distribution trucks at truck bays. The Project total shall exceed the CalGreen Tier 1 standard for EV charging spaces by 3 percent.

65. All truck tractor-semitrailers coming to the project site from the regional freeway system or leaving the project site to the regional freeway system shall use the Interstate 5 / Hollywood Way Interchange via Hollywood Way, the Interstate 5 / Buena Vista Interchange via Winona Avenue, or the Interstate 5 / Empire Avenue interchange via Empire Avenue. This requirement shall be included in all tenant lease agreements. In addition, signs shall be prominently posted at project exits directing truck drivers to Interstate 5. The signs and location of the signs shall be approved by the Community Development Director or his/her designee.

66. In conjunction with the mitigation improvement identified for North Hollywood Way & Thornton Avenue (Intersection No. 5) that requires the existing raised median be reconstructed between Avon Street and Thornton Avenue, the applicant shall also construct a green screen or physical barrier in the raised median to discourage mid-block pedestrian crossing.

67. Prior to the issuance of building permits, the Project applicant shall demonstrate the Project will use water-saving plumbing fixtures (indoor) and drip irrigation and drought tolerant plants for landscaping.

68. Prior to the issuance of building permits, the Project applicant shall demonstrate the Project will provide users with the ability to use roof-mounted solar systems. The Developer shall work with Burbank Water and Power the right of first offer to lease any unused rooftop area for the installation of City solar photovoltaic equipment.

69. Developer shall comply with applicable SCAQMD rules that govern the control of fugitive dust emissions containing toxic air contaminants, including SCAQMD Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants. Since the Project Site lies within the San Fernando Valley Groundwater Basin Superfund site and excavation and grading have the potential to uncover previously contaminated soils which could contain hexavalent chromium this rule applies. Notification shall be given to the SCAQMD at least 72 hours but no more than 30 days prior to earthmoving activities at the site via the online form. PM 10 shall be continuously monitored by direct-reading near real-time ambient monitoring at a minimum of one upwind and one downwind location. If PM 10 concentrations averaged over two hours exceed 25 micrograms per cubic meter, earthmoving activities shall be stopped and dust suppressant or other dust control measures shall be applied to fugitive dust sources as necessary until the PM 10 concentrations are equal to or less than 25 micrograms per cubic meter averaged over 30 minutes. Requirements, as outlined in Rule 1466, shall be applied to minimize fugitive dust emissions from earthmoving activities and moving vehicles on, within, or off-site where earthmoving activities are occurring. If soils with toxic air contaminants are encountered during excavation, then such soils shall be segregated from non-contaminated soils and labeled appropriately as outlined in Rule 1466. If stockpiles of contaminated soils are developed, they shall be sprayed with approved dust suppressant and/or covered with plastic sheeting. Daily inspections of contaminated soil shall occur until soils are removed. Dust suppressant shall be applied prior to loading the truck with contaminated soil and the drop height from the loader bucket shall be minimized. When transporting the soil off-site for disposal, trucks must be tarped and the exterior of the truck, trailer and tires shall be cleaned prior to the truck leaving the Project site. All notification, signage, and recordkeeping requirements outlined in the rule will be followed.

70. Per the requirements of the MS4 Permit, a Low Impact Development (LID) Plan has been developed by the Project applicant and will be submitted to the City of Burbank Community Development Director or his/her designee for approval. The LID Plan is required because the Project would result in an alteration to 50 percent or more of the impervious surfaces of a previously existing development that was not subject to post-construction stormwater quality control requirements. Therefore, the Project is classified as a "Planning Priority Project" per the

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BMC and must comply with requirements of Section 9-3-413.that state all stormwater runoff generated at the Project site must be treated.

The LID Plan is designed to control pollutants, pollutant loads, and runoff volumes to the maximum extent feasible by minimizing impervious surface areas and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use. Since infiltration of stormwater runoff onsite was determined to be infeasible due to groundwater contamination, the LID plan details how the Project will include Filterra systems sized to treat 1.5 times the 85th percentile, 24-hour rain event. In addition to treating stormwater runoff the LID Plan details source control BMPs that will be implemented onsite to reduce the potential for water quality degradation. These include storm drain messages and signing, locating trash away from roof drainage, minimization of run-on to the loading docks, and installation of irrigation that minimizes dry weather urban runoff. The Project must also protect slopes and channels and provide proof of ongoing BMP maintenance. Table 4.8-1, LID Source Control Measures, lists the source control measures taken from the County LID Manual that would be implemented on site. Implementation of these into the Project design would reduce impacts from stormwater runoff volumes and stormwater pollutants.

Table 4.8-1
LID Source Control Measures

Source Control Measures	
S-1 – Storm Drain Message and Signage	S-4 – Outdoor Loading/Unloading Dock Area
S-2 – Outdoor Material Storage Area	S-8 – Landscape Irrigation Areas
S-3 – Outdoor Trash Storage/Waste Handling Area	S-9 – Building Materials
SOURCE: LA County Low Impact Design Manual (2014) – Section 5, 2016.	

71. The Project site was investigated for potential groundwater and soil contamination under the WIP as part of the San Fernando Valley Groundwater Basin Superfund Site. The Project site lies within the Burbank Operable Unit. As a result of past uses, there is a potential that construction activities could uncover previously contaminated soils. Thus, the Project applicant has already developed a Soil Management Plan (SMP) which outlines the framework for soils assessment, remediation, and removal, and confirmation actions to be undertaken if contaminated soils are encountered during construction activities. This plan will be provided to the City as part of the documents prior to issuance of building permits.

    As grading, excavation, and trenching are performed, exposed soil would be monitored for stained or discolored soil, wet or saturated soils, or odors. If impacted soil is encountered, the soil would be analyzed to identify and characterize the impact and determine if soil remediation is required. Based on visual monitoring, "grab" soil samples would be collected at selected locations for headspace screening for volatile organic compounds using a calibrated Photoionization Detector (PID). Headspace PID readings that are elevated above those of non-impacted grab soil samples would be considered potentially contaminated. Soil impacted by highly elevated concentrations of hexavalent chromium and/or total chromium may appear to be stained a yellow color, dissimilar to surrounding non-impacted soil. At a minimum, at least one soil sample would be collected for chemical analysis at or near the center of the suspected impact, ideally representative of the "worst case" condition. Soil samples would be analyzed by an appropriate State-certified laboratory using appropriate methods based on the parameters to be analyzed. When a new impact has been identified it would be characterized to assess its lateral and vertical extent. Likely excavation of impacted soil would be followed by segregated stockpiling or direct-loading, waste profiling, and off-site disposal or recycling which would be performed in accordance with applicable Federal, State, and local regulations. Compliance with the SMP would be protective of water quality and would reduce potentially significant impacts to a less-than-significant level.

72. The basic elements of the Project that are important for the analysis of wind effects include: the external shape, placement and orientation of the proposed buildings and parking areas; and the proposed landscaping. The essentials of the proposed Project with respect to the wind analysis are summarized below:
    a. The proposed Project would accommodate a six-story, hotel, which would be a maximum of 69 feet tall. The façade of the hotel, at the north-east corner of the Project site, would align with the frontage of North San Fernando Boulevard. All of the other proposed Project buildings would be aligned with their sides running true E-W and true N-S.
    b. The office component, located in the north-east quadrant of the Project site, would consist of nine two-story buildings, ranging between 6,500 and 22,500 square feet.
    c. The industrial component would occupy most of the Project site and would be six industrial buildings ranging in size from approximately 93,500 to 282,500 square feet. Five buildings would be oriented with their long sides aligned N-S, parallel to Hollywood Way.

73. No exterior maintenance of the premises, including but not limited to lot sweeping and cleaning, landscaping and gardening, or washing of sidewalks shall be conducted on the premises before 7:00 a.m. or after 10:00 p.m. Monday through Saturday or before 9:00 a.m. or after 8:00 p.m. on Sunday.

74. During construction activity, the contractor shall ensure that all off-road equipment greater than 50 hp shall be California Air Resources Board (CARB) Tier 3 Certified or better. Alternatively, if Tier 3 is unavailable, shall document the use of retrofit technology to meet or exceed the emission requirements of Tier 3 certified engines

75. Prior to issuance of any Grading Permit, the City Engineer and the Chief Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular

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watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors.

a. Prohibit truck idling in excess of five minutes, on-site and off-site;

b. All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the Project site to prevent excessive amounts of dust;

c. Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during site disturbance;

d. Any on-site stockpiles of debris, dirt, or other dusty material shall be enclosed, covered, or watered twice daily, or non-toxic soil binders shall be applied;

e. All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour;

f. Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area;

g. Gravel bed trackout aprons (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt trackout from unpaved truck exit routes;

h. On-site and unpaved-road vehicle speed shall be limited to 15 miles per hour;

i. All on-site roads shall be paved as soon as feasible, watered twice daily, or chemically stabilized;

j. Visible dust beyond the property line which emanates from the Project shall be prevented to the maximum extent feasible;

k. All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site;

l. Reroute construction trucks away from congested streets or sensitive receptor areas;

m. Track-out devices shall be used at all construction site access points;

n. All delivery truck tires shall be watered down and/or scraped down prior to departing the job site;

o. Sweep streets at the end of the day with SCAQMD Rule 1186 and 1186.1 compliant sweepers if visible soil is carried onto adjacent public paved roads (recommend water sweepers with reclaimed water);

p. Re-route construction trucks away from congested streets or sensitive receptor areas;

q. The Project proponent shall survey and document the proposed project's construction areas and identify all construction areas that are served by electricity. Onsite electricity, rather than temporary power generators, shall be used in all construction areas that are demonstrated to be served by electricity.

Mitigation Measures

Air Quality Mitigations

76. Future commercial and industrial operations with loading docks or delivery trucks shall prohibit idling of on- and off-road heavy-duty diesel vehicles for prolonged periods pursuant to Title 13 of the California Code of Regulations, Section 2485, which limits idle times to not more than five minutes. Such operations shall be required to post signage at all loading docks and/or delivery areas directing drivers to shut down their trucks after five minutes of idle time. Also, site employers who own and operate truck fleets shall be required to inform their drivers of the anti-idling requirement. (AQ-1)

77. Future commercial and industrial operations with loading docks or dedicated delivery areas shall provide electrical connections for trucks with refrigeration units (TRUs) and require that all electric-capable TRUs utilize the connections when in use. Such operations shall be required to post signage at all loading docks and/or dedicated delivery areas directing electric-capable TRU operators to utilize the connections. (AQ-2)

Cultural Resources Mitigations

78. Prior to start of ground-disturbing activities, a qualified archaeologist (who meets the Secretary of the Interior's Professional Qualifications Standards) shall be retained by the Project applicant to conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains, and safety precautions to be taken when working with archaeological monitors. The Project applicant shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance. (CUL-1)

79. In the event of the unanticipated discovery of archaeological materials, the Project applicant shall immediately cease all work activities in the area (within approximately 100 feet) of the discovery

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until it can be evaluated by a qualified archaeologist. Construction shall not resume until the qualified archaeologist has conferred with the City on the significance of the resource.

If it is determined that the discovered archaeological resource constitutes a historical resource or unique archaeological resource pursuant to CEQA, avoidance and preservation in place shall be the preferred manner of mitigation. Preservation in place maintains the important relationship between artifacts and their archaeological context and also serves to avoid conflict with traditional and religious values of groups who may ascribe meaning to the resource. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is determined to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Treatment Plan shall be prepared and implemented by the qualified archaeologist in consultation with the City that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource. The City shall consult with appropriate Native American representatives in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource, beyond that which is scientifically important, are considered. (CUL-2)

80. A qualified paleontologist, defined as a paleontologist who meets the standards of the Society of Vertebrate Paleontology (SVP), shall be retained by the Project applicant to carry out all mitigation measures related to paleontological resources. (CUL-3)

81. Prior to the start of construction, a qualified paleontologist, or his or her designee to conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The Project applicant shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance. (CUL-4)

82. Ground-disturbing construction activities (including grading, trenching, foundation work, and other excavations) in previously undisturbed sediments that exceed 10 feet in depth shall be monitored on a full-time basis during initial ground disturbance. Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources and meets the minimum standards of the SVP (2010). The duration and timing of the monitoring shall be determined by the qualified paleontologist and the location and extent of proposed ground disturbance. If the qualified paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, the qualified paleontologist may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall not be required in artificial fill or for activities that do not reach 10 feet in depth. (CUL-5)

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

a. Salvage of Fossils. The qualified paleontologist (or paleontological monitor) shall recover significant fossils following standard field procedures for collecting paleontological resources, as described by the SVP (2010). Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner;

b. Preparation and Curation of Recovered Fossils. Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the qualified paleontologist. (CUL-6)

84. If human remains are encountered, the Project applicant shall halt work in the vicinity (within 100 feet) of the discovery and contact the Los Angeles County Coroner in accordance with PRC Section 5097.98 and Health and Safety Code Section 7050.5. If the County Coroner determines that the remains are Native American, the NAHC will be notified in accordance with Health and Safety Code Section 7050.5, subdivision (c), and PRC Section 5097.98 (as amended by AB 2641). The NAHC will designate an MLD for the remains per PRC Section 5097.98. Until the landowner has conferred with the MLD, the contractor shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity, is adequately protected according to generally accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials. (CUL-7)

Greenhouse Gases Mitigations

85. Prior to the issuance of building permits, Project applicant shall demonstrate that the Project shall be constructed such that it incorporates on-site renewable energy or purchase of green power (including pre-wiring for solar photovoltaic) such that 10 percent of the project's energy use is from renewable sources. (GHG-1)

86. The Project shall participate in the food scraps and compostable paper diversion so that 100 percent of commercial businesses divert 90 percent of food scraps and compostable paper. (GHG-2)

87. Property management shall ensure that all yard waste disposed of on-site is disposed of in a proper yard waste collection bin. No yard waste is to be disposed of in trash bins. (GHG-3)

Hazards & Hazardous Materials Mitigations

88. During construction, if encountered, the Project applicant shall remove Transite pipe containing asbestos in full compliance with SCAQMD and Cal-OSHA requirements to ensure proper handling, notification, and disposal and would be performed by a licensed asbestos abatement

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contractor. All asbestos-containing material (ACM) would be contained in leak tight containers, labeled appropriately, transported and disposed of in accordance with applicable rules and regulations. (HAZ-1)

89. During construction, the Project applicant will ensure that prior to leaving the Project site, each haul truck, and other delivery truck that comes in contact with Project waste, are inspected and put through procedures, as necessary, to remove loose debris from tire wells and on the truck exterior. Haul truck operators (drivers) are required to have the proper training and registration by the State and as applicable to the material they would be hauling. Trucks transporting hazardous waste are required to maintain a hazardous waste manifest that describes the content of the materials. (HAZ-2)

90. The Project applicant shall identify truck haul routes for the potential transportation of contaminated soils from the Project site and get City approval for routes prior to beginning of construction. The Project contractor shall be responsible for enforcing the use of approved truck haul routes if contaminated soil is transported from the Project site. (HAZ-3)

Noise Mitigations

91. The Developer shall provide a temporary 6-foot-tall construction fence equipped with noise blankets rated to achieve sound level reductions of at least 10 dBA between the Project site and single-family residential uses north of the Project site during construction of the project. (NOI-1)

92. All building outdoor mounted mechanical and electrical equipment shall be designed to comply with the Noise Regulations, which prohibits noise from any heating, ventilation, and air conditioning (HVAC) system from exceeding the ambient noise levels on the premises of other occupied properties by more than 5 dBA L_{eq}. (NOI-2)

Transportation & Traffic Mitigation

93. North Hollywood Way & Tulare Avenue (Intersection No. 3): In order to mitigate the impact at North Hollywood Way & Tulare Avenue to a less than significant level, it would have to be widened and restriped at the northbound, eastbound, and southbound approaches. The Project applicant shall coordinate with the City to implement the following intersection improvements prior to issuance of the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first):
    a. The northbound approach (Hollywood Way) would be restriped to provide one additional through lane between just north of Avon Street and just north of Tulare Avenue. In addition, it would be widened to include two left-turn lanes, so that the northbound approach would consist of two left-turn lanes, two through lanes, and one through/right lane. To offset the effect of additional travel lanes on bicyclists, the existing southbound Class II bicycle lanes would be separated from vehicular traffic by a raised five-foot sidewalk bicycle lane separated from the street by a 5-foot green street bio-swale, and separated from the sidewalk with a demarcation of colored concrete or truncated domes, along the project's frontage between Winona Avenue and the San Fernando Blvd. ramps. The existing northbound Class II bicycle lanes would be separated from the travel lanes by a painted buffer of at least three feet along with semi-permanent devices such as bollards;
    b. The eastbound approach (Tulare Avenue) would be widened to include one left-turn lane and one through/right-turn lane;
    c. The southbound approach (Hollywood Way) would be widened to include one southbound right turn lane so that the southbound approach would consist of one left-turn lane, three through lanes, and one right-turn lane.

    The same mitigation measure described above under Existing plus Project conditions to reduce the proposed project's incremental increase in V/C to a less than significant level at North Hollywood Way & Tulare Avenue would also reduce the impact under Future plus Project conditions. (TRANS-1)

94. North Hollywood Way & Winona Avenue (Intersection No. 4): In order to mitigate the impact at North Hollywood Way & Winona Avenue to a less than significant level, it would have to be widened and restriped at the northbound approach. The Project applicant shall coordinate with the City to implement the following intersection improvements prior to issuance of the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first):
    a. Northbound Hollywood Way would be restriped to provide one additional through lane between just north of Avon Street and just north of Tulare Avenue. This would result in a northbound configuration of one left-turn lane, two through lanes, one through/right-turn lane;
    b. Existing northbound bicycle lanes would be maintained and improved on Hollywood Way by installing a painted buffer of at least 2 feet between Burton Way and Winona Avenue; 5-foot bike lanes would be maintained between Thornton Avenue and Burton Way. Existing southbound bike lanes would be maintained by a width of at least 5 feet between Thornton Avenue and Winona Avenue.

    The same mitigation measure described above under Existing plus Project conditions to reduce the proposed project's incremental increase in V/C to a less than significant level at North Hollywood Way & Winona Avenue would also reduce the cumulative impact under Future plus Project conditions. (TRANS-2)

95. North Hollywood Way & Thornton Avenue (Intersection No. 5): In order to mitigate the impact at North Hollywood Way & Thornton Avenue to a less than significant level, it would have to be restriped at the northbound and southbound approaches. The Project applicant shall coordinate with the City to implement the following intersection improvements prior to issuance of the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first):
    a. Northbound Hollywood Way would be restriped to provide one additional through lane between just north of Avon Street and just north of Tulare Avenue. This would result in a northbound configuration of one left-turn lane, two through lanes, and one through/right-turn lane;
    b. Southbound Hollywood Way would be restriped to convert the southbound right- turn lane into a southbound through/right-turn lane, resulting in the following configuration: one left turn lane, two through lanes, and one through/right-turn lane.

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The third southbound departure lane shall merge into the southbound ramp to Empire Avenue at Avon Street;

c. The existing raised median will be reconstructed between Avon Street and Thornton Avenue, southbound Hollywood Way would be widened by 4 feet within public right of way between Thornton Avenue and the private fast food complex driveway, and the southbound sidewalk would be maintained at 12-feet, to accommodate the new travel lane;
d. Existing bicycle lanes would be maintained and improved on Hollywood Way. Existing 5 foot northbound and southbound bicycle lanes would be maintained on Hollywood Way between Thornton Avenue and Burton Way. Existing bicycle lanes would be widened to 6 feet wide northbound and southbound on Hollywood Way between Avon Street and Thornton Avenue.

The same mitigation measure described above under Existing plus Project conditions to reduce the proposed Project's incremental increase in V/C to a less than significant level at North Hollywood Way & Thornton Avenue would also reduce the impact under Future plus Project conditions. (TRANS-3)

96. North Hollywood Way & North San Fernando Boulevard Eastbound Ramps (Intersection No. 30): In order to mitigate the significant impact at North Hollywood Way & North San Fernando Boulevard Eastbound Ramps to a less than significant level, the intersection would need to be redesigned. The Project applicant shall coordinate with the City to implement the following intersection improvements prior to issuance of the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first)certificate of occupancy:
    a. The intersection would be redesigned to accommodate an uncontrolled eastbound right-turn lane. The new design would require acquisition of right-of-way from the project, and would extend the planned southbound right-turn lane at Hollywood Way & Tulare Avenue back to the San Fernando Boulevard Eastbound Ramps, creating a weaving section for vehicles entering Hollywood Way from San Fernando Boulevard and vehicles turning right into the Project site at Tulare Avenue.
    b. The redesign would shift bicycles from the Class II on-street facility to an off-street protected Class IV facility, to avoid vehicles weaving across bicycle traffic. The bicycle lanes would be separated from vehicular traffic by a raised five-foot sidewalk bicycle lane separated from the street by a 5-foot green street bio-swale, and separated from the sidewalk with a demarcation of colored concrete or truncated domes, along the project's frontage between Winona Avenue and the San Fernando Blvd. ramps. (TRANS-4)

97. The same mitigation measure described above under Existing plus Project conditions (MM TRANS-4) to reduce the proposed project's incremental increase in V/C to a less than significant level at North Hollywood Way & North San Fernando Boulevard Eastbound Ramps would also reduce the cumulative impact under Future plus Project conditions.

98. North Hollywood Way & Alameda Avenue (Intersection No. 11): In order to mitigate the cumulative impact at North Hollywood Way & Alameda Avenue to a less than significant level, it would have to be widened and restriped at the northbound approach to include two left-turn lanes, two through lanes, and one right-turn lane. The Project applicant shall coordinate with the City to implement the following intersection improvements prior to issuance of the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first). Alternatively, developer shall pay the project's applicable transportation development impact fee in lieu of constructing the improvements. Payment of the transportation impact fee represents the project's fair share contribution towards the improvement, and the City shall then construct the improvements when they are needed to maintain the City's LOS D standard. The City will measure the LOS of all study intersections every two years to evaluate traffic impacts of development projects, or more frequently if necessary to identify or confirm LOS. The mitigation will be implemented prior to the point at which the intersection is expected to deteriorate to LOS to E or F, accounting for reasonable variability in daily traffic demand. This mitigation monitoring program shall be implemented consistent with the Burbank2035 Mitigation Monitoring and Reporting Program. (TRANS-5)

99. North Hollywood Way & Olive Avenue (Intersection No. 13): In order to mitigate the cumulative impact at North Hollywood Way & Alameda Avenue to a less than significant level, westbound and eastbound approaches would need to be reconfigured, resulting in a new peak period parking restriction. The Project applicant shall design and construct the following improvements prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first) certificate of occupancy for the project. Alternatively, developer shall pay the applicable project's transportation development impact fee in lieu of constructing the improvements. Payment of the transportation impact fee represents the project's fair share contribution towards the improvement., and the City shall then construct the improvements when they are needed to maintain the City's LOS D standard. The City will measure the LOS of all study intersections every two years to evaluate traffic impacts of development projects, or more frequently if necessary to identify or confirm LOS. The mitigation will be implemented prior to the point at which the intersection is expected to deteriorate to LOS to E or F, accounting for reasonable variability in daily traffic demand. This mitigation monitoring program shall be implemented consistent with the Burbank2035 Mitigation Monitoring and Reporting Program.
    a. Implement PM peak period parking restriction in the westbound direction of Olive Avenue;
    b. Reconfigure the westbound approach to include one left-turn lane, two through lanes and one shared through/right-turn lane;
    c. Restripe the eastbound approach to include two left-turn lanes, two through lanes, and one through/right-turn lane (may require alteration to the existing median). (TRANS-5)

100. North San Fernando Boulevard & Cohasset Street (Intersection No. 32): To mitigate the significant pedestrian impact at North San Fernando Boulevard & Cohasset Street, the intersection would need to be signalized. The Project applicant shall coordinate with the City and the City of Los Angeles to implement the following intersection improvements prior to issuance of the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first)certificate of occupancy, subject to the approval of the City and the City of Los Angeles.
    a. Install a traffic signal;

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b. Construct curb extension and pedestrian ramp at the signalized intersection;
c. Coordinate signal timing with other traffic signals on North San Fernando Boulevard to maintain traffic flow.
d. The same pedestrian mitigation measure described above would also reduce the proposed project's incremental increase in V/C to a less than significant level at North San Fernando Boulevard & Cohasset Street under cumulative Future plus Project conditions. (TRANS-6)

Utilities Mitigations

101. The Project applicant shall pay fees to the City of Burbank as determined by the current Sewer Capacity Analysis performed for the Project Draft EIR. The fees will cover the pro-rated cost of necessary project-related sewer infrastructure upgrades, including design, permitting, and contractor costs to install the necessary improvements; inspection; traffic control; and street restoration. The required portion to be paid is valued as a percentage of the project's contribution to the impacted sanitary sewer system. For the project, this amount is estimated at $49,000, which is approximately 2.7 percent of the total cost of off-site sewer infrastructure upgrades. The Project applicant is also subject to sewer facility charges (SFCs) estimated at $$388,719. Therefore, the total fees to be paid to the City for sewer interconnection and upgrades is estimated to be approximately $423,000. Despite the estimates in this mitigation measure, the estimated amount due is subject to change. The Project applicant must pay fees deemed necessary by the City prior to issuance of a building permit from the City.

102. As part of their lease agreement, all tenants occupying buildings on the proposed Project site shall be required to recycle all qualifying items in accordance with the Burbank Recycling Center's guidelines, including their handbook titled "Materials Accepted in Your Recycling Bin or at the Recycling Center." The Project applicant shall supply tenants with City recycling receptacles as well as the aforementioned Burbank Recycling Center handbook.

BUILDING DIVISION

103. The Projects shall comply with Title 9, Chapter 1, of the Burbank Municipal Code, and the 2013 edition of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and Building Energy Efficiency Standards.

104. Development Impact Fees are assessed by the City for construction of new commercial and residential square footage as listed in the Burbank Fee Schedule. Credit is given for square footage demolished since 1990.

105. The property shall comply with accessibility requirements in the California Building Code and the Americans with Disabilities Act.

106. The California Division of Mines and Geology Active Fault Near-Source Zones Map for Burbank indicates the City is within 2 km - 5 km of the Verdugo and Hollywood Faults. Structural design must address the impact of the Near-Fault Zones.

107. The California Division of Mines and Geology has prepared a map indicating the City contains sites within an area of historical occurrence of liquefaction and/or landslides. A geotechnical report addressing this issue is required for subterranean construction.

108. A hydrology study, SUSMP or other similar special reports may be required. The applicant should contact the Building Division to verify the applicable requirements.

109. Screening will be required for equipment located in front and side yards, including electrical panels, A/C compressor units, gas meters, water services and transformers. All screening will be subject to approval by Planning and Building divisions, and BWP.

110. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit.

111. The City's mandatory Construction & Demolition Debris Diversion Ordinance requires the recycling and diversion of at least 50% of construction and demolition debris. A refundable deposit and non-refundable administrative fee will be collected prior to permit issuance. The Ordinance applies to all demolitions and to new construction, additions, remodels, renovation, tenant improvement and alteration projects over 500 square feet in scope of work.

112. A stamped setback certification by a Licensed Surveyor will be required to certify the location of the new construction in relation to the setbacks prior to the first foundation inspection.

113. Plans submitted for plan check must be stamped by State-licensed architect or engineer unless the Project is one of the following listed below and complies with conventional light wood frame construction requirements in the CBC:

a. Wood-framed, single-family dwellings not more than two stories in height;
b. Wood-framed, multi-family dwellings not more than two stories in height, and limited to four dwelling units per parcel;
c. Wood-framed, garages or accessory structures for single-family dwellings not more than two stories in height;
d. Non-structural or non-seismic storefronts, interior alterations or additions.

114. Approved hours of construction are:

Monday – Friday	7:00 am to 7:00 pm
Saturday	8:00 am to 5:00 pm

No construction is permitted by contractors or subcontractors after hours, on Sunday or on City holidays without prior written request and approval from the Community Development Department.

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115.New construction projects within the City of Burbank are subject to MWELO review. New landscape areas for residential and non-residential projects between 500 and 2,500 square feet requiring a building or landscape permit, plan check or design review will be required to complete, either a Performance or Prescriptive Compliance Method.

PUBLIC WORKS DEPARTMENT
Engineering Requirements

116.Tulare Avenue and Kenwood Street shall be public streets per submitted Tentative Parcel Map no. 74417. Section 66426 of the Subdivision Map Act shall be followed.

117.Tentative Parcel Map shall follow the requirements stated in the Burbank Municipal Code Title 11, Chapter 1, and Article 2.

118.Establish new centerline ties per City of Burbank Standards and Los Angeles County Guidelines at the following intersection:

a. San Fernando Boulevard and Cohasset Street;
b. San Fernando Boulevard and Hollywood Way;
c. Kenwood Street and Cohasset Street;
d. Tulare Avenue and Kenwood Street;
e. Hollywood Way and Tulare Avenue;
f. Tulare Avenue cul-de-sac.

119.Establishing centerline ties will not be limited to the list above. Additional centerline ties may be required pending resurfacing restoration and/or surrounding area pending Tentative Parcel Map.

120.Corner record sheets must be reviewed by the City of Burbank prior to final recording with L. A. County [BMC Title 11, Article 8].

121.All off-site improvements must be completed prior to Final Map approval [BMC 11-1-709].

122.Dedications and easements can be processed by a separate instrument prior to final map approval or implemented on the map at the time of final map approval [BMC 11-1-708].

123.Show width and location of all existing and proposed easements [BMC 9-1-1-3203].

124.Show dimensions and location of all proposed property dedications.

125.Show existing and proposed underground utility connections.

126.Applicant shall protect in place all survey monuments (City, County, State, Federal, and private). Pursuant to California Business and Professions Code Section 8771, when monuments exist that may be affected by the work, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying, prior to construction, and a corner record or record of survey of the references shall be filed with the county surveyor. A permanent monument shall be reset or a witness monument or monuments set to perpetuate the location if any monument that could be affected and a corner record or record of survey shall be filed with the county surveyor prior to the recording of a certificate of completion for the project.

127.No building appurtenances for utility or fire service connections shall encroach or Project into public right-of-way (i.e. streets and alleys). Locations of these appurtenances shall be shown on the building site plan and the off-site improvement plans [BMC 7-3-701.1].

128.All unused driveways shall be removed and reconstructed with curb, gutter and sidewalk [BMC 7-3-504].

129.Any work within the public right-of-way must be permitted and approved by the Public Works Department before construction can commence. All construction work in the public right-of-way must comply with Burbank Standard Plans and must be constructed to the satisfaction of the City Engineer. A Public Works **EXCAVATION PERMIT** is required. The excavation permit requires a deposit acceptable to the Public Works Director to guarantee timely construction of all off-site improvements. Burbank Standard Plans can be accessed at; http://file.burbankca.gov/publicworks/OnlineCounter/main/index.htm

The following must be completed prior to the issuance of a Building Permit:

130.The applicant must coordinate with Public Works to establish a Professional Service Agreement (PSA) for engineering support/Project management and inspection services to oversee any related Public Works Construction in the public right of way or within public utility easements related to this project. The cost of the PSA will be paid by the applicant.

131.Provide Public Works with a summary list of mitigation measures within the public right-of-way triggered by this Project and what is being performed to address such measures.

132.Dedicate to the City for street right-of-way: a portion of the property adjacent to San Fernando Boulevard and adjacent to Hollywood Way to have a minimum 10' sidewalks per Burbank 2035 General Plan [BMC 7-3-106]. Additional dedication may be required by Public Works Traffic Division or by CDD Planning/Transportation Division.

133.Dedicate to the City for street right-of-way; a portion of the property to achieve a 15-foot corner radius at the northwest corner and southwest corner of Hollywood Way/Tulare Avenue and Hollywood Way/San Fernando Blvd. 15-foot corner radius is the typical dedication; however, additional right of way maybe necessary to accommodate a Caltrans Standard pedestrian ramp, Type A plus the parkway must be ADA compliant [BMC 7-3-106].

134.No permanent structure is permitted in any existing easement [BMC 7-3-701.1, BMC 9-1-1-3203]. Prior to a permanent structure being constructed on an existing easement; all utilities must be relocated, existing easement vacated and a new easement established.
***Contact Real Estate Division of the Community Development Department at (818) 238-5180 for information to accomplish these dedications and vacations.**

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135. Off-site improvement plans (in the public right-of-way) must be approved by the Public Works Director. Plans must be submitted in City of Burbank Standard format and as-built plans must be submitted on mylar paper. Plans should include the Project perimeter including Hollywood Way, San Fernando Blvd., Cohasset Street and Kenwood Street where improvements are taking place. All construction work in the public right-of-way will require an **EXCAVATION PERMIT** from Public Works. The excavation permit requires a deposit acceptable to the Public Works Director to guarantee timely construction of all off-site improvements.

136. Submit hydrology/hydraulic calculations and site drainage plans. On-site drainage shall not flow across the public parkway (sidewalk) or onto adjacent private property. It should be conveyed under the parkway and connected to a storm drain facility. The drainage area and flows triggered by this Project will impact the Lockheed Channel just south of Empire Avenue which is at capacity; therefore, no additional flows or impacts should be increased/added [BMC 7-1-117, BMC 7-3-102].

137. An address form must be processed [BMC 7-3-907].

138. Plans shall include easements, elevations, right-of-way/property lines, dedication, location of existing/proposed utilities and any encroachments.

The following must be completed prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first):

139. Resurface (grind and overlay with rubber asphalt, minimum 2") the full width of Hollywood Way fronting the property per City of Burbank Standards.

140. Resurface (grind and overlay with rubber asphalt, minimum 2") to the centerline of San Fernando Boulevard fronting the property per City of Burbank Standards. Areas of San Fernando Boulevard consist of Portland Cement Concrete (PCC) panels; broken of cracked PCC panels would require removal and reconstruction.

141. Resurface (grind and overlay with rubber asphalt, minimum 2") transition street ramp between Hollywood Way and San Fernando Boulevard fronting the property per City of Burbank Standards.

142. Resurface (grind and overlay with rubber asphalt, minimum 2") the full width of Kenwood Street fronting the property and up to Cohasset Street per City of Burbank Standards.

143. Resurface (grind and overlay with rubber asphalt, minimum 2") the center of the street of Cohasset Street from Kenwood Street to San Fernando Blvd. per City of Burbank Standards.

144. Applicant shall construct bus pads per latest approved APWA standard plans at all existing and proposed bus stop locations fronting the subject property.

145. All unused bus pads shall be removed and reconstructed with asphalt concrete or with asphalt rubber hot mix (ARHM), to match existing surrounding conditions.

146. Applicant must re-stripe the resurfaced/improved areas and re-establish all traffic loops.

147. Reconstruct parkway with sidewalk, curb and gutter along Project perimeter along Hollywood Way, San Fernando Boulevard, Cohasset Street and Kenwood Street per City of Burbank Standards Plans BS-104-1 and BS-100. Existing curb and gutter on the west side of existing Kenwood Street can remain in place during construction, and its removal/ replacement (if damaged during construction) can be determined in the field after the onsite work is complete.

148. Construct sidewalk along Kenwood Street fronting the property to match existing sidewalk width.

149. Remove and reconstruct pedestrian ramps to meet ADA requirements at the following locations:

a. Intersection of Hollywood Way and Tulare Avenue (4 ramps);
b. At the top and bottom of transition street ramp between Hollywood Way and San Fernando Boulevard (6 ramps);
c. Intersection of Cohasset Street and Kenwood Street (2 ramps).

150. Parkway fronting or adjacent to the subject property shall be ADA compliant including the new public streets created by this subdivision.

151. Pedestrian ramps are to be constructed per Caltrans Standards A88A. Additional pedestrian ramps may be required pending construction impacts and safety related issues.

152. Pedestrian ramp at San Fernando Boulevard and Cohasset Street shall include a 5-foot minimum width curb bulbout extension and constructed per Caltrans Standard A88A, Case "A".

153. Remove existing unused driveways along Hollywood Way and reconstruct with sidewalk, curb and gutter per City of Burbank Standards.

154. Proposed driveways along Hollywood Way, San Fernando Boulevard and Kenwood Street must be constructed per City of Burbank Standards.

155. Access gates may not swing open into the public right-of-way [BMC 7-3-701.1].

156. If any utility cuts are made on Hollywood Way or on San Fernando Boulevard that contain Portland Cement Concrete (PCC) panels adjacent to the property, applicant will have to restore the Portland Cement Concrete (PCC) panels from score line to score line per City of Burbank paving requirements.

157. Additional impacts to adjacent street(s) or within the projects vicinity triggered by this Project (i.e. utility cuts) could extend the resurfacing restoration limits.

Wastewater Requirements

158. An Industrial Waste Discharge Permit will be required [BMC 8-1-502 and BMC 8-1-503].

159. If the Building Permit is pulled under the current rate structure, the proposed development is subject to a Sewer Facilities Charge estimated at $392,897.60. The charge is due prior to issuance of a Building Permit [BMC 8-1-802 and BMC 8-1-806].

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SFC = Proposed Developments – Demolition Credits
= Manufacturing Buildings 1, 2, 3, 4, 5, and 6 [$0.259/SF * 1,004,307 SF]
+ Office Buildings 1, 2, 3, 4, 5, 6, 7, 8, and 9 [$0.417/SF * 142,250 SF]

+ Retail/Restaurant [$0.473/SF * 15,475 SF] + Hotel [$505/room * 166 Rooms]
– Previous SFC Payments at 2801 N. Hollywood Way [$376.20 + $910.64 + $21.60 + $800 + $108 + $340.80 + $3,168 + 908.80 + 54.00 + $12.48 + $12 + $36 + $294.12 + $5,240]
– Previous SFC Payments at 3003 N. Hollywood Way [$3,260 + $2,016]
– Previous SFC Payment at 3615 N. San Fernando Road [$128]
= $260,115.51 + $59,318.25 + $7,319.68 + $83,830.00 - $12,281.84 - $5,276 - $128
= $410,583.44 - $17,685.84
= $392,897.60
(Note: It is the responsibility of the developer to show proof of the existing sewer usage or existing developments so that the proper credit can be given.)

160. Every building or structure in which plumbing fixtures are installed which conveys sewage must be connected to the municipal wastewater system [BMC 8-1-104].

161. No person shall connect to or tap an existing public sewer without obtaining a permit [BMC 8-1-301].

162. Each lot must have its own connection to the mainline sewer.

163. A maintenance hole must be installed at the connection point to the City sewer main for any newly proposed private sewer lateral connection(s) that are greater than or equal to 8-inches in diameter [BMC 8-1-308] per Standard Drawing BSS-201-2 located in the 2012 edition of Standard Plans for Public Works Construction.

164. Food Service Establishments are required to install, operate, and maintain an approved type and adequately sized, remotely located and readily accessible grease interceptor, unless a conditional waiver is granted by the Director. This project, due to the inclusion of a restaurant, will require a grease interceptor to trap, separate and hold grease from waste water and prevent it from being discharged into the public sewer per the requirements above.

165. A backwater valve is required on every private sewer lateral(s) connected to a private building(s), unless it can be shown that all fixtures contained therein have flood level rim elevations above the elevation of the next upstream maintenance hole cover of the public sewer serving the property, or a conditional waiver is granted by the Director [BMC 8-1-313]. Please note that Public Works' Wastewater Division will not sign off on the Certificate of Occupancy until the owner/developer provides proof that the backwater valve(s) has been installed.

166. Per the previous sewer capacity analysis (SCA), approximately 1,800 feet of sewer is impacted along the tributary reaches of sanitary sewer servicing this property. The 3001 N Hollywood Way Projectis granted permission to connect to the City's sanitary sewer system contingent that:
    a. SFC's are paid prior to issuance of a Building Permit;
    b. The proposed improvements connect onto Hollywood Way or San Fernando; and
    c. The developer agrees to pay a portion of the necessary sewer infrastructure upgrades valued as a percentage of the project's contribution to the impacted sanitary sewer system. The developer will be responsible for an additional $49,000 which is approximately 2.7 percent of the total cost of off-site sewer infrastructure upgrades (Total costs include design, permitting, hiring a contractor to install the necessary improvements, inspection, traffic control, and surface restoration).

167. The City shall pursue these sewer infrastructure upgrades when practicable, but may not be initiated or completed prior to the completion of the 3001 N. Hollywood Way Project.

168. For any cooling tower(s) included in this Project using recycled water, separate recycled water meter(s) will be required. A recycled water meter must be obtained and coordinated with Burbank Water and Power, located at 164 E Magnolia Blvd., Burbank, CA 91502 or by phone at (818) 238-3500.

169. The applicant proposes to extend, improve and dedicate various street and parkway areas to the City as public right-of-way. In reviewing these plans, it is not clear which sewer and storm drain systems are City-owned and/or privately-owned. Additionally, a profile (showing slope and elevations) of each proposed City-owned sewer and storm drain must be provided for review and approval. Plans should be resubmitted to address these issues for review and approval prior to issuance of building permits.

170. Any sewer and storm drain systems that are intended to be transferred and owned by the City must be approved by the Public Works Director. The offsite plans must be submitted in the City of Burbank Standard format for review and approval, and final as-built plans must be submitted on mylar. The sewer and storm drain systems should be designed and built per the 2012 "Greenbook" Standard Plans for Public Works Construction.

Stormwater Requirements

171. Effective July 1, 2010, any construction activity that results in soil disturbances greater than one acre is subject to the General Permit for Storm Water Discharges Associated with Construction Activity Permit Order 2009-0009-DWQ (2009 Construction General Permit) – see: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml. Additionally, if the construction activity less than one acre is part of a larger common plan of development that encompasses a total of one or more acres of soil disturbance or if there is significant water quality impairment resulting from the activity, it is subject to the 2009 Construction General Permit.

172. Per BMC 9-3-407, Best Management Practices shall apply to all construction projects and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy.

173. Discharges from essential non-emergency firefighting activities (i.e., fire sprinkler system testing) is a conditionally allowed non-storm water discharge into the storm drain system, provided appropriate Best Management Practices (BMPs) are implemented. Please see the

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attached Fire Suppression Systems discharge form and follow the requirements to comply when conducting the conditionally allowed non-storm water discharge.

174. Certain construction and re-construction activities on private property will need to comply with post-construction Best Management Practices (BMPs), which include Sections 8-1-1007 and 9-3-414.D of the BMC authorizing the City to require projects to comply with the Standard Urban Stormwater Mitigation Plan provisions and the City's **Low Impact Development** (LID) ordinance. For questions on these requirements, please contact the City's Building Division at (818) 238-5220.

175. Landscape irrigation discharges using potable or reclaimed/recycled waters are a conditionally allowed discharge per Table 8 of Final LA County MS4 Permit (Order No. R4-2012-0175) as amended by State Water Board Order WQ 2015-0075, which can be found at: http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/la_ms4/2015/OrderR4-2012-0175-FinalOrderasamendedbyOrderWQ2015-0075.pdf

176. Certain construction and re-construction activities within the City's transportation corridors (i.e., public streets, public alleys, public parkway areas, private streets, and private parking) will be subject to the City's Green Streets Policy requirements should the transportation corridor redevelopment area exceed 5,000 square feet. This policy can be reviewed at the following address: http://file.burbankca.gov/publicworks/OnlineCounter/permits/app_docs_procedures/greenstreet/gspolicy.pdf for questions on these requirements, please contact the City's Wastewater Division at (818) 238-3915.

177. Should any catch basins be proposed to be City-owned, the catch basins will need to be retrofitted with both curb and inlet trash excluder screens. Please contact the City's Wastewater Division for more information on these requirements, which are subject to the Los Angeles River Trash Total Maximum Daily Load. The developer will clean and maintain these catch basins facilities. This condition shall be placed within the covenant agreement for the life of the project.

Traffic Engineering Requirements

178. Complete all landscaping, street, signing, striping, traffic signal, and utility work as required by the Public Works Director to satisfy these conditions.

179. Hollywood Way between Cohasset Street and Connector Road(s): Install minimum 7 foot wide (including buffer) Class II bicycle lanes in both directions, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

180. Hollywood Way at Easterly Connector Road: Modify existing curb island "porkchop" to install minimum 7 foot wide (including buffer) Class II bicycle lane for northbound Hollywood Way. Curbs shall accommodate turn paths of "Interstate Semitrailer WB-62"(or equivalent as approved by the Public Works Director or their designee) design vehicle (WB-62 vehicle or equivalent as approved by the Public Works Director or their designee) per American Association of State Highway and Transportation Officials "A Policy on Geometric Design of Highways and Streets" (AASHTO Greenbook) , prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

181. Hollywood Way at Westerly Connector Road: Prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first), modify existing curb island "porkchop" to provide 17 foot parkway width along the property line and construct a Separated Bicycle lane on sidewalk. Install a minimum 7 foot wide (including buffer) Class II bicycle lane or Separated Bicycle lane on sidewalk for southbound Hollywood Way. Curbs shall accommodate turn paths of WB-62 vehicle per AASHTO Greenbook or equivalent as approved by the Public Works Director or their designee.

182. Sheet C-9 (See Attachment 1 of Conditions of Approval), E-E Hollywood Way between Connector Road(s) and approximately 200 feet north of Tulare Avenue: Prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first), modify existing median island to provide curb to curb width of 37 feet east of centerline. Provide 122 foot right of way width and 22 foot parkway width along property line and construct a southbound Separated Bicycle lane on sidewalk, a minimum 7 foot wide (including buffer) Class II bicycle lane northbound, and 7 travel lanes.

183. Sheet C-9, D-D (See Attachment 1 of Conditions of Approval) Hollywood Way between Tulare Avenue and approximately 200 feet north of Tulare Avenue: Provide 131 foot right of way width and 22 foot parkway width along property line and construct a southbound Separated Bicycle lane on sidewalk, a minimum 7 foot wide Class II bicycle lane northbound, and 8 travel lanes, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

184. Hollywood Way at Tulare Avenue: All corners shall accommodate turn path of WB-62 vehicle per AASHTO Greenbook and curbs or equivalent as approved by the Public Works Director or their designee located so any vehicle stopped at the limit line shall not conflict with the turn paths of the WB-62 vehicle or equivalent as approved by the Public Works Director or their designee.

185. Sheet C-9, C-C (See Attachment 1 of Conditions of Approval) Hollywood Way between Tulare Avenue and approximately 600 feet south of Tulare Avenue: Provide 120 foot right of way width and 22 foot parkway width along property line and construct a southbound Separated Bicycle lane on sidewalk, a minimum 7 foot wide (including buffer) Class II bicycle lane northbound, and 8 travel lanes, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

186. Sheet C-9, B-B (See Attachment 1 of Conditions of Approval) Hollywood Way between approximately 600 feet south of Tulare Avenue and southerly property line: Provide 114 foot right of way width and 21 foot parkway width along property line and construct a southbound Separated Bicycle lane on sidewalk, a minimum 7 foot wide (including buffer) Class II bicycle lane northbound, and 7 travel lanes, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

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187. Sheet C-9, A-A (See Attachment 1 of Conditions of Approval) Hollywood Way between southerly property line and Winona Avenue: Modify the westerly curb and gutter to provide a 7 foot parkway and 84 foot curb to curb width for 7 foot wide (including buffer) bicycle lanes and 7 travel lanes, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

188. Kenwood Avenue at Tulare Avenue: All corners shall accommodate turn path of WB-62 vehicle per AASHTO Greenbook and curbs or equivalent as approved by the Public Works Director or their designee shall be located so any vehicle stopped at the limit line shall not conflict with the turn paths of the WB-62 vehicle or equivalent as approved by the Public Works Director or their designee.

189. Sheet C-11, H-H (See Attachment 1 of Conditions of Approval) Kenwood Avenue between Tulare Avenue and approximately 700 feet north of Tulare Avenue: Provide 64 foot right of way width and 36 foot curb to curb width and construct 3 travel lanes, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

190. Sheet C-11, J-J (See Attachment 1 of Conditions of Approval) Kenwood Avenue between Cohasset Street and approximately 700 feet north of Tulare Avenue: Provide 14 foot parkway width along the property line, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

191. San Fernando Boulevard at Cohasset Street: Prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first), construct a new traffic signal and provide fiber optic connection to nearest traffic signal as required by the Public Works Director. Construct a 5 foot minimum width curb bulbout/extension at the northwest corner and southwest corners for a Caltrans Case A curb ramp.

192. Sheet C-10, F-F and K-K (See Attachment 1 of Conditions of Approval) Tulare Avenue between Hollywood Way and first driveway: Provide 88 foot right of way width and 46 foot curb to curb width and construct 4 travel lanes and Separated Bicycle lanes on sidewalk, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

193. Tulare Avenue between first driveway and Kenwood Avenue: Provide 74 foot right of way width and 34 foot curb to curb width and construct 3 travel lanes and Separated Bicycle lanes on sidewalk, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

194. Sheet C-10, G-G (See Attachment 1 of Conditions of Approval) Tulare Avenue west of Kenwood Avenue: Provide 74 foot right of way width and 46 foot curb to curb width and construct 3 travel lanes and Separated Bicycle lanes on street, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first).

195. Westerly Connector Road between San Fernando Boulevard and Hollywood Way: Provide a 17 foot parkway width along the property line and construct a Separated Bicycle lane on sidewalk, prior to the City issuing the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first). Provide minimum travel lane widths of 14 feet in each direction.

196. Kenwood driveways for Parcel 6 and Parcel 5 shall be located to create a 4-leg, perpendicular intersection to minimize conflict points.

197. All project driveways shall accommodate turn paths of "Single-Unit Truck" design vehicle per AASHTO Greenbook. All driveways providing access to loading docks shall also accommodate turn paths of WB-62 vehicle per AASHTO Greenbook or equivalent as approved by the Public Works Director or their designee.

198. All parking lot signs and pavement markings shall comply with the latest edition of the California Manual on Uniform Traffic Control Devices.

Field Services Requirements

199. If greater than four cubic yards of solid waste is generated per week at the location, a waste and recycling plan shall be created for this development and this shall comply with AB 341 requirements.

200. There shall be a designated location on the Project site for all solid waste containers and/or bins. Containers are not to be visible from the street.

201. Recycling must be provided for all residents/businesses.

202. Businesses must use appropriately sized trash and recycle bins, not individual carts.

203. This type of business typically generates large volumes of cardboard and perhaps scrap- metal. There should be room for growth in the solid waste bin storage area, to account for source separated recycling bins.

204. There must be access for a hauler to service the proposed solid waste bin area.

205. On the Environmental Information sheet the applicant checked "NO" on line 8. By checking this, the applicant stipulates that the project, or the effects of the project, will not produce significant amounts of solid waste or litter. The building with be under state mandated recycling per AB 341. The applicant should show how this is possible by submitting a Solid Waste Management Plan with a comprehensive recycling element. A detail of the bin storage area should be included with means of ingress egress and location of solid waste and recycle bins.

206. All alleys and street frontage to be included in maintenance agreements/covenants for all maintenance and cleaning.

BURBANK FIRE DEPARTMENT

207. Provide construction site security by means of a six-foot high fence maintained around the entire site or a qualified fireguard when required by the Fire Code Official.

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208. Provide an automatic fire sprinkler system in accordance with the Burbank Municipal Code.

209. Provide electrical supervision for all valves controlling the water supply and all water flow switches on all fire sprinkler systems where the number of sprinklers is 20 or more.

210. Provide a fire alarm system to notify all occupants of automatic fire sprinkler water flow.

211. Provide a Knox key box for fire department access.

212. Provide a Knox KS-2 key access switch for security gates.

213. Provide address numbers a minimum of six inches high with ¾ inch stroke to identify the premises. Numbers shall be plainly visible from the street or road fronting the property and from the alley or rear accessway to the property.

214. 2A10BC fire extinguishers shall be provided and located as directed by the Fire Code Official in the field. All portable fire extinguishers shall be installed on a positive latching bracket or within an enclosed cabinet.

215. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. All locking devices shall be of an approved type.

216. Provide a fire alarm system for all buildings.

217. Fire apparatus access roads shall be provided in accordance with the California Fire Code, for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility. More than one fire apparatus road shall be provided when it is determined by the chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Access during construction shall be maintained in accordance with the CFC/BMC.

218. Specifications for fire apparatus access roads shall be provided and maintained in accordance with the California Fire Code.

219. Plans for fire apparatus access road shall be submitted to the Fire Department for review and approval prior to construction.

220. Plans and specifications for fire hydrant systems shall be submitted to the Fire Department for review and approval prior to construction.

221. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, **such protection shall be installed and made serviceable prior to and during the time of construction.**

222. Approved signs or other approved notices shall be provided and maintained, at the expense of the person(s) in possession of the property, for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

223. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the Fire Chief.

224. All exits, Fire Department access and fire protection shall me maintained in accordance with the California Fire Code during construction.

225. Any fire hydrants for this block shall be upgraded with a 4" X 2-2 ½" outlets. Contact the Water Division at 238-3500 for specifications on the type fire hydrants to be provided.

226. Except as otherwise provided, no person shall maintain, own, erect, or construct, any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for City emergency service workers, including but not limited to firefighters and police officers. Buildings and structures, which cannot meet the required adequate radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage: a radiating cable system or an internal multiple antenna system with or without FCC type accepted bi-directional UHF amplifiers as needed. Further information and guidance can be obtained by contacting the City of Burbank Radio Communications shop at (818)238-3601.

227. For parking garages provided with a ventilation system in accordance with the California Building Code "Interior Environment" a remote over-ride switch shall be provided for Fire Department use as assistance for smoke removal. The switch shall be located and clearly marked in a readily accessible location as directed by the Fire Department.

228. The occupancy shall be approved and limited to the number of occupants noted on the plan submitted for review.

229. Provide and maintain an approved occupant load sign in a conspicuous location near the main exit from the room.

230. Any business, except as provided in subdivisions (b) and (c) of Health & Safety Code Section 25503.5, that handles a material or mixture containing a hazardous material that has a quantity at one time during the reporting year equal to, or greater than, a total weight of 500 pounds, or a total volume of 55 gallons, or 200 cubic feet at standard temperature and pressure for compressed gas, shall establish and implement a business plan for emergency response to a release or threaten release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Section 25503 of the California Health & Safety Code.

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231. Assembly Bill (AB) 2286 (Feuer, PDF) was signed by Governor Arnold Schwarzenegger, chaptered on September 29, 2008 and went into effect January 1, 2009. The law requires all regulated businesses and all regulated local government agencies, called Unified Program Agencies (UPA), to use the Internet to file required Unified Program information previously filed by paper forms. This includes facility data regarding hazardous material regulatory activities, chemical inventories, underground and aboveground storage tanks, and hazardous waste generation. It also includes UPA data such as inspections and enforcement actions. All businesses must submit Unified Program-related reporting information to either the statewide electronic reporting system (CERS, California Environmental Reporting System), or if provided by the facility's CUPA, businesses can opt to use the CUPA's local reporting web portal. For more information about CERS and Unified Program electronic reporting requirements, please go to CERS Central web site at http://cers.calepa.ca.gov/. - See more at: http://www.calepa.ca.gov/cupa/ereporting/#sthash.7G6K1PcM.dpuf

232. Businesses that handle materials or mixtures containing hazardous materials that do not exceed the 500 pounds or a total volume of 55 gallons, or 200 cubic feet for compressed gas shall be required to obtain a permit from the Burbank Fire Department for the storage, use and handling of stated inventory. This permit shall be issued for the time period between scheduled inspections conducted by the Burbank Fire Department.

233. Provide smoke detection for hotel or lodging guestrooms that are used for sleeping purposes.

234. Power and location of smoke detectors in Group R occupancies shall be in compliance with the California Fire Code, California Building Code as amended by the Burbank Municipal Code.

235. Buildings having floors used for human occupancy located more than 35 feet, but less than 75 feet above the lowest level of fire department vehicle access, shall be in compliance with all applicable "Mid-Rise" requirements as defined by the Burbank Municipal Code.

236. Buildings having floors used for human occupancy located more than 75 feet above the lowest level of fire department vehicle access, shall be in compliance with all applicable "High-Rise" requirements as defined by the Burbank Municipal Code.

237. High–rise and Mid-rise buildings shall be accessible on a minimum of two sides. Roadways shall not be less than 10 feet or more than 35 feet from the building. Landscaping or other obstructions shall not be placed or maintained around structures in a manner so as to impair or impede accessibility for firefighting and rescue operations.

238. Group B office buildings and Group R, Division 1 Occupancies, each having floors used for human occupancy located more than 35 feet above the lowest level of Fire Department vehicle access, shall be provided with an automatic fire alarm system.

239. Every mid-rise building shall be provided with an approved combined standpipe system.

240. All stair shaft doors at each building level shall provide access to the building for fire department use.

241. There shall be provided for Fire Department use at least one access door to one enclosed exit stair shaft that serves all building levels and the roof at the main entrance level outside the building.

242. All enclosed exit stairways shall be continuous to each floor served in either direction and shall be without obstructions such as intervening doors and gates. EXCEPTION: Approved barriers provided at the ground floor level to prevent persons traveling downward from accidentally continuing into the basement, in accordance with the Building Code.

243. Locking of enclosed exit stair shaft doors:

a. All enclosed exit stairshaft doors which are to be locked from the stairshaft side shall have the capability of being unlocked without unlatching, by all of the following methods:
   i. A manual signal from the central fire control room.
   ii. The actuation of a fire alarm device.
   iii. Upon failure of electrical power.

b. When enclosed exit stair shaft doors are locked from the stairway side, an approved emergency communication system directly connected to the building control station, proprietary supervisory station, or other approved emergency location shall be available to the public and shall be provided at every fifth floor landing in each required enclosed exit stairshaft.

244. In all high-rise and mid-rise buildings, approved breakout panels or tempered glass windows shall be provided in the exterior wall at the rate of at least twenty square feet of opening per fifty lineal feet of exterior wall in each story, distributed around the perimeter at not more than fifty foot intervals. Such panels shall be clearly identified as required by the Fire Code Official.

245. In every bank of elevators, there shall be provided and available to the fire department, an elevator that opens on to each floor served by the individual bank. A bank of elevators is one or more elevator cars controlled by a common operating system, or where all elevator cars will respond to a single call button.

246. Elevator cars assigned for fire department use shall have at height, recessed area, or removable ceiling, which will make possible the carrying of a nine- (9) foot high ladder. At least one elevator car assigned for fire department use and serving all floors shall be of a size that will accommodate a 24 inch by 85 inch ambulance stretcher in the horizontal position, and have a clear opening width of 42 inches. The elevator shall be identified with approved signs.

247. Elevators shall open into a lobby on all floors except the lowest terminal floor of building entry. Lobbies may serve more than one (1) elevator.

248. Lobbies shall be separated from the corridor by one (1) hour fire resistive construction with all openings protected by tight fitting twenty (20) minute door assemblies designed to close

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automatically upon activation of a detector which will respond to visible or invisible particles of combustion. Lobbies shall also be separated from the remainder of the building as required for corridor walls and ceilings.

249. Every high-rise building shall have an emergency helicopter landing facility located on the roof in an area approved by the Fire Code Official. The roof structure shall be designed and constructed to support a minimum live load of ten thousand (10,000) pounds. Such landing facility shall be installed as required for Helistops in accordance with the CFC.

250. In order to determine fire flow requirements for this project, the following information shall be provided prior to issuing a building permit for final fire department plan check:

a. Building Type Construction as defined by the California Building Code;
b. Square feet of the building(s).

251. All items reviewed are based on information provided at time of review. The comments provided do not limit or relieve the owner and the owner's architect and/or contractor from the responsibility of ensuring compliance with all applicable provisions of fire/life safety codes. Such compliances may include but are not limited to fire department access for firefighting, including fire department vehicle access, fire water supplies and appurtenances. Further reviews may require additional requirements or limitations as the Project develops and is not limited to the requirements provided in these comments. **All references are in accordance with the 2016 Edition of the California Fire Code (CFC) and the California Building Code (CBC) as amended by the Burbank Municipal Code (BMC).**

BURBANK WATER AND POWER

Water Division

252. Size & location of water services (domestic, fire, type & location of the backflow assembly).

253. Calculations for sizing of domestic water meter and service (Obtain worksheet from BWP Water and Power Division).

254. Landscape irrigation plans for backflow plan check.

255. Location of stub-out(s) for future connection(s).

256. Temporary water for construction purposes only may be supplied from the existing service at: 3001 N. Hollywood Way only after the owner or contractor has signed up for its use at the Burbank Water and Power, 164 W. Magnolia Blvd., between 8:30 AM and 4:30 PM, Monday through Friday. The existing meter(s) and box(s) are to be protected at all times during demolition of the site and/or construction.

257. The new water service, if required for this project, will come from a (n) twelve (12) inch main in street dedications, Tulare Ave. and Kenwood St. at a static pressure of approximately one-hundred (100 psi).

258. Due to the system static pressure at this Project site, the Building Division requirements for a pressure regulator are to be followed in accordance with the 2016 California Plumbing Code.

259. The water service for this Project may be required to be provided with protective devices that prevent objectionable substances from being introduced into the public water supply system, per Title 17 of the California Administrative Code. A $50 backflow prevention plan check fee is due before the plans will be stamped, signed and approved by the Water Division. Both domestic and fire services may require installation of backflow prevention devices. Plan check will take a minimum of five working days. Backflow devices must be installed on private property and as close as possible to the property line.

260. The owner or contractor shall contact BWP Water Division at (818) 238-3500 before the building permit is issued. The drawings will be reviewed for adequate sizing of the service and meter and will take a minimum of five working days. Domestic meter size shall be adequate to provide the required flow, as determined by a licensed plumber or architect, calculated from the number of fixture units for the proposed development, pursuant to the California Plumbing Code 2016, CCR, Title 24, Part 5. Prior to final approval and preparation of an estimate by the BWP Water Division, the applicant shall obtain approval from the City of Burbank Fire Department for appropriate fire service size and appurtenance selection. A deposit will then be collected to cover construction costs for all required services. Construction scheduling will be based on date of receipt of the required drawings, fees and deposit.

261. If the Fire Department requires any new fire hydrants and/or fire services for this development, the owner or contractor shall request an estimate for same from BWP Water Division by calling (818) 238-3500. The full deposit for any required work (including upgrading the fire service/backflow device) must be paid before the Water Division approves the Project drawings.

262. The applicant shall be responsible for the design and installation of a new 12" potable water main in the newly dedicated Tulare Ave. (from property line of Hollywood Way to the cul-de-sac) and in Kenwood St., from the dedicated Tulare Ave. to the existing property line, as well as the installation of 8" recycled water main in the dedicated Tulare Ave. from the property line of Hollywood Way to the cul- de-sac.

263. The applicant shall also be responsible for the connection fees and construction cost of all new services, and the cost to construct all necessary water improvement in the existing City right of way which includes: 12" main on Kenwood (from the existing property line to Cohasset) and abandonment cost of existing services and 6" main in the existing portion of Kenwood Street, AND 12" potable water main and 8" recycled water main connections on Hollywood Way. Please contact Water Engineering for a detailed cost estimate when the number and sizes of the needed water services have been determined. Work under this Item 2) will be performed by BWP crews.

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264. The applicant shall install the required facilities under Item 1) above at his/her cost per BWP Standards and under BWP inspection at applicant's expense. Water plans (both potable and recycled) shall be submitted for BWP review and approval prior to construction. After completion of construction, all water facilities in the new Public Right-of-Way shall be dedicated to BWP. Accurate As-Built drawings shall be provided to BWP upon completion of work.

265. Use of recycled water will be required for all irrigation and HVAC cooling tower water supply. Separate recycled water services are required for irrigation and HVAC cooling. Work with BWP Water Engineering in order to coordinate the sizes and locations of the recycled water service connections. See the attached sheet for more information regarding Los Angeles County Department of Public Health (LACDPH) plan check approval. The applicant shall be responsible for obtaining all required approvals from LACDPH and California State Water Board - Division of Drinking Water. Contact BWP - Recycled Water Group prior to submitting the application to County Public Health. BWP recommends installing two water feeds to cooling towers, one for recycled water and a separate back up pipe for domestic water.

266. The applicant prepared and submitted a Water Supply Assessment (WSA) per SB 610 requirements. BWP reviewed and approved the submittal as part of the EIR process.

Electric Division

267. The following information shall be included on the construction plans:
   a. Location of the existing electric service panel;
   b. Dimensions/location of existing/proposed public improvements adjacent to project;
   c. The width and the location of all the existing and proposed easements;
   d. Fully dimensioned building elevations showing height of structure from natural grade;
   e. Proposed location of the electric service panel/meters;
   f. Proposed location of the pad-mount transformer.

268. Plan approval will not be given until an electric service confirmation is obtained. Contact BWP Engineering at (818) 238-3575. The plans must show the pertinent information related to the method of service as specified on the confirmation.

269. A load schedule and secondary service schematic will be required to determine the extent of the electrical load requirements. An electronic copy of a plot plan of the site, showing all the existing and proposed substructures, complying with BWP AutoCAD standards should also be provided to BWP Electrical Engineering to aid the electrical design. BWP will provide full comments after the electrical sheets are provided. A meeting should be scheduled between the developer, Project architect, electrical engineer, and BWP Electrical Engineering early in the design stage of each phase of the Project to discuss all the issues and to finalize the location of the facilities.

270. The substation requirement for loads above 5MW has been satisfied per the Substation Agreement entered into on April 4, 2017.

271. The development will require two looped 12.47 kV feeders plus a back-up 12.47 kV feeder.

272. The proposed development will require the installation of pad-mounted switches and transformers. The pad-mounted switches will be looped on the line side and the pad-mounted transformers will be looped with a bus-tie.

273. Overhead BWP electrical facilities traversing the development are to be converted to underground at the developer's cost. The developer will be responsible for costs involved in converting existing overhead electric services to underground for any customers impacted by this underground conversion.

274. The installation of pad-mounted transformers and switches will require the use of a crane or boom truck. To facilitate this installation, a vertical clearance of 40' from the transformer or switch pad level should be maintained. Any design that would restrict vertical access clearance to a level below 40' shall be subject to BWP approval.

275. Provide a minimum 14' x 18' clear accessible area at grade level on undisturbed soil with easy crane access 20-foot wide for each three phase pad-mount transformer facility.

276. Provide a minimum 10' x 17' clear accessible area at grade level on undisturbed soil with easy crane access 20-foot wide for each single-phase pad-mount transformer facility.

277. The developer will provide 5' wide recorded easement for the new underground system from the property line to the switch and a minimum 25' x 15' clear accessible easement for a pad-mount switch. The developer's surveyor will provide a legal description of the easements, which will be reviewed by Burbank Water and Power and then processed by the Community Development Department (contact 818-238-5250 for recording).

278. The Project will require the installation of 4' x 6' primary pull-boxes.

279. The Project will require the installation of 8' x 14' primary manholes.

280. Additional conduits may be required to provide for future needs.

281. The developer's contractor will provide as-built drawings showing the exact location of underground substructure installed to serve the property.

282. All substructure work including transformer pads, switch pads, pull boxes, grounding systems, primary conduits and secondary conduits are the responsibility of the developer and shall be done in accordance with Burbank Water and Power drawings and specifications.

283. Any existing and proposed substructure on-site and off-site, which may affect the location of the new underground electrical system and any other improvements shall be identified and shown on the final plans in order to avoid a potential conflict with other substructure.

284. BWP will provide the following items at the developer's cost:

   a. Construction drawings for all substructure work;

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b. Engineering support during construction;
c. Inspection of the work performed by the developer's contractor to ensure the work is done per the plans provided by BWP and per BWP specifications;
d. Installation of all transformers, switches, primary cables, and metering devices;
e. Termination of the secondary cables at the transformer.

285. The developer's contractor shall install secondary conduits, pull cable from the transformer to the switchboard, and terminate the secondary cables on the switchgear.

286. Depending on the location of the switchgear (whether it is outside or inside the building), secondary conduits and cables will be inspected and approved by both the BWP inspector and the Building Inspector (switchgear inside the building) or by the BWP inspector (switchgear outside the building).

287. The Building Inspector will provide structural inspection of secondary conduits for compliance with the Building code-concrete encasements, fire walls, support of the conduit package, etc. The BWP inspector will inspect the amount and size of secondary conduits and cables.

288. The contractor is responsible for protecting any existing Burbank Water and Power facilities in place. Power poles must be protected in place to prevent any movement of the pole butt during excavation. Anchors must also be protected to prevent slippage or exposure that could result in the reduction or loss of holding power. If these requirements cannot be met, then no excavation will be allowed within three feet from the face of poles and five feet from anchors.

289. The developer's contractor is responsible for protecting any existing Burbank Water and Power underground facilities from damage during construction. No crane imposed loads will be allowed on any existing manhole or pullbox structures.

290. Any excavation that restricts vehicular access to existing BWP facilities may require the relocation of such facilities at the developer's cost.

291. The Burbank Water and Power fees for providing electric service are Aid-in-Construction (AIC) charges set forth in Section 3.26 of BWP's Rules and Regulations for Electric Service. AIC charges are to recover the actual cost of:
a. Temporary service to the development during construction;
b. Providing and installing new facilities to serve the customer;
c. Conducting feasibility studies and engineering;
d. Relocating existing overhead or underground facilities.

292. Actual costs vary from Project to Project and AIC examples can be found in the Burbank Water and Power "Guide for Electric Service".

293. If any portion of the existing BWP facilities needs to be upgraded or relocated due to the Project, it will be done at the developer's expense.

294. All electrical installations must conform to the Burbank Water and Power Rules and Regulations for Electric Service (latest revision).

295. For multi-metered services all numbering must be completed in a permanent manner at all individual units and meter sockets before service can be energized. See BWP Rules and Regulations, Section 2.68 (c) for acceptable labeling (stenciling or riveted tags required, permanent marker is unacceptable). Contact Public Works Engineering for unit designations.

296. The service switchboard rating shall be limited to 3000 Amps. Five copies of EUSERC drawings of the switchboard shall be provided to BWP for approval prior to submittal to the manufacturer. Service shall not be energized unless these drawings are provided.

297. Outdoor meter locations are preferred. When adequate exterior wall space is not available, a separately locked, clearly labeled meter room is acceptable. All meter rooms must be located on the ground floor and have two exit doors equipped with panic hardware. At least one door must lead directly outside. BWP must be supplied an access key to the room, which will be installed in a lock box adjacent to the door. The developer shall consult BWP for approved location and obtain a service confirmation prior to any installations.

298. All new metered services require a path for meter communications to BWP communication networks. Installation of meters that fail to continuously communicate with BWP communication networks will require additional BWP approved equipment to be installed at the developer's expense in order to create the appropriate communications path.

299. The developer is responsible for the street lighting system traversing the project. The street light system is required to be underground fed with LED luminaires. If existing lighting conditions do not satisfy this requirement, modification will have to be made at the developer's expense. Standards and luminaries will be supplied by BWP at the developer's expense. A plot plan of the site must be submitted to BWP during the initial planning stage of the Project for street light design.

300. Burbank Water and Power offers high-speed, high-quality fiber optics-based services through its ONE Burbank program. Fiber service is available to the Project if desired. For further information, email support@oneburbank.com or call (818) 238-3113.

301. Contact AT&T at (866) 577-7726 for any phone company facility conflicts. Contact Charter Communications at (818) 847-5013 for any cable T.V. facility conflicts.

302. Any trees planted in the area adjacent to the street/alley will be of a type that will not grow into the existing power lines and will also have sufficient clearance from the streetlight facilities.

303. All equipment locations and screening structures will be indicated on the plans and must meet the Community Development Department Equipment Screening Guidelines. The plans will include the proposed screening method, height of screening, material finish, and color or species of vegetation. All screen walls, which are a part of, or adjacent to, the proposed building will be shown on the building elevations. All screen walls detached from the building will be included

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as a separate elevation. Verification of submittal requirements and recommendations for screening requirements shall be by the CDD Director or his designee.

304. BWP landscaping requirements for transformer pads and switch pads. Due to the natural maturation of trees and other landscaping elements, the following requirements are to be adhered to:
    a. New plantings within three feet of the back or sides of the pad and within eight feet of the front shall be of a groundcover type. This is considered the working zone;
    b. Outside of the working zone, shrubbery is acceptable within eight feet of the pads, but trees must be beyond an eight foot radius to lessen future root conflicts;
    c. Landscaping grade shall be a minimum of five inches below the grade level of the top of transformer pads;
    d. All irrigation and sprinkler systems shall be constructed so that water shall not be directed onto the switch, the transformers, or the concrete pads. Additionally, surface water shall drain away from the concrete pads;
    e. Landscape plans shall adhere to the above requirements, showing proper working clearances for electrical facilities on L-sheets.

305. The electrical design shall comply with California Building Code Title 24 energy efficiency requirements and shall use, wherever practical, surge suppressors, filters, isolation transformers, or other available means to preserve a quality of power of its electrical service and to protect sensitive electronic and computer-controlled equipment from voltage surges, sags, and fluctuations. BWP also recommends the use of an uninterruptible power supply (UPS) and a standby generator for critical loads.

306. Power factor correction to a minimum of 90% will be requested to minimize kVA demand as well as energy use. The developer must use California Nonresident Building Standard to consider and implement energy efficient electrical equipment and devices for minimizing peak demand and wasteful energy consumption.

307. At least 6% of the total parking spaces shall be capable of supporting future Electric Vehicle Supply Equipment (EVSE). Plan design shall be based on Level 2 EVSE or greater, at maximum operating ampacity. Only underground raceways and related underground equipment per Burbank Water and Power standards are required to be installed at the time of construction. Plans shall include the locations and type of EVSE, raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all the electrical vehicles at all designated EV charging spaces at their full rated amperage. The electrical service panel shall include capacity to simultaneously charge all EVs at their full-rated amperage and shall identify the overcurrent protective devices space(s) reserved for future EV charging purposes as "EV CAPABLE." The future EV charging stations shall be placed at multiple convenient and visible locations within the new parking facilities. This requirement may be superseded by future State building mandates.

308. As part of our efforts to reduce greenhouse gas emissions, improve air quality, and enhance customer service, Burbank Water and Power's Electric Vehicle Charging program promotes the use of electric vehicles by providing rebates for the installation of Level 2 (240V) charging equipment. BWP also installs and maintains a public electric vehicle charging network, consisting of 27 Level 2 chargers and 1 DC Fast Charger (480V), with new stations added each year depending on budget and availability. For more information on the rebates and the charging network, please contact Kapil Kulkarni, EV Program Manager at 818-238-3792 or kkulkarni@burbankca.gov. Additionally, information can be found at https://www.burbankwaterandpower.com/electric-vehicles.

PARK, RECREATION, AND COMMUNITY SERVICES DEPARTMENT

309. Submit landscape and irrigation plans prepared by a licensed landscape architect with the building permit application.

310. The developer must comply with Municipal Water Efficient Landscape Ordinance (MWELO) requirements.

311. Please provide an Arborist valuation for the trees and Landscape that will be affected/removed for this Project with the submittal of a building permits.

312. Contact the forestry division for a list of approved street trees on Hollywood Way and San Fernando Boulevard.

313. All street trees shall be a minimum 36" box size.

314. The Developer must contact the Forestry Supervisor at 818-238-5343 at least 48 hours prior to street tree installation.

315. Trees in grass shall be installed with Arbor Guards.

316. Provide irrigation bubbler to street trees and provide automatically controlled irrigation system to the parkway.

POLICE DEPARTMENT

317. The following areas shall be illuminated at all times with light having an intensity of at least two (2) foot-candles at floor level: Every apartment house and hotel, every public hallway, passageway, public stairway, fire escape, elevator, public toilet or bath, means of egress, all open parking spaces and carports, open parking garages and approaches to open garages and carports, all parking structures, and all semi-subterranean and subterranean garages. All outside lighting shall comply with the requirements of Section 5-3-505 BMC. Required lighting devices shall have vandal resistant covers.

318. All buildings and parking structures shall be capable of supporting emergency safety service radio communication systems in compliance with the requirements of Section 9-1-1-2703 BMC. All enclosed and/or subterranean interior areas of this Project will be tested upon completion of construction to determine the radio signal transparency. Any buildings or structures which cannot pass the appropriate radio signal strength test may require installation of a radiating cable

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

antennae *or* internal multiple antennae low power repeater system with or without FCC type accepted bi-directional UHF amplifiers as necessary to meet this requirement.

319. Preventive measures shall be taken to secure any entrances to the building(s) from any parking facilities to prevent the possibility of theft or burglary.

320. The architectural design shall allow an unobstructed view, from public rights-of-way, of all ground level entry and exit doors. In the case of commercial buildings, this shall include all ground level windows as well. Landscaping or other barriers shall not obscure visibility.

321. All exterior doors, other than primary entry doors, shall be self-closing and self-locking to prevent trespassing.

322. Secure fencing around the construction site with locking gates and appropriate lighting shall be installed during construction to prevent trespassing and theft. During construction, the Police Department shall be given emergency contact information of contractors and owners for any problems encountered after normal construction hours.

323. To ensure that construction personnel are aware of the restricted construction times, the developer shall install professionally made sign(s) 2 ft. X 3 ft. in size in location(s) satisfactory to the Community Development Director or his/her designee or his/her designee and the Police Department that states, "NOTICE: THE CITY OF BURBANK LIMITS CONSTRUCTION ACTIVITIES OF THIS PROJECT(DEMOLITION, EXCAVATION, GRADING, ACTUAL CONSTRUCTION, AND LANDSCAPING) as follows: 7:00 AM TO 7:00 PM MONDAY THROUGH FRIDAY, AND FROM 8:00 AM TO 5:00 PM ON SATURDAY. THERE SHALL BE NO WORK PERFORMED ON SUNDAYS OR ON MAJOR HOLIDAYS." Any exceptions would be subject to the approval of the Directors of both the Community Development and Public Works Departments.

324. A construction "truck route plan," which identifies truck routes along major arterials while avoiding residential streets, and the frequency of trips and hours of operation, shall be prepared prior to approval of any demolition, grading, or building permits and approved by the Public Works Director. The plan shall demonstrate avoidance of congested roadways and sensitive receptors (e.g., residential areas) and shall minimize the number of trips and trip lengths to the maximum extent feasible.

325. The developer shall provide a site plan, to the Police Department representative's and the Public Works Director's satisfaction, that shows sufficient off-street parking locations for construction employees and equipment so as to not impact the local residential community or nearby businesses, and shall require contractors to prepare a trip reduction plan for construction crew vehicles to reduce potential vehicle trips on the road. The developer shall place such language (dealing with parking and trip reduction) in all contractor agreements.

326. Buildings shall be numbered with the approval of the enforcing authority. This section shall not prevent supplementary numbering such as reflective numbers on street curbs or decorative numbering. Such numbering will be considered supplemental only and shall not satisfy the requirements of this section.

327. Any building having a separate identifying factor, other than the street number, shall be clearly identified. Each individual unit shall have a unit identifying number, letter, or combination thereof clearly displayed on or near the door.

328. All commercial structures shall display a street number in a prominent position so that it is easily visible from the street. The numbers shall be at least six (6) inches in height, of a color contrasting to the background, and located so they may be clearly seen and read (9-2-105.1(a) BMC). The numbers shall be illuminated during darkness. If the structure has rear vehicle access, numbers shall be placed there as well. *The Fire or Police Departments may require the size of the numbers to be increased or provided in additional locations if the distance from or orientation to the street limits visibility.* Address numbers shall also be displayed on the roof of the building to be visible from police helicopters. Digits shall be a minimum of 18 X 24 inches with a 3" line width in a color that contrasts with the background.

329. Any building having a separate identifying factor other than the street number shall be clearly identified. Each individual unit shall have a unit identifying number, letter, or combination thereof, prominently displayed.

330. Points of vehicular ingress and egress shall not disrupt the normal flow of traffic on public rights-of-way. Signs and/or physical barriers preventing or restricting certain movements may be required.

331. Stairwells, the interiors of which are not completely visible when first entering, shall have mirrors so placed as to make the whole stairwell interior visible to pedestrians outside.

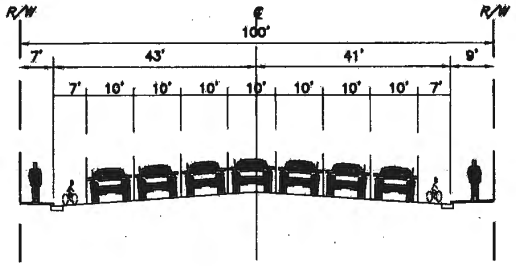
332. When access to buildings with multiple occupants is unduly difficult because of secured openings, or where immediate access is necessary for lifesaving or other POLICE purposes, a Series 3200 Knox-Box Security Vault key box and/or a Series 3500 Knox Box key switch shall be installed in an accessible location (9-2-506.1(a) BMC). The POLICE key box/switch may only be obtained directly from Knox and request applications are available only from the Burbank Police Department. The POLICE key box shall be separate from the FIRE key box and shall contain keys to allow access to security gates or doors as required by the Chief of Police. The installation shall occur during the construction phase. Depending on the size of the development, more than one POLICE Knox-Box may be required. Your Project requires Knox-Boxes to be installed in the following location(s): *Police Knox Box mounted on the wall adjacent to the main front door. The box must be visible while standing at the front door, and easily accessible.*

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

ATTACHMENT 1:
EXHIBIT F (STREET CROSS SECTIONS JANUARY 23, 2019)

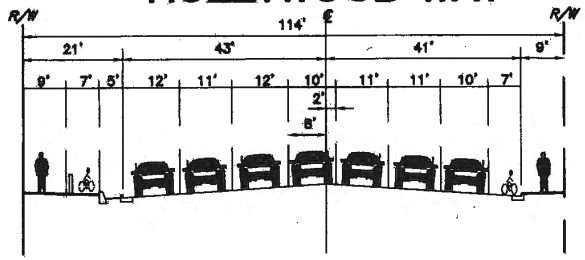
SHEET C-9

HOLLYWOOD WAY



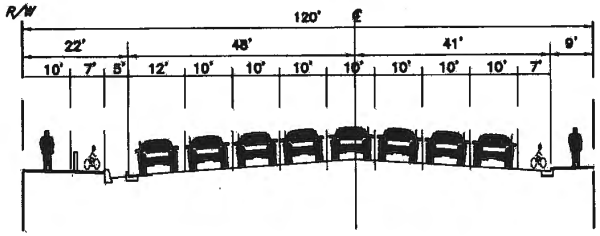
A-A
LOOKING NORTH

HOLLYWOOD WAY



B-B
LOOKING NORTH

HOLLYWOOD WAY



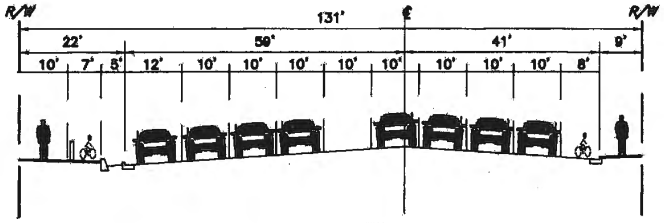
C-C
LOOKING NORTH

PREPARED BY:
Thienes Engineering, Inc.

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

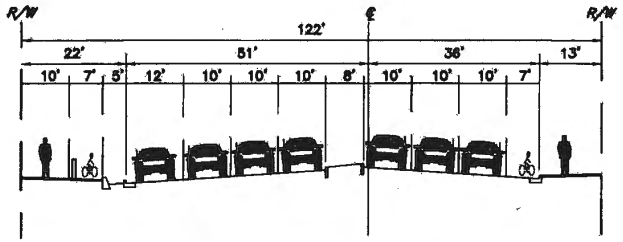
SHEET C-9

HOLLYWOOD WAY



D-D
LOOKING NORTH

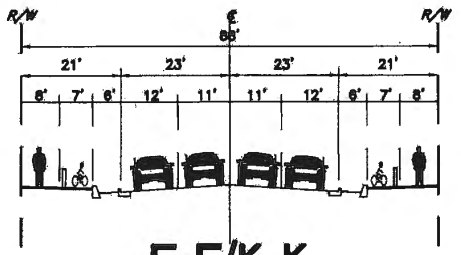
HOLLYWOOD WAY



E-E
LOOKING NORTH

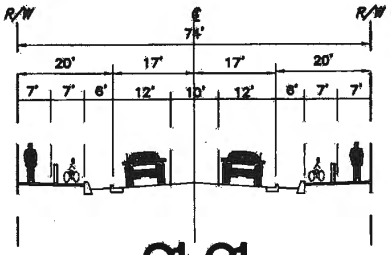
SHEET C-10

TULARE AVENUE



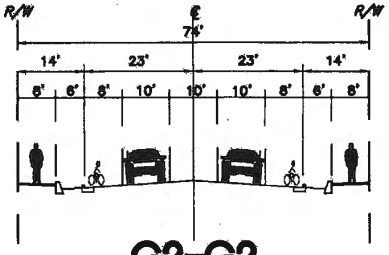
F-F/K-K
LOOKING WEST

TULARE AVENUE



G1-G1
LOOKING WEST

TULARE AVENUE



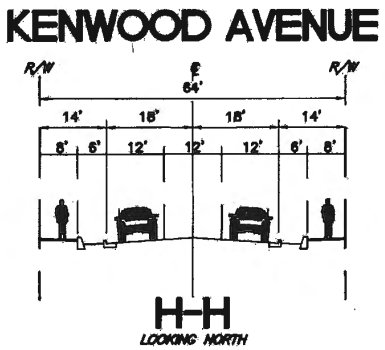
G2-G2
LOOKING WEST

PARED BY:
Thienes Engineering, Inc.

PARED BY:
Thienes Engineering, Inc.

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

SHEET C-11



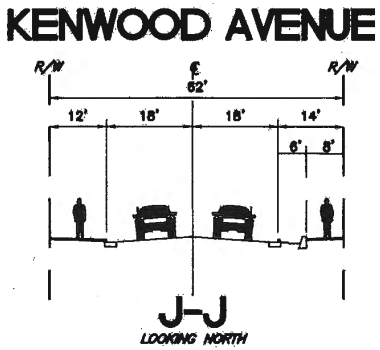


EXHIBIT E
LIST OF USES
Planned Development No. 16-0004646

PREPARED BY:
Thienes Engineering, Inc.

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

PLANNED DEVELOPMENT ZONING:					
P = Permitted					
CUP = Conditional Use Permit required					
AUP = Administrative Use Permit required					
(blank) = Prohibited					
c.e.b. Completely Enclosed Building					
Uses	**Zone 1 Creative Industrial**	**Zone 2 Creative Office**	**Zone 3 Retail**	**Zone 4 Hotel**	**Specific Use Regulations/ No**
RESIDENTIAL AND LODGING					
Hotel - including incidental commercial uses				P	Hotel limited to 150 rooms
RECREATION, EDUCATION, AND ASSEMBLY					
Amusement enterprise - in c.e.b.	CUP		CUP		
Archery range - in c.e.b.	CUP				
Art gallery		P	P		
Automobile maneuvering event - auto & cycle racing	P				
Batting cages	P				
Bowling alley	CUP				
Golf course/driving range	P				
Gymnasium - c.e.b.	CUP				
Handball courts	P				
Nightclub, pursuant to10-1-1116			CUP	CUP	
Personal or Physical Arts Studios			P		
Racquetball courts	P				
Recreation related commercial	P				
Shooting gallery/range - c.e.b.	CUP				
Skating rink - ice or roller - in c.e.b.	CUP				
Sports Arena/athletic field	CUP				
RETAIL SALES AND DINING					
Alcoholic beverages - Sale and consumption on or off premises pursuant to Section10-1-1116	CUP		CUP	CUP	Shall be ancillary to the Hotel
Bakery			P		
Bakery - wholesale	P				
Bicycle and mini-bike sales/incidental repair	P		P		
Book store			P		
Building material sales - in c.e.b.	CUP				
Cocktail lounge/bar pursuant to 10-1-1116			CUP	P	Shall be ancillary to the Hotel
Florist shop			P		
Food specialty store			P		
Hardware store					
Home Center	CUP				
Ice machine					
Market, convenience			P		
Market, neighborhood					
Pet shop - including grooming			P		
Pet shop - sales only			P		

Uses	Zone 1 Creative Industrial	Zone 2 Creative Office	Zone 3 Retail	Zone 4 Hotel	Specific Use Regulations/ Notes
Restaurant, Full Service			P	P	Shall be ancillary to the Hotel
Restaurant, Fast Service			P	P	Shall be ancillary to the Hotel
Restaurant / Drinking Establishment (Section 10-1-1116)			CUP	P	Shall be ancillary to the Hotel
Restaurant with incidental alcohol (Section 10-1-1116)			P	P	Shall be ancillary to the Hotel
Restaurant with drive-through (Section 10-1-1608)					
Retail store/sales	P*		P	P	*Ancillary to primary use
Small parcel service associated with retail use			P		
Wholesale business	P				
Wholesale business - no warehousing	P				Shall be parked at every 714 sq. ft. of adjusted floor area.
Wholesale business - incidental to retail sales	P				Shall be parked at 1 space for each 500 sq. ft. of adjusted gross floor area
PROFESSIONAL OFFICES AND SERVICES					
Automated teller machine (Freestanding)			P	P	Shall be ancillary to the Hotel
Bail bond broker					
Bank		P	P		
Barber shop			P	P	Shall be ancillary to the Hotel
Beauty salon			P	P	Shall be ancillary to the Hotel
Blueprinting	P		P		
Bookbinding					
Catering services with ancillary commissary	P		P		
Child day care facility		P*			*Ancillary to primary use
Computer service center			P		
Dry cleaning agency - no on-site dry cleaning			P		
Dry cleaners			P		
Employment agency		P	P		
Equipment rental - light, no trucks - in c.e.b.	P				
Kennel - including housing for caretakers on premises					
Laboratory - experimental or research	P	P			
Laboratory - film	P	P			
Laboratory - testing, physical or chemical	P				
Laundry	P				
Medical Office		CUP	P		
Offices - business or professional		P			
Onsite Management Office			P		Sales and leasing for onsite buildings permitted
Parcel delivery service	P				
Parcel Delivery Store/Business Center			P		
Photocopy service, with incidental printing	P		P		
Photographer		P	P		
Plumbing Service					
Print shop	P		P		

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

Uses	Zone 1 Creative Industrial	Zone 2 Creative Office	Zone 3 Retail	Zone 4 Hotel	Specific Use Regulations/ Not
Print shop except newspaper printing			P		
Shoe repair shop			P		
Shoe shine shop			P		
Sign painting shop - in c.e.b.	P				
Upholstery shop	P				
Welding service - c.e.b.	P				
MEDIA SERVICES *No more than 30% of the adjusted floor area can be used for office space					All media uses shall be parked at r 1 space for every 714 sq. ft. of adj floor area.
Automobile body or fender repair - in c.e.b.	CUP				Supportive of Media Use
Automobile detailing - in c.e.b.	P				Supportive of Media Use
Automobile painting - in c.e.b.	P				Supportive of Media Use
Automobile parts and accessories - in c.e.b. (incl. audio/alarm systems installation)	P				Supportive of Media Use
Automobile repair garage - in c.e.b.	CUP				Supportive of Media Use
Automobile storage yard - in c.e.b.	P				Supportive of Media Use
Editing - film or sound (see also Sound mixing (film/TV) - no seating area - same use restrictions)	P	P			
Editing - film or sound (see also Sound mixing (film/TV) - with	CUP	CUP			
Film duplication - audio or video	P	P			
Film storage/vault - audio or video	P				
Foley stage (see also Sound effects - same use restrictions)	P	AUP			
Motion picture studio	P				
Motion picture studio - no outdoor sets	P				
Sound effects (see also Foley stage - same use restrictions)	P	AUP			
Sound mixing (film/TV) - no seating area (see also Editing -	P	AUP			
Sound stage	P				
Studio - art and graphic arts	P	P			
Studio - broadcasting or recording no seating area (see also	P	P			
Studio - rehearsal - no recording equipment no seating area	P	P			
MEDICAL AND CARE					
Laboratory - dental or medical	P				
INDUSTRIAL AND MANUFACTURING *No more than 30% of the adjusted floor area can be used for office space					

Uses	Zone 1 Creative Industrial	Zone 2 Creative Office	Zone 3 Retail	Zone 4 Hotel	Specific Use Regulations/ Notes
Aircraft fabrication, testing, servicing	P				1 space for every 714 sq. ft. of adjusted floor area.
Aircraft factory - incl. missile or related manufacturing	P				1 space for every 714 sq. ft. of adjusted floor area.
Custom Manufacturing	P				1 space for every 714 sq. ft. of adjusted floor area.
E-Commerce Fulfillment Center	P				
Distribution	P				
Heavy equipment rental	P				
Heavy Industrial Manufacturing	CUP				1 space for every 714 sq. ft. of adjusted floor area.
Light Industrial Manufacturing	P				1 space for every 714 sq. ft. of adjusted floor area.
Moving van & storage yard	CUP				
Newspaper printing	P				
Paint spray booth - as ancillary use only	P				
Storage facility (public)	CUP				
Warehousing & Storage	P				
TRANSPORTATION AND COMMUNICATION					
Freight terminal or yard	P				
Wireless Telecommunications Facilities pursuant to 10-1-1118	CUP			P	Shall be ancillary to the Hotel
Railroad uses including freight yards, depot, control towers					
Trucking yard or terminal	CUP				
VEHICLE RELATED					
Automobile dealer - new and used	CUP				
Automobile rental - in c.e.b.	CUP				

1. The City Planner may classify any use in Zones 1, 2 and 3 as a use permitted subject to a Conditional Use Permit where such proposed use is determined by the City Planner to be substantially similar to uses specifically listed in the proposed zone as a permitted use or a use permitted subject to a Conditional Use Permit per section 10-1-503 of the Burbank Municipal Code

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

RESOLUTION NO. 19-29,076

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) FOR PROJECT NO. 16-0004646 AND ADOPTING THE MITIGATION MONITORING & REPORTING PROGRAM (MMRP) WITH A STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. On July 20, 2016, Timur Tecimer ("Applicant") of Overton Moore Properties on behalf of Burbank Industrial Investors, LP submitted an application to amend the underlying General Plan Land Use Designation and Mobility Element to incorporate proposed new and extended streets, Planned Development, Development Agreement, Development Review permit, Tentative Parcel Map No. 74417, Public and Convenience or Necessity for Alcohol Sales (the "Project").

Specifically, the Project includes new office, commercial and industrial uses as follows: six (6) single-story industrial flex buildings totaling 1,004,307 square feet; nine (9) two-story office buildings totaling 142,250 square feet; two single-story retail/restaurant buildings totaling 15,475 square feet; and a six-story, 150 room hotel of 101,230 square feet on a 61-acre Project Site.

Included as part of the Project request are: (1) An amendment to the General Plan Land Use designation from Airport to Golden State Commercial/Industrial and an amendment to Exhibit M-2 Roadway Circulation Diagram of the Mobility Element to incorporate the new public streets that will serve the Project Site; (2) A tentative parcel map subdividing the Project Site into nine (9) parcels; (3) The extension, construction, and public dedication of public streets, Tulare Avenue and North Kenwood Street; and (4) Public improvements adjacent to the Project Site that include pedestrian and bicycle amenities, street furniture, landscape and lighting within the public right-of-way.

Furthermore, the Project approval request includes City consideration to certify a Project Environmental Impact Report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA) that identifies 13 significant and unavoidable impacts related to Air Quality and Traffic impacts (3 Project Air Quality Impacts; 10 Transportation and Traffic Impacts) subject to the adoption of a Statement of Overriding Considerations, CEQA Findings, and a Mitigation Monitoring and Reporting Program. The Project Site is located at 3001 North Hollywood Way.

Three (3) Air Quality Impacts from Project operational emissions that would exceed regional air quality plans thresholds and ten (10) Transportation and Traffic impacts resulting from increased traffic volumes at the following intersections:

1

19-29,076

Study Intersection Number	Location	Existing Plus Project	Future Plus Project
6	N. Hollywood Way & Avon Street		X
7	N. Hollywood Way & Victory Boulevard	X	X
8	N. Hollywood Way & Burbank Boulevard	X	X
9	N. Hollywood & Burbank Boulevard		X
19	Buena Vista Street & N. San Fernando Boulevard	X	X
27	Buena Vista Street & SR-134 Westbound Ramps/Riverside Drive		X
34	San Fernando Boulevard & I-5 Southbound Ramps	X	X
47	Clybourn Avenue & Vanowen Street		X
48	Vineland Avenue & Vanowen Street	X	X
56	San Fernando Boulevard & Strathern Street/Clybourn Avenue	X	X

In addition, four intersections would experience temporary project impacts due to Interstate 5 HOV / Empire Interchange Project construction that would no longer be impacted once the I-5 freeway project is completed:

Study Intersection #17: North Buena Vista St. & I-5 NB Ramps
Study Intersection #18: North Buena Vista St. & Winona Ave.
Study Intersection #43: North Victory Blvd / Victory Pl. & West Burbank Blvd.
Study Intersection #44: I-5 SB Ramps / Front St. & Burbank Blvd.

B. The City has evaluated potential environmental effects of the Avion Burbank Project through the preparation and circulation of an Environmental Impact Report ("EIR") and consideration of all comments and responses as referenced in Exhibit P and Q of the March 26, 2019 Council Staff Report, and incorporated herein by this reference. This process included the following actions:

1. A Notice of Preparation was sent to organizations and individuals who requested notice with the notice specifying the period during which comments would be received, the date, time, and place of the public scoping meetings on the Project, and Project information, including the Project description, location, and potential environmental effects.

2

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

2. The Notice of Preparation was transmitted to the Governor's Office of Planning and Research and the State Clearinghouse and Planning Unit on or about June 9, 2017 for public review and distribution to responsible, trustee, and public agencies with jurisdiction over the resources affected by the Project.

3. A Scoping and Community Meeting was held on June 29, 2017.

4. The 45-day review period for the EIR was initiated on August 15, 2018, with the submittal of the EIR to the State Clearinghouse for public review and distribution to responsible, trustee, and public agencies with jurisdiction over the resources affected by the Project. The Notice of Availability (NOA) was filed with the Los Angeles County Clerk on or about August 15, 2018. On August 15 2018, the NOA was published in the Burbank Leader newspaper prior to beginning the 45-day review period. A notice was also mailed by the City to all owners and tenants of property located within 1,000 feet of the Project site, and others who requested this notice. Copies of the environmental documents were available for review at the City of Burbank Community Services Building, the Burbank Public Library, as well as on the Planning Division website (www.burbankca.gov/planning).

5. Comments on the EIR were received by the City before the end of the 45-day public review period on September 28, 2018.

C. All actions required to be taken by applicable law related to the preparation, circulation, and review of the EIR have been taken.

D. A Final EIR has been prepared consisting of the circulated EIR, all comments received during the public review period, responses to all significant environmental points raised during the public review period, and a Mitigation Monitoring & Reporting Program (MMRP). This Final EIR was posted on the City's website at www.burbankca.gov/planning on or about February 15, 2019, and the response to comments were sent to all commenters not less than ten (10) days prior to the City Council's consideration of the EIR and the Project.

E. The Planning Board of the City of Burbank at its meeting of February 25, 2019, held a duly noticed public hearing on the Final EIR and the Project. Notice of the Planning Board's public hearing was posted on the City's website and published in the Burbank Leader on February 11, 2019.

F. The Planning Board, after considering the public comments received, the evidence and testimony before it, and after exercising its independent judgment and review, recommended that the City Council certify the EIR, and adopt the MMRP and Statement of Overriding Considerations (SOC) with Findings of Fact, and approve Project No. 16-0004646.

G. The City Council of the City of Burbank held a public hearing on March 26, 2019, to consider the EIR, and Project No. 16-0004646. The City Council, after staff analysis of the same, independently reviewed and analyzed reports and declarations that became a part of the record of this decision.

H. The City Council, subsequent to deliberation, made its decision to certify the EIR for this Project in light of the record as a whole as set forth in these findings.

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

J. The City Council has made its decision to certify the EIR in the light of all the testimony and evidence presented at or prior to the close of the noticed public hearing, including letters, reports, comments, analyses, etc. that the City Council after review and comment by its staff critically reviewed, corrected, and augmented where necessary, as set forth in the record and procedural findings on this Project.

THE COUNCIL OF THE CITY OF BURBANK RESOLVES:

1. CALIFORNIA ENVIRONMENTAL QUALTIY ACT (CEQA) FINDINGS. The City Council incorporates the findings set forth in Paragraphs A through I above as if restated herein in their entirety.

2. CITY COUNCIL INDEPENDENT JUDGMENT AND REVIEW. The City Council further certifies that the EIR was presented to the City Council, which reviewed and considered the information contained in said EIR prior to deciding whether to approve the proposed Project. The EIR has been thoroughly reviewed and analyzed by the City's Staff, Planning Board, and the City Council. The Project-related documents circulated for public review reflect the City's own independent judgment and the EIR as certified by this Resolution also reflects the independent judgment of the City Council.

3. CEQA – ENVIRONMENTAL IMPACT REPORT (EIR) CERTIFICATION. Based on the findings set forth above, and on the record of the public hearing, the City Council hereby certifies the EIR for the Avion Burbank Project, as presented to Council and set forth in the staff report and certifies that the EIR is an adequate and complete document prepared in compliance with CEQA, as amended, and the State and local Guidelines promulgated there under.

4. CEQA FINDINGS. The City Council hereby adopts the findings required by California Public Resources Code Section 21081 and CEQA Guidelines Section 15091 that are set forth in Section 2 of that document entitled "CEQA Findings of Fact and Statement of Overriding Consideration" attached hereto as Attachment A and incorporated herein by this reference.

5. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) ADOPTED. The City Council hereby adopts the MMRP set forth in the EIR, and attached hereto as Attachment B and incorporated herein by this reference, as the mitigation monitoring and reporting program for the Avion Burbank Project. The City Council finds that the MMRP has been prepared in accordance with CEQA and the CEQA Guidelines,

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

and directs the Community Development Director or his/her designee to oversee the implementation of the program.

6. STATEMENT OF OVERRIDING CONSIDERATIONS. The City Council hereby adopts the Statement of Overriding Considerations attached hereto as Attachment A and incorporated herein by this reference, as the Statement of Overriding Considerations for the Avion Burbank Project. The City Council finds that the SOC and Findings of Fact have been prepared in accordance with CEQA and the CEQA Guidelines.

7. FILING OF NOTICE OF DETERMINATION. The City Council hereby directs the Community Development Director or his/her designee to file a Notice of Determination within five (5) working days after approval of the Project.

8. AVAILABILITY OF PROJECT APPROVALS AND ENVIRONMENTAL IMPACT REPORT. The Community Development Director or his/her designee shall make the project plans and other related materials that constitute the record of the proceedings upon which its decision is based available at City Hall, 275 E. Olive Avenue and the Community Services Building, 150 N. Third Street in the City of Burbank, California, and in other locations the Director deems appropriate to facilitate public access to these documents.

PASSED and ADOPTED this 26th day of March, 2019.

Emily Gabel-Luddy
Mayor

Attest:

Zizette Mullins, MMC, City Clerk

Approved as to Form
Office of the City Attorney

By: _____
Joseph H. McDougall
Senior Assistant City Attorney

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

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 26th day of March, 2019, by the following vote:

AYES: Frutos, Springer, Talamantes and Gabel-Luddy.

NOES: Murphy.

ABSENT: None.

Zizette Mullins, MMC, City Clerk

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

Attachment A
"CEQA Findings of Fact and Statement of Overriding Consideration"

Exhibit A-7

CHAPTER 1
Project Description

1.1 Project Overview

The proposed Project consist of office/industrial park on a vacant 61 acre site with that includes the following: six, industrial flex buildings: six, industrial buildings totaling 1,004,307 sq. ft; nine office buildings totaling 142,250 sq. ft.; tow retail/restaurant buildings of approximately 15,475 square feet, and a six-story 150-room hotel of 101,230 square sq. ft. The proposed extension of Tulare Avenue may include a future connection to the Airport frontage road. Additionally, the Project would also include bike and walking paths that connect the industrial, hotel, and creative office to the on-site retail amenities and transit stops. Parking would be provided between the creative office, retail, and hotel uses. Sixty (60) on-site parking spaces would be designated to the future Metrolink station and would be annually maintained by the Project applicant. The Project would install 177 electric vehicle (EV) charging stalls, of which, 115 shall be fully-installed with Level 2 EV chargers, 32 shall be pre-wired truck parking stalls, and 30 other pre-wired parking stalls. The Project sponsor has also agreed to participate or create a transportation demand management plan. The Project would also include the construction and extension of North Kenwood Street and Tulare Avenue as public streets. Kenwood Street would extend to Cohasset Street and Tulare Avenue would extend to North Hollywood Way.

1.2 Project Location

The Project is located within the City of Burbank. The City encompasses approximately 17.1 square miles and is located in the central portion of Los Angeles County. The City is approximately 12 miles north of downtown Los Angeles, the northwestern edge of the City is bordered by the Verdugo Mountains, and the western edge of the City is located near the eastern part of the San Fernando Valley. Specifically, the Project is located at 3001 North Hollywood Way in the northwest portion of the City.

1.3 Project Objectives

The Project Objectives are listed below:

- Redevelop underutilized land into a mixed-use campus that creates the following:
  1. Economic development within the City;
  2. New employment opportunities, both short and long term, within the City;

Exhibit A-8

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

3. An office campus with an interactive central landscape area that will attract users in the technology, entertainment, and digital media fields;
4. High quality industrial buildings to service various industries including manufacturing, assembly, technology, entertainment, and distribution; and
5. A 150-room hotel development site.

- Provide retail amenities to serve the Project and surrounding businesses.
- Construct onsite bicycle and pedestrian facilities to encourage walking and cycling through and around the Project site.
- Place the property in the Los Angeles County tax rolls and generate long-term sustainable property tax revenue for the City of Burbank.
- Provide improved connectivity from the Metrolink station to the Airport and the mixed-use campus.
- Supporting the ongoing operation of the Metrolink station.
- Provide 60 on-site parking stalls for the Burbank Airport-North Metrolink station as a public benefit.
- Improve and extend surrounding streets segments (Hollywood Way/Tulare and Tulare and Kenwood, Cohasset, and North San Fernando). The extensions of Tulare and Kenwood will be public streets.
- Improve and widen sidewalks around the Project site as well as improve bicycle infrastructure on Tulare Avenue and North Hollywood Way including a buffered bike lane along the North Hollywood Way frontage, in order to promote alternative modes of transportation.
- Implement the City's Green Streets policy for the new streets and sidewalks.
- Provide additional tax revenue for the City from Transient Occupancy Tax.
- Expand the tree canopy and reducing the heat island effect by planting over a 1,000 new trees on the Project and in the public right-of-way.

1.4 Project Elements

The mixed-use Project would consist of a creative office component, retail uses, a hotel, and creative industrial offices. The proposed extension of Tulare Avenue has been designed to facilitate a future connection to the Airport frontage road. Additionally, the Project would also include bike and walking paths that connect the creative industrial, hotel, and creative office to the on-site retail amenities and transit stops. Parking would be provided between the creative office, retail, and hotel uses. Sixty (60) parking spaces would be designated to the future Metrolink station and would be annually maintained by the Project applicant. The Project would install 177 electric vehicle (EV) charging stalls, of which, 115 shall be fully-installed with Level 2 EV chargers, 32 shall be pre-wired truck parking stalls, and 30 other pre-wired parking stalls. The Project applicant has also agreed to participate or create a transportation demand management plan. The Project would also include the construction and extension of Kenwood Street and Tulare Avenue as public streets. Kenwood Street would extend to Cohasset Street and Tulare Avenue would extend to North Hollywood Way.

Exhibit A-9

TABLE 1
PROPOSED USES AND BUILDING SQUARE FOOTAGE

Use	Area Square Footage*
Creative Industrial Component	1,014,887 sf
Building #1	138,258 sf
Building #2	183,935 sf
Building #3	161,424 sf
Building #4	282,466 sf
Building #5	93,582 sf
Building #6	155,222 sf
Creative Office Component	142,250 sf
Building #1	14,250 sf
Building #2	22,500 sf
Building #3	14,250 sf
Building #4	18,750 sf
Building #5	18,750 sf
Building #6	14,250 sf
Building #7	16,500 sf
Building #8	6,500 sf
Building #9	16,500 sf
Retail Component	15,475 sf
Building #1	6,300 sf
Building #2	9,175 sf
Hotel Component	101,230 sf

NOTE:
*Square Footages are approximate and conceptual
Area sf = Total Gross Square Footage
SOURCE: Overton Moore Properties 2017.

Exhibit A-10

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

CHAPTER 2
Findings Required Under CEQA

2.1 Procedural Findings

The City Council of the City of Burbank finds as follows:

Based on the nature and scope of the Avion Burbank Project, SCH No. 2017061019, (herein after the "Project"), the City of Burbank Community Development Department determined, based on substantial evidence, that the project may have a significant effect on the environment and prepared an Environmental Impact Report ("EIR"), SCH No. 2017061019 for the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code Sections 21000 et seq. ("CEQA") and the CEQA Guidelines (14 California Code of Regulations Sections 15000 et. Seq.), as follows:

a. In accordance with CEQA Guidelines Sections 15063 and 15082, a Notice of Preparation ("NOP") of an EIR for review and comment by the public, responsible, and reviewing agencies was circulated by the City from June 9, 2017 to July 8, 2017.

b. In compliance with Section 21083.9 of CEQA and Section 15082(c)(1) of the CEQA Guidelines, the City held a public scoping meeting on June 29, 2017, to receive public and agency comments.

c. A Notice of Completion ("NOC") and copies of the Draft EIR were distributed to the State of California Governor's Office of Planning and Research State Clearinghouse on August 15, 2018, to those public agencies that have jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The City sought input on the Draft EIR between August 15, 2018 and September 28, 2018.

d. The City released the Draft EIR for an official 45-day public review period. The public comment period began on August 15, 2018 and ended on September 28, 2018.

e. A Notice of Availability ("NOA") of the Draft EIR was also published on August 15, 2018, in the Burbank Leader. The NOA stated that the City has completed the Draft EIR and that copies were available at:

https:www.burbankca.gov/departments/community-development/planning/current-planning/avion

Exhibit A-11

and at the:

Planning Division Counter, Community Service Building
150 N. Third Street
Burbank, CA 91510

and at the following libraries:

Burbank Central Library at 110 North Glenoaks Blvd., Burbank, 91502;

Buena Vista Branch Library at 300 N. Buena Vista St., Burbank, 91505;

Northwest Branch Library at 3323 W. Victory Blvd., Burbank, 91505.

f. The Notice of Availability was posted in the office of the Los Angeles County Clerk on August 15, 2018.

g. Following the closure of the public comment period, all comments received on the Draft EIR during the comment period, the City prepared written responses to the significant environmental points raised in the comments received on the Draft EIR during the comment period those comments pursuant to Section 15088 of the CEQA Guidelines, and additional information added by the City were added to the Draft EIR to produce the Final EIR. Proposed written responses to comments made by a public agency were provided to that public agency at least 10 days prior to certifying the EIR.

h. The City prepared a Final EIR consisting of (1) the Draft EIR (2) all comments received on the Draft EIR during the public comment period, (3) a list of persons, organizations, and public agencies commenting on the Draft EIR, (4) the responses of the City to comments raised in the review and consultation process, and (5) modifications to the Draft EIR.

2.2 Findings Required Under CEQA

The City Council (the final decision-making body) of the City of Burbank (the CEQA Lead Agency) will determine whether to certify the EIR for the Project. Because the Draft EIR identified potentially significant environmental impacts, the City Council must also make certain "findings" as part of its action to certify that the EIR has been completed in compliance with CEQA and to approve the proposed Project. Pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, no public agency shall approve or carry out a Project for which an environmental impact report has been certified, which identifies one or more significant effects on the environment that would occur if the Project is approved or carried out, unless the public agency makes one or more findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Exhibit A-12

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

2.3 Record of Proceedings

For purposes of CEQA and these findings, the record before the City includes the following:

1. The Draft EIR and all appendices to the Draft EIR
2. The Final EIR including comments on the DEIR and responses to comments and all appendices to the Final EIR
3. All notices required by CEQA, staff reports, and presentation materials related to the Project
4. All studies conducted for the Project and contained in, or referenced by, staff reports, the Draft EIR, or the Final EIR
5. All public reports and documents related to the Project prepared for and/or the City
6. All documentary and oral evidence received and reviewed at public hearings, study sessions, and workshops and all transcripts and minutes of those hearings related to the Project, the Draft EIR, and the Final EIR
7. For documentary and informational purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, master plans together with environmental review documents, findings, mitigation monitoring programs, and other documentation relevant to planned growth in the area
8. Any additional items not included above if otherwise required by law

2.4 Findings

The Final EIR is incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the Project in spite of the potential for associated significant and unavoidable adverse impacts.

For the purposes of these findings, the impact discussions include the relevant policies and actions, as well as the separate mitigation measures imposed to reduce the impacts where the policies did not result in a less-than-significant impact. In the findings that follow, impact numbers are provided. The impact numbers correspond to sections of the Draft EIR that contain an expanded discussion of impacts. Please refer to the referenced impact sections of the EIR for more detail.

Exhibit A-13

2.4.1 Significant or Potentially Significant Impacts Mitigated to a Less Than Significant Level

The following impacts of the Project are reduced to a less-than-significant level through the implementation of policies and actions in the Project or separate mitigation measures and are set out below. Pursuant to California Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), as to each impact, the City of Burbank City Council, based on the evidence in the record before it, finds that changes or alterations incorporated into the Project by means of conditions or otherwise, mitigate, avoid, or substantially lessen to a level of insignificance these environmental impacts of the Project. Some changes or alterations are incorporated into the Project by means of policies and actions contained in the Project. In other cases, the City has provided separate mitigation measures, as needed, to address potentially significant impacts. The basis for the finding for each impact is set forth below.

The section numbering used in the summary of findings below are the same used in the Project Draft EIR. In addition to the supporting information presented below, please refer to the Final EIR, under separate cover, for greater detail.

Cultural Resources

Impact 4.3-2: The proposed Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. (Less than Significant Impact with Mitigation)

No archaeological resources were identified in the Project site, and the Project would not result in an impact to known archaeological resources. However, there is potential for the Project to encounter unknown subsurface archaeological resources during ground disturbance. The geoarchaeological study indicates that based upon the Holocene-aged soil parent material, the historic presence of two unnamed tributaries from the Tujunga Wash within the Project site and the flat landforms within the Project site, there is a potential for buried prehistoric archaeological resources. Given the extensive historic and recent disturbances (such as soil remediation actions) within the Project site, any archaeological remains present are likely to have been disturbed, and the potential for substantial, intact subsurface archaeological resources has been reduced. Based on these factors, the Project site is considered to have a moderate sensitivity for archaeological resources that could qualify as historical resources or unique archaeological resources under CEQA.

Mitigation Measures

MM-CUL-1: Prior to start of ground-disturbing activities, a qualified archaeologist (who meets the Secretary of the Interior's Professional Qualifications Standards) shall be retained by the Project applicant to conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains, and safety precautions to be taken when working with archaeological monitors. The Project applicant shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.

Exhibit A-14

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

MM-CUL-2: In the event of the unanticipated discovery of archaeological materials, the Project applicant shall immediately cease all work activities in the area (within approximately 100 feet) of the discovery until it can be evaluated by a qualified archaeologist. Construction shall not resume until the qualified archaeologist has conferred with the City on the significance of the resource.

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

Finding

Implementation of Mitigation Measures MM-CUL-1 and MM-CUL-2, which include cultural resources sensitivity training and procedures to be followed in the event of the discovery of archaeological resources, would reduce potentially significant impacts to previously unknown archaeological resources that could qualify as historical resources or unique archaeological resources under CEQA to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

Impact 4.3-3: The proposed Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Less than Significant Impact with Mitigation)

The results of the LACM paleontological locality search indicate that no vertebrate fossil localities lie directly within the Project site; however, several vertebrate fossil localities (LACM 1146, 3263, 3822, 6208, and 6970) from older Quaternary deposits similar to those mapped in the Project site have been recorded between 3 to 6 miles away at depths between 14 and 170 feet below surface. These localities yielded fossil specimens of mastodon, horse, camel, bison, ground sloth and extinct peccary.[1] (McLeod 2017). The LACM indicated that shallow excavations into the younger Quaternary alluvium deposits are unlikely to yield fossil vertebrate remains;

[1] Mcleod 2017

Exhibit A-15

however, deeper excavations may impact older sediments that have high paleontological sensitivity.[2]

The geologic map review indicated that the Project site is underlain by late Holocene wash deposits (Qw), and middle to early Holocene and late Pleistocene young alluvial-fan deposits (unit 2 [Qyf]).[3] According to SVP standards, fossils include the remains of vertebrates or invertebrates 5,000 years old or more.[4] Fossils therefore may be preserved in middle to early Holocene-age sediments since they date to as much as 10,000 years old. Deeper levels of the sediments mapped in the Project site have high paleontological sensitivity and are of an age to preserve fossil resources.

The excavations at the Project site are expected to reach down a maximum of 15 to 18 feet below surface. Given that fossils in the vicinity of the Project site have been recovered from 14 feet below surface[5] (McLeod 2017) and the exact depth of the interface between younger alluvium and older alluvium is not known, paleontological monitoring shall be conducted for ground-disturbing activities that exceed 10 feet in depth MM-CUL-3.

Mitigation Measures

MM-CUL-3: A qualified paleontologist, defined as a paleontologist who meets the standards of the SVP,[6] shall be retained by the Project applicant to carry out all mitigation measures related to paleontological resources.

MM-CUL-4: Prior to the start of construction, a qualified paleontologist, or his or her designee, shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The Project applicant shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.

MM-CUL-5: Ground-disturbing construction activities (including grading, trenching, foundation work, and other excavations) in previously undisturbed sediments that exceed 10 feet in depth shall be monitored on a full-time basis during initial ground disturbance. Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources and meets the minimum standards of the SVP (2010). The duration and timing of the monitoring shall be determined by the qualified paleontologist and the location and extent of proposed ground disturbance. If the qualified paleontologist determines that

[2] Ibid.

[3] Campbell, R. H., C. J. Willis, P. J. Irvine, and B. J. Swanson. 2014. Preliminary geologic map of the Los Angeles 30′ x 60′ quadrangle, California, version 2.1: U.S. Geological Survey. Scale 1:100,000.

[4] Society for Vertebrate Paleontology. 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Society of Vertebrate Paleontology, Impact Mitigation Guideline Revision Committee. Available online ate http://vertpaleo.org/Membership/Member-Ethics/SVP_Impact_Mitigation_Guidelines.aspx. Accessed September 29, 2017.

[5] McLeod 2017

[6] Society for Vertebrate Paleontology. 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Society of Vertebrate Paleontology, Impact Mitigation Guideline Revision Committee. Available online ate http://vertpaleo.org/Membership/Member-Ethics/SVP_Impact_Mitigation_Guidelines.aspx. Accessed September 29, 2017.

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full-time monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, the qualified paleontologist may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall not be required in artificial fill or for activities that do not reach 10 feet in depth.

MM-CUL-6: In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. The qualified paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:

1) Salvage of Fossils. The qualified paleontologist (or paleontological monitor) shall recover significant fossils following standard field procedures for collecting paleontological resources, as described by the SVP (2010). Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.
2) Preparation and Curation of Recovered Fossils. Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the qualified paleontologist.

Finding

Implementation of Mitigation Measures MM-CUL-3, MM-CUL-4, MM-CUL-5, and MM-CUL-6, which include retention of a qualified paleontologist, paleontological resources sensitivity training, paleontological monitoring, and procedures to follow in the event of a discovery, would reduce potentially significant impacts to unique paleontological resources to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

Impact 4.3-4: The proposed Project would not significantly impact any human remains, including those interred outside of dedicated cemeteries. (Less than Significant Impact with Mitigation)

While no known human remains have been identified in the Project site as a result of the cultural resources assessment for the Project, there is a possibility that ground-disturbing activities could encounter previously undocumented human remains. In the unexpected event that human remains are unearthed during construction activities, impacts would be potentially significant, and as such, mitigation would be required.

Exhibit A-17

Mitigation Measures

MM-CUL-7: If human remains are encountered, the Project applicant shall halt work in the vicinity (within 100 feet) of the discovery and contact the Los Angeles County Coroner in accordance with PRC Section 5097.98 and Health and Safety Code Section 7050.5. If the County Coroner determines that the remains are Native American, the NAHC will be notified in accordance with Health and Safety Code Section 7050.5, subdivision (c), and PRC Section 5097.98 (as amended by AB 2641). The NAHC will designate an MLD for the remains per PRC Section 5097.98. Until the landowner has conferred with the MLD, the contractor shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity, is adequately protected according to generally accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials.

Finding

With implementation of Mitigation Measure MM-CUL-7, which requires compliance with PRC Section 5097.98 and Health and Safety Code Section 7050.5, impacts to human remains would be less than significant. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

Energy

Impact 4.4-3: The proposed Project would not cause wasteful, inefficient, or unnecessary consumption of energy during construction or operation. (Less-than-Significant Impact with Mitigation)

Electricity

The Project will increase the demand for electricity resources including for water supply, conveyance, distribution, and treatment as compared to the existing commercial use. The Project would result in a projected consumption of electricity totaling approximately 12.94 million kWh per year. The existing parking lots use approximately 0.59 million kWh per year. As such, the Project would result in a net new consumption of electricity within the Project site of 12.34 million kWh per year. Implementation of PDF GHG-1 through 7 and PDF AIR-2 would minimize the Project's estimated electricity, water, and natural gas consumption. Measures found in PDF AIR-2 would increase energy efficiency, resulting in energy savings. However, the extent to which these energy savings can be accurately quantified is limited due to unavailability of specific data.

The Project would comply with or exceed the applicable provisions of Title 24 and the CALGreen Code in effect at the time of building permit issuance. As specified in PDF AIR-2 and PDF GHG-1 through 7, the Project would be designed to include many energy and waste saving features that would allow the Project to comply with and exceed the Title 24 standards and achieve greater energy savings than required by State regulations. Compliance with the City Burbank Sustainable Action Plan and Greenhouse Gas Reduction Plan would reduce energy and water consumption by incorporating strategies such as low-flow toilets, low-flow faucets, low-flow showers, and other energy and resource conservation measures. The heating, ventilation, and

Exhibit A-18

air conditioning (HVAC) system for each structure would be sized and designed in compliance with the CALGreen Code to maximize energy efficiency caused by heat loss and heat gain. The Project would also support the recycling and waste diversion goals of the City by incorporating recycling collection areas in the Project design. As such, the Project would minimize energy demand and has no significant impact on the environment.

As discussed above and in Section 4.4 of the Draft EIR, PDF AIR-2 and PDF GHG-1 through 7 would ensure that the Project would be designed to include many energy efficiency and waste saving features that would allow the Project to comply with and exceed the Title 24 standards and achieve greater energy savings than required by State regulations. Additionally, mitigation measures MM GHG-1 through MM GHG-3 would further reduce energy efficiency demand by requiring on-site renewable energy or the purchase of green power, food scraps and compostable paper diversion requirement, and proper disposal of yard waste. The Project would not result in wasteful, inefficient, or unnecessary consumption of energy during construction or operation.

Mitigation Measures

MM GHG-1: Prior to the issuance of building permits, Project Applicant shall demonstrate that the Project shall be constructed such that it incorporates on-site renewable energy or purchase of green power (including pre-wiring for solar photovoltaic) such that 10 percent of the project's energy use is from renewable sources.

MM GHG-2: The project shall participate in the food scraps and compostable paper diversion so that 100 percent of commercial businesses divert 90 percent of food scraps and compostable paper.

MM GHG-3: Property management shall ensure that all yard waste disposed of on-site is disposed of in a proper yard waste collection bin. No yard waste is to be disposed of in trash bins.

Finding

Although the Project would not result in direct significant impacts that would require mitigation, the incorporation of mitigation measures GHG-1 through GHG-3 would ensure that the Project uses its energy resources efficiently. Therefore, with the incorporation of these features, Operation of the Project would not result in the wasteful, inefficient, or unnecessary consumption of electricity. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

Impact 4.4-4: The proposed project would not result in an increase in demand for electricity or natural gas that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (Less-than-Significant With Mitigation)

BWP is the electricity utility provider for the City and SoCalGas is the natural gas utility provider for the City and the region. The annual electricity sale to customers for the 2015–2016 fiscal year and the annual natural gas sale to customers in 2015 is provided in Table 4.4-3 of the Draft EIR.

Exhibit A-19

Transportation fuel consumption data, gasoline and diesel fuel consumption for transportation uses in California, in 2015 is also provided in Table 4.4-3. It is conservatively assumed heavy-duty construction equipment would be diesel-fueled. This also represents a worst-case scenario intended to represent the maximum potential energy use during construction.

The Project's net energy and transportation fuel demand are compared to the energy sales from regional providers and State transportation fuel supplies. The Project would represent a very small fraction of the energy sales from regional providers and State transportation fuel supplies.

While construction of the Project would result in temporary fuel demand, according to the USEIA's International Energy Outlook 2016, the global supply of crude oil, other liquid hydrocarbons, and biofuels is expected to be adequate to meet the world's demand for liquid fuels through 2040.[7] As of December 31, 2015, California had approximately 2,333 million barrels (approximately 98.0 trillion gallons) of crude oil left in the State's reserves.[8] Energy demands during the construction of the Project would not represent a substantial fraction of the available energy supply in terms of equipment and transportation fuels and would not substantially affect existing local and regional supply and capacity for the future. Furthermore, construction of the Project would use equipment that would be consistent with the energy standards applicable to construction equipment including limiting idling fuel consumption and using contractors that comply with applicable CARB regulatory standards that affect energy efficiency. Thus, construction of the Project would not conflict with energy standards applicable to heavy-duty construction equipment and associated on-road trucks and vehicles. Because Project construction would entail energy demands largely associated with equipment and transportation fuels, construction of the Project would not increase demands on the electric power network during peak and base period demand periods. As a result, construction energy impacts on supplies and infrastructure would be less than significant.

The Project would comply with or exceed the applicable provisions of the Title 24 standards and the CALGreen Code in effect at the time of building permit issuance. Examples of energy measures in the Title 24 standards and the CALGreen Code include energy efficiency metrics and performance standards for appliances, space-conditioning equipment (i.e., heating, ventilation and air conditioning [HVAC]), water heating systems, windows and doors, insulation, lighting, and roofing materials; indoor and outdoor water use efficiency and conservation performance metrics; and requirements to provide solar-ready buildings with a minimum solar zone area (solar zone is defined as a section of the roof designated and reserved for the future installation of a solar electric or solar thermal system). As previously discussed, the latest version of the Title 24 (2016) standards results in approximately 5 percent less energy demand for non-residential lighting, heating, cooling, ventilation, and water heating as compared to the prior Title 24 (2013) standards.

7 United States Energy Information Administration, International Energy Outlook 2016, http://www.eia.gov/outlooks/ieo/liquid_fuels.cfm. Accessed May 2017.

8 United States Energy Information Administration, California, Profile Data, May 18, 2017, https://www.eia.gov/state/data.cfm?sid=CA#ReservesSupply. Accessed May 2017.

Exhibit A-20

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BWP and SoCalGas update all load forecasts for electricity and natural gas services every year. Load growth forecasts for this area are determined using projection tools that use a number of sources of data, including past peak loading, population, development characteristics, and temperature history information. An outline of BWP forecast data sources are included in its Integrated Resource Plan.[9] SoCalGas and the CEC forecast future demand, as outlined in the California Gas Report.[10] The proposed Project's electricity and natural gas usage is expected to represent approximately 1.54 percent and 0.0051 percent of BWP's and SoCal Gas's 2016 sales of electricity and natural gas, respectively. Even though the Project may constitute a discernible increase in the utilities' energy demands for electricity, per BWP's comment letter, the BWP is well aware of the Project's electricity needs and the substation requirement for loads above 5 MW has been satisfied by this Project per the Substation Agreement entered into in April 2017.[11] Additionally, implementation of mitigation measures to ensure Project efficiency would lessen the Project's impact on overall energy demand. Based on the required load forecast projections by BWP and SoCalGas, these utilities would be expected to meet the Project's demand for electricity and natural gas services and supply and infrastructure impacts would be less than significant with mitigation.

With respect to operational transportation-related fuel usage, the Project would support statewide efforts to improve transportation energy efficiency. The Project would provide employment opportunities near off-site residential areas, the Project site is served by a high level of public transit, the Project would encourage use of non-motorized vehicles by installing the prewiring for 177 electric vehicle charging stations (115 of which would be fully-installed as Level 2 EV chargers), and prewire 32 electrical charging stalls for use by distribution trucks at truck bays; four bike sharing stations, on-street bike lanes along North Hollywood Way and Tulare Avenue, and connectivity to the Burbank Airport-North Metrolink station. The proximity to transit and existing off-site uses would reduce vehicle trips and VMT by encouraging walking and non-automotive forms of transportation, which would result in corresponding reductions in transportation-related fuel demand, as shown in Table 4.4-3 of the Draft EIR. Alternative-fueled, electric, and hybrid vehicles, to the extent these types of vehicles would be utilized by passengers, would reduce the Project's consumption of gasoline and diesel. According to the EMFAC2014 model, electric vehicles are predicted to account for approximately 1.2 percent of passenger vehicles in 2020 in the region. Nonetheless, electric vehicles would translate to a fuel savings. Plug-in electric vehicles would generally obtain battery power from utility-provided electricity, which are required to provide an increasing share of electricity from renewable sources (i.e., 33 percent by 2020 and 50 percent by 2030) under the State's Renewables Portfolio Standard. Therefore, while plug-in electric vehicles would replace traditional transportation fuels (i.e., gasoline) with utility-provided electricity, the electricity would be provided by an increasing share of renewable sources resulting in an overall reduction in energy resource consumption. As

9 Burbank Water and Power, 2015 Integrated Resource Plan, http://burbank.granicus.com/MetaViewer.php?view_id=6&clip_id=7687&meta_id=311344. Accessed October 2017.

10 California Gas and Electric Utilities, 2016 California Gas Report, https://www.socalgas.com/regulatory/documents/cgr/2016-cgr.pdf.Accessed May 2017.

11 Burbank Water and Power (Electric), 2018 DR#16-0004646. Project Name Avion Burbank. Location: 3001 N Hollywood Way.

Exhibit A-21

discussed above, according to the USEIA's International Energy Outlook 2016, the global supply of crude oil, other liquid hydrocarbons, and biofuels is expected to be adequate to meet the world's demand for liquid fuels through 2040.[12] As the Project would incorporate characteristics and measures that would reduce transportation fuel usage, the Project energy impacts on transportation fuel supplies and infrastructure would be less than significant.

Mitigation Measures

Mitigation measures GHG-1, GHG-2, and GHG-3.

Finding

Incorporation of mitigation measures GHG-1 through GHG-3 would ensure that the Project uses its energy resources efficiently. Therefore, with the incorporation of these features, operation of the Project would not result in an increase in demand for electricity or natural gas that exceeds available supply infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

Greenhouse Gas Emissions

Impact 4.6-1: The Project would not create a significant impact that would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. (Less-than-Significant Impact with Mitigation).

The Draft EIR, for informational purposes only, quantifies the Project's potential GHG emissions in order to correlate to the Climate Change Scoping Plan and supplement the primary threshold of significance below that demonstrates consistency with plans and policies adopted for the purpose of reducing GHG emissions.

GHG emissions associated with construction and operation of the Project were calculated to disclose emissions from the Project and were estimated using the CalEEMod model. The Project would not only meet the CAL Green Code mandatory requirements, but it would also meet CAL Green Tier 1 energy efficiency criteria for commercial components. Physical and operational Project characteristics for which sufficient data is available to quantify the reductions from building energy and resource consumption have been included in the quantitative analysis. The Project would also plant approximately 1,000 trees across the campus and along the project frontage, absorbing GHGs in a process known as carbon sequestration.

12 United States Energy Information Administration, International Energy Outlook 2016, http://www.eia.gov/outlooks/ieo/liquid_fuels.cfm. Accessed May 2017.

Exhibit A-22

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Maximum annual net GHG emissions resulting from construction[13] motor vehicles, energy (i.e., electricity, natural gas), stationary sources, area sources, water conveyance, and waste sources were calculated for the expected first operating year, 2020. The maximum first operating year GHG emissions from operation of the Project are shown in Table 4.6-4 of the Draft EIR.

Many future employees and visitors to the amenities provided by the Project likely already travel within the Air Basin and generate mobile-source emissions there. For example, a new mixed-use campus development implemented pursuant to the Project could redistribute existing vehicle trips from a similar existing mixed-use campus development. In such cases, regional mobile source emissions could be unchanged or even reduced if the new mixed-use campus development is located closer to employees and customers. It is unknown at this time to what extent new developments implemented pursuant to the Project would result in net new emissions or would relocate or redistribute existing sources of emissions.

Therefore, the GHG emissions shown in the Draft EIR are based on the highly conservative assumption that operation of the land uses proposed under the Project would result in all net new emissions from mobile sources. Project operational emissions would be regional in nature, as they would occur over a relatively large area from multiple individual developments within the approximately 61-acre Project site. The majority of the emissions are from mobile sources; therefore, the majority of the emissions would occur from vehicles traveling over regional roadways. Using CARB's EMFAC2014 tool, for buildout year 2020, mobile source emissions for the Air Basin would result in 61,983,897 $MTCO_2$ annually. The Project's GHG emissions from mobile sources would represent 0.02 percent of the Air Basin's annual mobile source GHG emissions. Additionally, the Project's total GHG emissions would represent 0.04 percent of annual mobile source GHG emissions.

The City's Greenhouse Gas Reduction Plan (GGRP) has a community-wide baseline emissions inventory of 1,682,494 $MTCO_2e$/yr for 2010. The Project's GHG emissions would result in a 1.4 percent increase over the City's 2010 baseline emissions inventory, a 1.2 percent increase over the Projected 2020 community-wide emissions (1,859,899 $MTCO_2e$/yr), and a 1.1 percent increase over the projected 2035 community-wide GHG emission for GHG (2,127,500 $MTCO_2e$/yr). The Project's GHG emissions would represent 13.1 percent of the emissions increased from 2010 to 2020, and 1.1 percent of community-wide emissions in 2035.

Project operational-related GHG emissions would decline in future years as emissions reductions from the State's Cap-and-Trade program are fully realized. Emissions reductions from the Project's two highest GHG-emitting sources, mobile and electricity, would occur over the next decade, and beyond, ensuring that the Project's total GHG emissions would be further reduced. Emissions from electricity would decline as utility providers, including BWP, meet their Renewables Portfolio Standard obligations to provide 50 percent of their electricity from

[13] Although construction-related GHGs are one-time emissions, any assessment of project emissions should include construction emissions. The SCAQMD recommends that a project's construction-related GHG emissions be amortized over the project's 30-year lifetime in order to include these emissions as part of the project's annualized lifetime total emissions, so that GHG reduction measures will address construction GHG emissions as part of operational GHG reduction strategies. In accordance with this recommendation, the project's estimated construction GHG emissions have been amortized over a 30-year period.

Exhibit A-23

renewable electricity sources by 2030 consistent with SB 350, which would achieve additional reductions in emissions from electricity demand, although the actual reduction will depend on the mix of fossil fuels that BWP will replace with renewables and the relative CO_2 intensities of those fossil fuels. Project emissions from mobile sources would also decline in future years as older vehicles are replaced with newer vehicles, resulting in a greater percentage of the vehicle fleet meeting more stringent combustion emissions standards, such as the model year 2017–2025 Pavley Phase II standards.

The Project would also implement mitigation measures MM AIR-1, MM AIR-2, and MM AIR-3. Mitigation measure MM AIR-1 would require the commercial and industrial portion of the Project participate in the citywide Transportation Management Organization (TMO). Assuming 20 percent of future employees are eligible for participating in the TMO related incentive measures, this mitigation measure could potentially reduce employee VMT by approximately 3 percent and reduce associated GHG emissions from mobile sources. Mitigation measures MM AIR-2 and MM AIR-3 would reduce GHG emissions from delivery trucks idling on site. It should be noted that the scenario analyzed presented conservative, worst-case emissions. These mitigation measures have the potential to reduce GHG emissions from single occupancy vehicle trips to the Project site and idling emissions from delivery trucks. However, predictions of the extent to which these required mitigation measures would reduce operational GHG emissions would be speculative.

Mitigation Measures

GHG emissions associated with the Project were estimated in the Draft EIR for informational purposes and therefore mitigation measures specific to the reduction of direct and indirect impacts have not been incorporated. However, mitigation measures GHG-1 through GHG-3, implemented to reduce impacts of Impact Statement 4.6-2, below, would reduce GHG emissions associated with the Project.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

Impact 4.6-2: The Project would not conflict with any applicable plan, policy, regulation, or recommendation of an agency adopted for the purpose of reducing the emissions of GHGs. (Less-than-Significant Impact with Mitigation).

Consistency with Applicable GHG Reduction Plans and Policies

A significant impact would occur if the Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment by conflicting with applicable regulatory plans and policies to reduce GHG emissions as discussed within CARB's Climate Change Scoping Plan, SCAG's 2016 RTP/SCS, and the City's General Plan, GGRP, and Green Building Code.

Exhibit A-24

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CARB's Climate Change Scoping Plan

In support of HSC Division 25.5, the State has promulgated specific laws aimed at GHG reductions applicable to the Project. The primary focus of many of the statewide and regional mandates, plans, policies and regulations is to address worldwide climate change. Due to the complex physical, chemical, and atmospheric mechanisms involved in global climate change, there is no basis for concluding that the Project's increase in annual GHG emissions would cause a measurable change in global GHG emissions necessary to influence global climate change. Newer construction materials and practices, energy efficiency requirements, and newer appliances tend to emit lower levels of air pollutant emissions, including GHGs, as compared to those built years ago; however, the net effect is difficult to quantify. The GHG emissions of the Project alone would not likely cause a direct physical change in the environment. According to CAPCOA, "GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective."[14] It is global GHG emissions in their aggregate that contribute to climate change, not any single source of GHG emissions alone.

Table 4.6-5 of the Draft EIR contains a list of GHG-reducing strategies potentially applicable to the Project. The analysis describes the consistency of the Project with these strategies that support the State's strategies in the Climate Change Scoping Plan to reduce GHG emissions. The Climate Change Scoping Plan relies on a broad array of GHG reduction actions, which include direct regulations, alternative compliance mechanisms, incentives, voluntary actions, and market-based mechanisms such as the Cap-and-Trade program. The Project would implement Project Design Features (PDFs) and incorporate characteristics to reduce energy, conserve water, reduce waste generation, facilitate on-site use of electrical vehicles and reduce vehicle travel consistent with Statewide strategies and regulations. As a result, the Project would not conflict with applicable Climate Change Scoping Plan strategies and regulations to reduce GHG emissions.

Furthermore, not only is the Project consistent with currently applicable GHG emission reduction strategies described in Table 4.6-5, but the Project also would not conflict with or impede the future statewide GHG emission reductions goals. CARB has outlined a number of potential strategies for achieving the 2030 reduction target of 40 percent below 1990 levels. These potential strategies include renewable resources for half of the State's electricity by 2030, increasing the fuel economy of vehicles and the number of zero-emission or hybrid vehicles, reducing the rate of growth in VMT, supporting other alternative transportation options, and use of high efficiency appliances, water heaters, and HVAC systems.[15] The Project would benefit from statewide and utility provider efforts to increase the portion of electricity provided from renewable resources. The Project would also benefit from statewide efforts toward increasing the fuel economy standards of vehicles. The Project would be consistent with reducing the rate of growth in VMT by providing on-site bicycle parking facilities and being located in area served by public transit, including bus lines and Metrolink stations. While CARB is in the process of

[14] California Air Pollution Control Officers Association, CEQA & Climate change: Evaluating and Addressing Greenhous Gas Emissions from projects Subject to the California Environmental Quality Act, (2008).

[15] Energy + Environmental Economics, Summary of the California State Agencies' PATHWAYS project: Long-term Greenhouse Gas Reduction Scenarios, April 6, 2015. Available at: https://www.arb.ca.gov/html/fact_sheets/e3_2030scenarios.pdf. Accessed May 2017.

Exhibit A-25

developing a framework for the 2030 reduction target in the Scoping Plan, the Project would support or not impede implementation of these potential reduction strategies identified by CARB.

SCAG's 2016 RTP/SCS

The significance of the Project's GHG emissions was first evaluated based on whether the emissions would be generated in connection with development located and designed consistent with relevant regional and local goals, actions, and recommendations designed to encourage development to reduce trips and VMTs. Transportation-related GHG emissions are the largest source of GHG emissions from the Project. This Project characteristic is consistent with the assumption in many regional plans, such as the SCAG RTP/SCS, which recognizes that the transportation sector is the largest contributor to the State's GHG emissions.

Consistent with SCAG's RTP/SCS alignment of transportation, land use, and housing strategies, the Project would accommodate projected increases in travel demand by implementing smart land use strategies. The Project would redevelop underutilized land into a mixed-use campus that would provide retail amenities to serve the Project and surrounding businesses, encourage alternative modes of transportation by installing the prewiring for 177 electric vehicle charging stations (of which would be fully-installed as Level 2 EV chargers, 32 pre-wired truck parking stalls, and 30 other pre-wired parking stalls), providing four bike share stations, and numerous locations for bicycle parking. The Project site is currently served by multiple bus routes provided by Los Angeles Metro and BurbankBus, and the Project will provide two bus stops, one each along North Hollywood Way and North San Fernando Boulevard. Based on the available public transit, the Traffic Study applied a trip generation credit for the office, industrial, and hotel land uses, as well as an internal capture reduction for the retail portions of the Project. The Project would also include circulation improvements by widening and extending surrounding streets such as Hollywood Way, Tulare, Kenwood, Cohasset, and San Fernando. The Project would provide safe access and connectivity for pedestrians and bicyclists to the Burbank Airport-North Metrolink station. Further, the project will provide buffered bike lanes along the Hollywood Way frontage. Overall, these Project characteristics have the potential to reduce single occupancy vehicle trips and vehicle miles traveled, thus reducing their associated GHG emissions.

SCAG's 2016 RTP/SCS states that 38 percent of all trips in the region are less than 3 miles.[16] The RTP/SCS intends to decrease these trips by extending local bikeway networks. The Project would be consistent with this RTP/SCS goal by installing four on-site bike share stations, providing on-street bike lanes along North Hollywood Way and Tulare Avenue, multiple bike parking location throughout the site, and a bike path that connects to the Burbank Airport-North Metrolink. In addition, according to the Traffic Study,[17] the Project would not conflict with the City's Bicycle Master Plan. Therefore, the Project would be consistent with the SCAG 2016 RTP/SCS regional and local trip and VMT reduction goals.

[16] The 2016-2040 Regional Transportation Plan/ Sustainable Communities Strategy, April 2016. http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf Accessed June 2017.

[17] Traffic Impact Study for the Avion Mixed Use Development Project, Fehr & Peers, July 2018.

Exhibit A-26

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City of Burbank 2035 General Plan and GGRP

The City has a reduction target of 15 percent below 2010 levels by 2020 and a reduction goal of 30 percent below 2010 levels by 2035. In order to achieve these goals, the City has identified actions and measures to reduce GHG emissions stated in the City's General Plan Program: *Air Quality and Climate Change Element* and the City's *GGRP*. Table 4.6-6 of the Draft EIR summarizes how the Project supports the actions and measures found in the City's General Plan and GGRP.

The analysis describes the consistency of the Project with the applicable City GHG emissions reduction plans, policies, and regulations, including the City's General Plan and the GGRP. As discussed in Table 4.6-6, the Project would implement PDFs and incorporate water conservation, energy conservation, tree-planting, and other features consistent with these plans. Therefore, the Project would be consistent with the City's applicable plans, policies, or regulations for GHG emissions.

City of Burbank Green Building Standards Code

In Title 9, Chapter 1, Article 10, of the Burbank Municipal Code (BMC), the City has adopted the 2010 California Green Building Standards Code, or CALGreen. The mandatory requirements of CALGreen Chapters 4 and 5 apply to new residential and non-residential projects. Respectively. As detailed in PDF-AIR-2, the Project will meet mandatory CALGreen building standards, the commercial components will meet CALGreen Tier 1 energy efficiency criteria, in addition to incorporating other energy and emission saving features as part of the Project Design Features. In addition, the buildings will be constructed to LEED Silver standards. .Therefore, the Project would be consistent with the City's Green Building Code.

Consistency with Other Plans, Policies, Regulations, or Recommendations to Reduce GHG Emissions

The Project would also be consistent with other statewide, regional and local plan, policies, regulations, and recommendations to reduce GHG emissions from development. The primary focus of many of the statewide and regional mandates, plans, policies and regulations is to address worldwide climate change. According to CAPCOA, "GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective."[18] Due to the complex physical, chemical and atmospheric mechanisms involved in global climate change, there is no basis for concluding that the Project's annual GHG emissions would cause a measurable change in global GHG emissions sufficient to create a significant project level impact on global climate change. Newer construction materials and practices, energy efficiency requirements, and newer appliances tend to emit lower levels of air pollutant emissions, including GHGs, as compared to those built years ago; however, the net effect is difficult to quantify. The GHG emissions of the Project alone is not expected to cause a direct physical change in the environment. It is global GHG emissions in their aggregate that contribute to climate change, not any single source of GHG emissions alone. Because of the lack of evidence indicating that the Project's GHG emissions would cause a measurable change in global GHG emissions sufficient to create a significant Project-level impact on global climate change,

[18] California Air Pollution Control Officers Association, CEQA & Climate change: Evaluating and Addressing Greenhouse Gas Emissions from projects Subject to the California Environmental Quality Act, (2008).

Exhibit A-27

and the fact that the Project incorporates physical and operational Project characteristics and Project Design Features that would ensure its consistency with City actions and measures, Project emissions are not anticipated to contribute considerably to global climate change. The Project is also considered to be consistent with the GHG reduction goals of HSC Division 25.5 and associated GHG reduction plans such as SCAG's 2016 RTP/SCS, and it is not expected that Project development would impede their goals. In fact, as discussed above, the Project's location and development comply with the recommendations in these documents and would meet their goals.

Consistency with Executive Orders S-3-05 and B-30-15

Executive Orders S-3-05 and B-30-15 establish goals for reducing GHG emissions. Executive Order S-3-05's goal to reduce GHG emissions to 1990 levels by 2020 was codified by the Legislature as AB 32. As analyzed above, the Project would be consistent with AB 32. Therefore, the Project does not conflict with the 2020 component of Executive Orders S-3-05 and B-30-15.

Executive Orders S-3-05 and B-30-15 also establish goals to reduce GHG emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050. SB 32 established the 2030 goal as law but the 2050 goal has not yet been codified by the Legislature. However, studies have shown that, to meet the 2030 and 2050 targets, aggressive technologies in the transportation and energy sectors, including electrification and the decarbonization of fuel, will be required. In its Climate Change Scoping Plan, CARB acknowledged that the "measures needed to meet the 2050 goal are too far in the future to define in detail."[19] In the First Update, however, CARB generally described the type of activities required to achieve the 2050 target: "energy demand reduction through efficiency and activity changes; large-scale electrification of on-road vehicles, buildings, and industrial machinery; decarbonizing electricity and fuel supplies; and rapid market penetration of efficiency and clean energy technologies that requires significant efforts to deploy and scale markets for the cleanest technologies immediately."[20] Due to the technological shifts required and the unknown parameters of the regulatory framework in 2030 and 2050, quantitatively analyzing the Project's impacts further relative to the 2030 and 2050 goals currently is speculative for purposes of CEQA.

Although the Project's emissions levels in 2030 and 2050 cannot yet be reliably quantified, statewide efforts are underway to facilitate the State's achievement of those goals and it is reasonable to expect the Project's emissions level to decline as the regulatory initiatives identified by CARB in the First Update are implemented, and other technological innovations occur. Stated differently, the Project's emissions total at buildout year of 2020 represents the maximum emissions inventory for the Project as California's emissions sources are being regulated (and foreseeably expected to continue to be regulated in the future) in furtherance of the State's environmental policy objectives. Given the reasonably anticipated decline in Project emissions once fully constructed and operational, the Project would be consistent with the Executive Orders' goals.

[19] CARB, Climate Change Scoping Plan, p. 117, December 2008
[20] CARB, First Update, p. 32, May 2014

Exhibit A-28

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Because the Project's location, land use characteristics, and design render it consistent with statewide and regional climate change mandates, plans, policies, and recommendations, and with the City's GGRP and CAL Green Code, the Project would be consistent with and would not conflict with any applicable plan, policy, regulation or recommendation to reduce GHG emissions. Therefore, impacts would be less than significant.

Mitigation Measures

MM GHG-1: Prior to the issuance of building permits, Project Applicant shall demonstrate that the Project shall be constructed such that it incorporates on-site renewable energy or purchase of green power (including pre-wiring for solar photovoltaic) such that 10 percent of the Project's energy use is from renewable sources.

MM GHG-2: The Project shall participate in the food scraps and compostable paper diversion so that 100 percent of commercial businesses divert 90 percent of food scraps and compostable paper.

MM GHG-3: Property management shall ensure that all yard waste disposed of on-site is disposed of in a proper yard waste collection bin. No yard waste is to be disposed of in trash bins.

Finding

As discussed above and in the Draft EIR, the Project would be consistent with applicable plans, policies, regulations, and recommendations of an agency adopted for the purpose of reducing emissions of GHGs. However, mitigation that is specifically required by the City's GGRP has been implemented. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

Hazards and Hazardous Materials

Impact 4.7-1: The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Less-than-Significant Impact with Mitigation)

There is the potential that asbestos-containing Transite piping could be located beneath the Project site; the extent of which is unknown. During demolition activities, workers may encounter the Transite piping which could result in a potential health hazard.

The Project site is located within the Burbank Operable Unit of the San Fernando Valley Superfund Site which is contaminated with VOCs such as PCE and TCE. As part of the Phase I ESAs for the Project site, additional soil gas investigations were recommended and performed, as discussed above. Results indicated that one sample on the B6 Plant property slightly exceed regulatory guidelines. The rest of the samples were well below regulatory screening levels.[21] Results of samples collected at the PAC property showed that PCE detected in soil gas samples

[21] Ardent Environmental Group, Inc. (Ardent), 2016. Soil Management Plan, Trust Property, Burbank, California. March 3.

Exhibit A-29

only slightly exceeds regulatory guidelines when detected.[22] Laboratory results of soil gas samples indicated no detectable to low concentrations of VOCs at the Aviall property site.[23] Based on the VOC concentrations detected in soil gas samples at the Project site, soils likely would not be contaminated in excess of the VOC field screening criteria. Nonetheless, in the event that VOC-contaminated soil is encountered during Project excavation, activities would be carried out in accordance with SCAQMD Rule 1166. Based on the results of the soils investigation, soil vapors that may be encountered by workers during construction would be below the action levels and would not pose a threat to workers. Therefore, impacts from soil vapor exposure would be less than significant.

Construction workers may potentially be exposed to contaminated soil during soil handling activities including excavation, grading, and paving activities at the Project site. However, ground-disturbing activities would be conducted in accordance with applicable Federal, State and local regulations. Best Management Practices (BMPs) will also be used during excavation activities in order to prevent exposure to soil contaminants including hexavalent chromium. Included in these BMPs will be the requirement to only use driven piling without pre-drilling for foundations that are deeper than 20 feet, to avoid bring contaminated soils to the surface. A Project site-specific Health and Safety Plan, PDF HAZ-3, that incorporates OSHA and CalOSHA regulations, as well as FAA and airport health and safety requirements, will be implemented in order to minimize the risk of injury to site workers. Additionally, the Project applicant has prepared a SMP, PDF HYDRO-2, which outlines the framework for contaminated soils assessment and identification, including hexavalent chromium, remediation, removal, and disposal actions in accordance with applicable regulations. In the event that Project-related excavation unexpectedly encounters VOC-contaminated soil, the continuation of such excavation would be carried out in accordance with SCAQMD Rule 1166. Compliance with PDF HYDRO-2 and other applicable rules and regulations would ensure that construction would not result in an unauthorized release of potential hazardous contaminants in soil through the use or transport of these materials that would create a hazard to the public or the environment. In the absence of any other known hazardous materials within the existing soil as well as with other existing regulatory requirements described above, no significant impacts related to hazards and hazardous materials would occur.

Mitigation Measures

MM HAZ-1: During construction, if encountered, the Project applicant shall remove Transite pipe containing asbestos in full compliance with SCAQMD and Cal-OSHA requirements to ensure proper handling, notification, and disposal and would be performed by a licensed asbestos abatement contractor. All asbestos-containing material (ACM) would be contained in leak tight containers, labeled appropriately, transported and disposed of in accordance with applicable rules and regulations.

MM HAZ -2: During construction, the Project applicant will ensure that prior to leaving the Project site, each haul truck, and other delivery truck that comes in contact with Project waste, are inspected and put through procedures, as necessary, to remove loose

[22] Ibid.
[23] Ibid.

Exhibit A-30

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debris from tire wells and on the truck exterior. Haul truck operators (drivers) are required to have the proper training and registration by the State and as applicable to the material they would be hauling. Trucks transporting hazardous waste are required to maintain a hazardous waste manifest that describes the content of the materials.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

Noise

Impact 4.10-1: The proposed Project would not expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Less-than-Significant Impact with Mitigation)

On-site Construction Activity and Related Noise

Construction of the Project would require the use of heavy equipment during the demolition, grading, and excavation activities at the Project site. During each stage of development, there would be a different mix of equipment. As such, construction activity noise levels at and near the Project site would fluctuate depending on the particular type, number, and duration of use of the various pieces of construction equipment.

Individual pieces of construction equipment anticipated during Project construction could produce maximum noise levels of 70 dBA to 85 dBA L_{max} at a reference distance of 50 feet from the noise source, as shown in **Table 4.10-9** of the Draft EIR. These maximum noise levels would occur when equipment is operating at full power. However, construction equipment operates at full power periodically for relatively short durations such as when actively lifting materials. Construction equipment typically operate and much lower power levels. Acoustical usage factors are used estimate the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation. According to the FHWA's RCNM User's Guide, the usage factor term is used for the computation of L_{eq} noise levels, which is the estimated usage factor for the equipment shown in Table 4.10-9.[24]

During Project construction, the closest off-site noise-sensitive receptors that would be exposed to increased noise levels are:

a) Single-family residences along North San Fernando Boulevard approximately 350 feet north of the Project site

b) Single-family residences along North San Fernando Boulevard approximately 550 feet northeast of the Project site

[24] Federal Highway Administration, Roadway Construction Noise Model User's Guide, 2006.

Exhibit A-31

Over the course of a construction day, the highest noise levels would be generated when multiple pieces of construction equipment are being operated concurrently. The Project's estimated construction noise levels were calculated for a scenario in which all construction equipment for all overlapping phases were assumed to be operating simultaneously. Equipment was assumed to be located at the nearest distance from the sensitive receptor for half of the total equipment, while the other half was assumed to be located at the center of the Project site. This assumption is based on the fact that activities would occur throughout the site and not just along the Project border.

The estimated noise levels at the off-site sensitive receptors were calculated using the FHWA's RCNM, and were based on a maximum concurrent operation of up to 18 pieces of heavy construction equipment (i.e., aerial lift, auger drill rig, excavator, tractor/loader/backhoe, forklift, etc.), which is considered a worst-case evaluation because the Project would typically use less total equipment on a daily basis, and thus would generate lower noise levels. In addition, the noise levels were estimated assuming construction activities for Phase 1 would overlap with construction activities for Phase 2.

As shown in **Table 4.10-10** of the Draft EIR construction noise levels are estimated to reach a maximum of 71 dBA at sensitive receptor R3 (single-family residential), which would exceed the maximum allowable BMC increase at this location (the ambient noise level of 59 dBA plus 5 dBA), and a maximum of 70 dBA at sensitive receptor R4 (single-family residential), which would not exceed the maximum allowable BMC increase at this location (the daytime noise level of 66 dBA plus 5 dBA). Therefore, the Project would result in potentially significant construction noise impacts to noise-sensitive receptor R3.

Impacts from On-site Stationary Noise Sources

Fixed Mechanical Equipment

The operation of mechanical equipment typical for developments like the Project, such as air conditioners, fans, generators, and related equipment, may generate audible noise levels. Project mechanical equipment would be located on rooftops or within buildings, and would be shielded from nearby land uses to attenuate noise and avoid conflicts with adjacent uses. Mitigation Measure NOI-2 is prescribed to comply with noise limitation requirements provided in Chapter 9-3-208 of the BMC. With implementation of MM-NOI-2, all mechanical equipment would be designed with appropriate noise control devices, such as sound attenuators, acoustic louvers, or sound screen/parapet walls, which prohibit the noise from such equipment causing an increase in the ambient noise level by more than 5 dBA. Therefore, with implementation of mitigation measures, operation of mechanical equipment would not exceed the City's thresholds of significance of 5 dBA or greater noise increase and impacts would be less than significant.

Mitigation Measures

Construction

Construction-related noise has the potential to result in significant noise impacts at noise-sensitive receptor R3.

MM NOI-1: The Developer shall provide a temporary 6-foot-tall construction fence equipped with noise blankets rated to achieve sound level reductions of at least 10 dBA between the Project site and single-family residential uses north of the Project site.

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MM NOI-2: All building outdoor mounted mechanical and electrical equipment shall be designed to comply with the Noise Regulations, which prohibits noise from any heating, ventilation, and air conditioning (HVAC) system from exceeding the ambient noise levels on the premises of other occupied properties by more than 5 dBA L_{eq}.

Finding

With implementation of MM-NOI-1, the noise levels during construction would be reduced from construction noise levels of up to 71 dBA L_{eq} to 61dBA L_{eq}, which is below the significance thresholds at the nearby receptor location (R3). MM-NOI-1 would prohibit noise from any outdoor mounted mechanical and electrical equipment from exceeding the ambient noise levels on the premises of other occupied properties by more than 5 dBA L_{eq}. Thus, potentially significant construction noise impacts and potentially significant impacts from on-site stationary noise sources would be reduced to a less-than-significant level with implementation of mitigation measures. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

Impact 4.10-3: The proposed Project could result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project. (Less-than-Significant with Mitigation)

The analysis provided for "Impact 4.10-1" addresses the potential for Project operations to result in permanent increases in ambient noise levels in the Project vicinity. As stated therein, Project-related traffic would not increase noise levels at noise-sensitive receptors in a substantial increase in ambient noise levels. As shown in Table 4.10-13 of the Draft EIR, Project on-site operations would generate noise levels up to 63.6 dBA L_{eq} at the sensitive receptor location R3.

Mitigation Measures

Implementation of MM-NOI-2.

Finding

With implementation of mitigation measure MM-NOI-2, the Project would not result in a substantial permanent increase in ambient noise levels. Therefore, impacts would be less than significant. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

Impact 4.10-4: The proposed Project could result in a temporary or periodic increase in ambient noise levels in the project vicinity above existing levels existing without the project. (Less-than-Significant Impact with Mitigation)

The analysis provided for Impact 4.10-1 addresses the potential for project construction to result in temporary or periodic increases in ambient noise levels in the project vicinity. As shown in Table 4.10-10, construction noise levels are estimated to reach a maximum of 71 dBA at the nearest sensitive receptors north of the Project site along North San Fernando Boulevard, which would exceed the applicable thresholds. Impact due to noise from on-site construction activities

Exhibit A-33

would result in a temporary increase in ambient noise levels in the Project vicinity above existing ambient levels.

Mitigation Measures

Implementation of MM-NOI-1.

Finding

With implementation of mitigation measure MM- NOI-1, the noise levels during construction would be reduced to construction noise levels of up to 71 dBA L_{eq} to 61 dBA L_{eq}, which below the significance thresholds at the nearby receptor location (R3). Thus, potentially significant construction noise impacts would be reduced to a less-than-significant level with implementation of mitigation measures. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

Transportation and Traffic

Impact 4.13-1: The Project would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. (Significant and Unavoidable)

Project significant impacts were identified at 14 study intersections under Existing plus Project conditions and 16 study intersections under Future plus Project conditions.

There are several intersections where impacts would occur in the Existing plus Project traffic scenario, but not in the Future plus Project traffic scenario, either due to planned improvements or re-opening of lanes that were closed due to I-5 Empire Interchange construction during the existing conditions. As such, mitigation measures were not evaluated for these locations, which include:

- Buena Vista Street & I-5 NB Ramps (Intersection No. 17) – new traffic patterns in future year scenarios due to temporary construction closures during the existing year scenarios;
- Buena Vista Street & Winona Avenue (Intersection No. 18) – new traffic patterns in future year scenarios due to temporary construction closures during the existing year scenarios;
- North Victory Place & West Burbank Boulevard (Intersection No. 43) – new traffic patterns in future scenarios due to temporary construction closures during existing scenarios; and
- I-5 SB Off-Ramp/Front Street & Burbank Boulevard (Intersection No. 44) – new lane geometries in future year scenarios.

In addition, an impact would occur at the North Hollywood Way & Winona Avenue (Intersection No. 4) in the Existing plus Project traffic scenario, but not in the Future plus Project traffic scenario because of new traffic patterns resulting from a possible connection via Tulare Avenue

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between North Hollywood Way and the Airport terminal. A mitigation measure was explored for the North Hollywood Way & Winona Avenue intersection because an airport connection via Tulare Avenue is not certain to occur and mitigation would be needed if Winona Avenue remains the only airport connection from North Hollywood Way.

The mitigation measures for the Project include improvements that would increase the capacity and/or the efficiency of the roadway system at study intersections where significant impacts are expected to occur. Opportunities for physical and operational mitigation measures such as restriping of intersection approaches to add turn lanes and improving traffic control devices or signal phasing were evaluated. The emphasis was to identify physical and/or operational improvements that could be implemented efficiently and maintain consistency with the Mobility Element goals.

The Mobility Element provides the City with a framework for determining the feasibility of intersection improvements based upon right-of-way constraints or instances where the physical layout of intersection improvements causes a conflict between City's General Plan Goals and Policies and the City's LOS D standard. The screening analysis used in the City's General Plan and in this analysis relies on the following four overarching City policy groups that support the City's General Plan: Any transportation improvement should: (1) be achievable within the existing right-of-way; (2) be in conformity with the existing scale and design of the location they serve; (3) allow for complete streets; and (4) maintain pedestrian opportunities. These four overarching policies are supported by the City's General Plan through several Land Use and Mobility Element Policies. The relationship between the policy-based screening framework and the City's General Plan Goals and Policies is further described below.

Right-of-Way Needs

A policy conflict is triggered if any right-of-way acquisition is needed to implement the proposed mitigation, assuming lane width minimum and 10-foot sidewalks.

Supporting General Plan Policies:

Mobility Element

Policy 1.2: Recognize that Burbank is a built-out city and wholesale changes to street rights-of-way are infeasible.

Policy 3.4: All street improvements should be implemented within the existing right-of-way. Consider street widening and right-of-way acquisition as a method of last resort.

Scale and Design

A policy conflict is triggered if the scale and design goes beyond the Maximum Acceptable Mitigations 'template' identified in the Burbank2035 FEIR, or if the mitigation needed increases the existing travel-way width (measured from curb-to-curb) along a "residential/mixed-use" area.

Supporting General Plan Policies:

Mobility Element

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Policy 1.5: Design transportation improvements to be compatible with the scale and design of existing infrastructure.

Complete Streets

A conflict is triggered if the mitigation increases the travel-way width along the intersection so as to narrow existing sidewalks, decrease bike lane widths, or greatly disturb transit/bus stop locations.

Supporting General Plan Policies:

Mobility Element

Policy 3.2: Complete city streets by providing facilities for all transportation modes.

Land Use Element

Policy 4.1: Maintain complete streets that create functional places meeting the needs of pedestrians, bicyclists, wheelchair users, equestrians, and motorists.

Pedestrian Opportunities

A conflict is triggered if the proposed mitigation requires sidewalks to go below the minimum sidewalk width standards specified in Table M-2 of the Mobility Element.

Supporting General Plan Policies:

Mobility Element

Policy 3.3: Provide attractive, safe street designs that improve transit, bicycle, pedestrian, and equestrian connections between homes and other destinations

Policy 5.5: Require new development to provide land necessary to accommodate pedestrian infrastructure, including sidewalks at the standard widths specified in Table M-2 (15-feet for sidewalks adjacent to the Buena Vista St./Empire Ave. and Buena Vista St./Victory Blvd. intersections).

Land Use Element

Policy 4.5: Require pedestrian-oriented areas to include amenities such as sidewalks of adequate width, benches, street trees and landscaping, decorative paving, art, kiosks, and restrooms.

Under the City's General Plan, a mitigation measure is considered to result in a significant land use impact if the proposed improvement conflicts with the "Right-of-Way Needs" policies or with two or more of the "Scale and Design," "Complete Streets," or "Pedestrian Opportunities" policies.

It should be noted that while the Burbank Municipal Code does not require the proposed Project to participate in the BTMO because it is not located within the Burbank Media District or Burbank Center Specific Plan areas, the Project will be required to join the BTMO as a condition of the Project's Development Agreement. Participation in the BTMO and its associated transportation management programs may reduce the severity of the impacts identified above.

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However, for the purposes of this analysis, no trip reduction credit was taken for implementing transportation demand management programs.

The following mitigation measures were evaluated against the policy-based screening analysis discussed above. **Table 4.13-10** and **Table 4.13-11** of the Draft EIR present the LOS results for Existing plus Project and Future plus Project conditions, respectively, at intersections where mitigation measures were applied.[25] Lane configurations for study intersections with mitigation measures are included in Appendix J of the Draft EIR. Existing plus Project is the traffic scenario that provides projected traffic volumes and an assessment of operating conditions under existing (2017) conditions with the addition of Project-generated traffic. Future plus Project is the traffic scenario provides projected traffic volumes, and an assessment of operating conditions under future (2024) conditions with the addition of Project-generated traffic.

Mitigation Measures

Existing Plus Project – Signalized Intersections

MM TRANS-1: North Hollywood Way & Tulare Avenue (Intersection No. 3): North Hollywood Way & Tulare Avenue (Intersection No. 3): In order to mitigate the impact at North Hollywood Way & Tulare Avenue to a less than significant level, it would have to be widened and restriped at the northbound, eastbound, and southbound approaches. The Project applicant shall coordinate with the City to implement the following intersection improvements prior to issuance of the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first):

- The northbound approach (Hollywood Way) would be restriped to provide one additional through lane between just north of Avon Street and just north of Tulare Avenue. In addition, it would be widened to include two left-turn lanes, so that the northbound approach would consist of two left-turn lanes, two through lanes, and one through/right lane. To offset the effect of additional travel lanes on bicyclists, the existing southbound Class II bicycle lanes would be separated from vehicular traffic by a raised five-foot sidewalk bicycle lane separated from the street by a 5-foot green street bio-swale, and separated from the sidewalk with a demarcation of colored concrete or truncated domes, along the project's frontage between Winona Avenue and the San Fernando Blvd. ramps. The existing northbound Class II bicycle lanes would be separated from the travel lanes by a painted buffer of at least three feet along with semi-permanent devices such as bollards;
- The eastbound approach (Tulare Avenue) would be widened to include one left-turn lane and one through/right-turn lane;
- The southbound approach (Hollywood Way) would be widened to include one southbound right turn lane so that the southbound approach would consist of one left-turn lane, three through lanes, and one right-turn lane.

[25] The results of the application of the improvements described in both feasible and infeasible mitigation measures are provided in the LOS tables.

Exhibit A-37

MM TRANS-2: North Hollywood Way & Winona Avenue (Intersection No. 4): In order to mitigate the impact at North Hollywood Way & Winona Avenue to a less than significant level, it would have to be widened and restriped at the northbound approach. The Project applicant shall coordinate with the City to implement the following intersection improvements prior to issuance of the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first):

- Northbound Hollywood Way would be restriped to provide one additional through lane between just north of Avon Street and just north of Tulare Avenue. This would result in a northbound configuration of one left-turn lane, two through lanes, one through/right-turn lane;
- Existing northbound bicycle lanes would be maintained and improved on Hollywood Way by installing a painted buffer of at least 2 feet between Burton Way and Winona Avenue; 5-foot bike lanes would be maintained between Thornton Avenue and Burton Way. Existing southbound bike lanes would be maintained by a width of at least 5 feet between Thornton Avenue and Winona Avenue.

MM TRANS-3: North Hollywood Way & Thornton Avenue (Intersection No. 5): In order to mitigate the impact at North Hollywood Way & Thornton Avenue to a less than significant level, it would have to be restriped at the northbound and southbound approaches. The Project applicant shall coordinate with the City to implement the following intersection improvements prior to issuance of the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first):

- Northbound Hollywood Way would be restriped to provide one additional through lane between just north of Avon Street and just north of Tulare Avenue. This would result in a northbound configuration of one left-turn lane, two through lanes, and one through/right-turn lane;
- Southbound Hollywood Way would be restriped to convert the southbound right-turn lane into a southbound through/right-turn lane, resulting in the following configuration: one left turn lane, two through lanes, and one through/right-turn lane. The third southbound departure lane shall merge into the southbound ramp to Empire Avenue at Avon Street;
- The existing raised median will be reconstructed between Avon Street and Thornton Avenue, southbound Hollywood Way would be widened by 4 feet within public right of way between Thornton Avenue and the private fast food complex driveway, and the southbound sidewalk would be maintained at 12-feet, to accommodate the new travel lane;
- Existing bicycle lanes would be maintained and improved on Hollywood Way. Existing 5 foot northbound and southbound bicycle lanes would be maintained on Hollywood Way between Thornton Avenue and Burton Way. Existing bicycle lanes would be widened to 6 feet wide northbound and southbound on Hollywood Way between Avon Street and Thornton Avenue.

Existing plus Project – Unsignalized Intersections

MM TRANS-4: North Hollywood Way & North San Fernando Boulevard Eastbound Ramps (Intersection No. 30): In order to mitigate the significant impact at North Hollywood Way & North San Fernando Boulevard Eastbound Ramps to a less than

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significant level, the intersection would need to be redesigned. The Project applicant shall coordinate with the City to implement the following intersection improvements prior to temporary certificate of occupancy or certificate of occupancy (whichever is issued first):

- The intersection would be redesigned to accommodate an uncontrolled eastbound right-turn lane. The new design would require acquisition of right-of-way from the Project, and would extend the planned southbound right-turn lane at Hollywood Way & Tulare Avenue back to the San Fernando Boulevard Eastbound Ramps, creating a weaving section for vehicles entering Hollywood Way from San Fernando Boulevard and vehicles turning right into the Project site at Tulare Avenue.
- The redesign would shift bicycles from the Class II on-street facility to an off-street protected Class IV facility, to avoid vehicles weaving across bicycle traffic. The bicycle lanes would be separated from vehicular traffic by a raised five-foot sidewalk bicycle lane separated from the street by a 5-foot green street bio-swale, and separated from the sidewalk with a demarcation of colored concrete or truncated domes, along the Project's frontage between Winona Avenue and the San Fernando Blvd. ramps.

Future plus Project – Signalized Intersections

North Hollywood Way & Tulare Avenue (Intersection No. 3): The same mitigation measure described above under Existing plus Project conditions **(MM TRANS-1)** to reduce the proposed Project's incremental increase in V/C to a less than significant level at North Hollywood Way & Tulare Avenue would also reduce the impact under Future plus Project conditions.

North Hollywood Way & Winona Avenue (Intersection No. 4): The same mitigation measure described above under Existing plus Project **(MM TRANS-2)** conditions to reduce the proposed project's incremental increase in V/C to a less than significant level at North Hollywood Way & Winona Avenue would also reduce the cumulative impact under Future plus Project conditions.

North Hollywood Way & Thornton Avenue (Intersection No. 5): The same mitigation measure described above under Existing plus Project conditions **(MM TRANS-3)** to reduce the proposed Project's incremental increase in V/C to a less than significant level at North Hollywood Way & Thornton Avenue would also reduce the impact under Future plus Project conditions.

MM TRANS-7: North Hollywood Way & Alameda Avenue (Intersection No. 11): In order to mitigate the cumulative impact at North Hollywood Way & Alameda Avenue to a less than significant level, it would have to be widened and restriped at the northbound approach to include two left-turn lanes, two through lanes, and one right-turn lane. Alternatively, developer shall pay the applicable transportation development impact fee in lieu of constructing the improvements, and the City shall construct the improvements when they are needed to maintain the City's LOS D standard. The City will measure the LOS of all study intersections every two years to evaluate traffic impacts of development projects, or more frequently if necessary to identify or confirm LOS. The mitigation will be implemented prior to the point at which the intersection is expected to deteriorate to LOS to E or F, accounting for reasonable variability in daily traffic demand. The Project's Mitigation Monitoring and Reporting Program (MMRP) shall be implemented consistent with the Burbank2035 MMRP.

Exhibit A-39

MM TRANS-8: North Hollywood Way & Olive Avenue (Intersection No. 13): In order to mitigate the cumulative impact at North Hollywood Way & Alameda Avenue to a less than significant level, westbound and eastbound approaches would need to be reconfigured, resulting in a new peak period parking restriction. The Project applicant shall design and construct the following improvements prior to the City issuing the first certificate of occupancy for the Project. Alternatively, developer shall pay the applicable transportation development impact fee in lieu of constructing the improvements, and the City shall construct the improvements when they are needed to maintain the City's LOS D standard. The City will measure the LOS of all study intersections every two years to evaluate traffic impacts of development projects, or more frequently if necessary to identify or confirm LOS. The mitigation will be implemented prior to the point at which the intersection is expected to deteriorate to LOS to E or F, accounting for reasonable variability in daily traffic demand. This mitigation monitoring program shall be implemented consistent with the Burbank2035 Mitigation Monitoring and Reporting Program.

- Implement PM peak period parking restriction in the westbound direction of Olive Avenue.
- Reconfigure the westbound approach to include one left-turn lane, two through lanes and one shared through/right-turn lane.
- Restripe the eastbound approach to include two left-turn lanes, two through lanes, and one through/right-turn lane (may require alteration to the existing median).

Currently, a peak parking restriction exists on westbound Olive Avenue between Riverside Drive and Pass Avenue during the AM peak period. During the PM period, parking is currently permitted and the westbound intersection approach configuration consists of one left-turn lane, two through lanes, and one right-turn lane. The mitigation measure would establish a PM peak period parking restriction on westbound Olive Avenue between Riverside Drive and Pass Avenue (the same as the AM parking restriction limits) from 4:30 to 7:30 PM, Monday through Friday. This mitigation measure can be implemented within the existing right-of-way without re-striping and would involve restricting approximately eight parking spaces during the PM peak period.

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The proposed changes on both the eastbound and westbound approaches can be accommodated within the existing curb-to-curb space. The mitigation measure would exceed the MAMS template, and therefore would conflict with the Scale and Design criteria in the policy-based screening analysis. It does not conflict with other elements of the screening analysis. This mitigation measure would reduce the proposed Project's incremental increase in V/C to a less than significant level. Therefore, this mitigation measure is deemed feasible and would reduce the Project impact to a less than significant level.

Future plus Project – Unsignalized Intersections

North Hollywood Way & North San Fernando Boulevard Eastbound Ramps (Intersection No. 30): The same mitigation measure described above under Existing plus Project conditions MM TRANS-8) to reduce the proposed Project's incremental increase in V/C to a less than significant level at North Hollywood Way & North San Fernando Boulevard Eastbound Ramps would also reduce the cumulative impact under Future plus Project conditions.

MM TRANS-9: North San Fernando Boulevard & Cohasset Street (Intersection No. 32): To mitigate the significant pedestrian impact at the North San Fernando Boulevard & Cohasset Street, the intersection would need to be signalized. The Project applicant shall coordinate with the City and the City of Los Angeles to implement the following intersection improvements prior to issuance of the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first) and the City of Los Angeles:

- Install a traffic signal.
- Construct curb extension and pedestrian ramp at the signalized intersection.
- Coordinate signal timing with other traffic signals on North San Fernando Boulevard to maintain traffic flow.

The intersection meets the signal warrant during the PM peak hour in the Future (2024) plus Project scenario. No change in striping or lane configuration is included as part of this mitigation measure. This mitigation measure would reduce the proposed Project's incremental increase in V/C to a less than significant level.

It should be noted that a similar mitigation measure was proposed as part of the Hollywood-Burbank Airport Terminal Replacement Project, but that proposal also included restriping the eastbound approach to provide a separate right-turn lane and left-turn lane.

North San Fernando Boulevard & Cohasset Street (Intersection No. 32): The same pedestrian mitigation measure described above (MM TRANS-9) would also reduce the proposed Project's incremental increase in V/C to a less than significant level at North San Fernando Boulevard & Cohasset Street under cumulative Future plus Project conditions.

Finding

The significant impacts to Signalized Intersections Nos. 3 and 4 for the Existing Plus Project scenario would be mitigated to less than significant. The significant impact to unsignalized intersection No. 30 for the Existing Plus Project scenario would be mitigated to less than

Exhibit A-41

significant. The significant impacts to signalized intersections Nos. 3, 5, 11, and 13 for the Future Plus Project scenario would be reduced to less than significant. The significant impacts to unsignalized intersection Nos. 30 and 32 would be mitigated to less than significant. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR with respect to study intersection numbers 3, 4, 5, 11, 13, 30 and 32.

Tribal Cultural Resources

Impact 4.14.1 and 4.14.2: The Project would not result in a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074. (Less than Significant with Mitigation).

As previously stated under Section 4.14.2, *Environmental Setting* (see Native American Consultation subsection), no requests for consultation were received from any of the Native American contacts regarding the AB 52 consultation letters sent by the City and no Native American resources were identified in the Project site by the NAHC. As a result, no tribal cultural resources were identified to be present within the project site and, there would be no environmental impacts to known tribal cultural resources within the Project site. However, in the event of an unanticipated discovery of archaeological resources and human remains that could also be considered tribal cultural resources, Mitigation Measures MM-CUL-1, MM-CUL-2, and MM-CUL-7 shall be followed.

Mitigation Measures

Implement Mitigation Measures MM-CUL-1, MM-CUL-2, and MM-CUL-7 outlined in Impacts 4.3-2 and 4.3-4.

Finding

Implementation of Mitigation Measures MM-CUL-1 and MM-CUL-2, which include cultural resources sensitivity training and procedures to be followed in the event of the discovery of archaeological resources, would reduce potentially significant impacts to previously unknown archaeological resources that could qualify as historical resources or unique archaeological resources under CEQA to a less than significant level. With implementation of Mitigation Measure MM-CUL-7, which requires compliance with PRC Section 5097.98 and Health and Safety Code Section 7050.5, impacts to human remains would be less than significant. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

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Utilities

Impact 4.15-1: The proposed Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board during either construction or operation of the Project. (Less-than-Significant Impact with Mitigation)

There is currently no wastewater generated on the Project site. Wastewater generated during Project construction would consist of construction workers using portable toilets. Portable toilet waste would be collected from the Project site by a permitted liquid waste hauler and disposed of at a liquid waste disposal station operated by the LACSD, where it would be treated to LARWQCB standards for wastewater. Portable toilet waste would be minimal, and would not exceed the capacity of disposal and treatment facilities. Therefore, impacts related to wastewater treatment requirements during Project construction would be less than significant.

The Project would introduce commercial and industrial uses to the Project site that would generate an estimated maximum wastewater amount of 271,127 gallons per day (gpd) during a wet weather event using an approved formula from City Public Works. Wastewater demand calculations have been included as part of Appendix L of the Draft EIR. During dry weather, wastewater production for the Project is estimated to be around 2.5 times less (approximately 108,451 gpd). To treat wastewater generated on-site, the Project would require 8-inch connections to the existing 8-inch vitrified clay pipe (VCP) on Hollywood Way and will require a new and/or modified manhole.[26] In addition, approximately 1,800 feet of existing sewer along the tributary reaches of sanitary sewer servicing this property would be impacted by the Project's operation; these sanitary sewer lines would require upgrades to function as sewage conveyance lines for the Project.[27] The Project applicant would be required to obtain all applicable permits for excavation, sewer connection and plumbing from the City Public Works Department and the City Building and Safety Division when upgrading existing sewer lines.

Mitigation Measure

MM-UTIL-1: The Project applicant shall pay fees to the City of Burbank as determined by the current Sewer Capacity Analysis performed for the Project Draft EIR. The fees will cover the pro-rated cost of necessary Project-related sewer infrastructure upgrades, including design, permitting, and contractor costs to install the necessary improvements; inspection; traffic control; and street restoration. The required portion to be paid is valued as a percentage of the Project's contribution to the impacted sanitary sewer system. For the Project, this amount is estimated at $49,000, which is approximately 2.7 percent of the total cost of off-site sewer infrastructure upgrades. The Project applicant is also subject to sewer facility charges (SFCs) estimated at $388,719. Therefore, the total fees to be paid to the City for sewer interconnection and upgrades is estimated to be approximately $423,000. Despite the estimates in this mitigation measure, the estimated amount due is subject to change. The Project applicant must pay fees deemed necessary by the City prior to issuance of a building permit from the City.

[26] David Evans and Associates, Inc. (DEA), Sewer Capacity Study, Avion Burbank Project, 3001 N. Hollywood Way, Burbank, CA, prepared for ESA, 2017.

[27] City of Burbank, 3003 N Hollywood Way – Sewer Capacity Analysis, 2017. Note: referenced in text as "City of Burbank 2017a."

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Finding

Per mitigation measure MM-UTIL-1, the Project applicant would be required to pay a portion of the necessary sewer infrastructure upgrades, which are determined as a percentage of the Project's contribution to the sanitary sewer system. Mitigation Measure UTIL-1 also requires the Project applicant to pay sewer facility charges prior to issuance of a building permit. Further, when installing the proposed new sewer connections to existing sewer lines, the Project would comply with the City of Burbank Municipal Code's requirements for sewer connection, including obtaining a permit, City review and approval of new sewer plans, and, if a new manhole is necessary, requirements for construction a maintenance hole. Following payment of fees for interconnection to the City sewer and compliance with City of Burbank Municipal Code, the Project would be equipped with the appropriate sewer connection and capacity to convey wastewater to the BWRP for treatment. Therefore, impacts related to the exceedance of wastewater treatment requirements would be less than significant with mitigation. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

Impact 4.15-5: The proposed Project would not result in a determination by the wastewater treatment provider which serves or may serve the Project that it has inadequate capacity to serve the projects projected demand in addition to the provider's existing commitments. (Less than Significant Impact with Mitigation)

The Project would represent an increase in wastewater generated on-site when compared to existing conditions. MM-UTIL-1 would require the payment of both sewer facility charges and a portion of necessary sewer infrastructure upgrade costs required to serve the Project site. The Project applicant would also be required to obtain a permit from the City for interconnection into their existing sewer line per compliance with the BMC. Following compliance with these requirements, connection to the City's sewer system is allowed,[28] which serves as confirmation that the City (that operates the Burbank Water Reclamation Plant that would eventually treat Project wastewater) has appropriate capacity to serve Project wastewater demand in addition to its existing commitments. Therefore, impacts related to inadequate wastewater treatment capacity would be less than significant following implementation of mitigation.

Mitigation Measures

Implement MM-UTIL-1.

Finding

Per mitigation measure MM-UTIL-1, the Project applicant would be required to pay a portion of the necessary sewer infrastructure upgrades, which are determined as a percentage of the Project's contribution to the sanitary sewer system. Mitigation Measure UTIL-1 also requires the Project applicant to pay sewer facility charges prior to issuance of a building permit. Further, when installing the proposed new sewer connections to existing sewer lines, the Project would comply with the City of Burbank Municipal Code's requirements for sewer connection, including

[28] City of Burbank, 3003 N Hollywood Way – Sewer Capacity Analysis, 2017. Note: referenced in text as "City of Burbank 2017a."

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obtaining a permit, City review and approval of new sewer plans, and, if a new manhole is necessary, requirements for construction a maintenance hole. Following payment of fees for interconnection to the City sewer and compliance with City of Burbank Municipal Code, the Project would be equipped with the appropriate sewer connection and capacity to convey wastewater to the BWRP for treatment. Therefore, impacts related to the exceedance of wastewater treatment requirements would be less than significant with mitigation. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

Impact 4.15-6: The proposed Project would be served by a landfill with insufficient permitted capacity to accommodate the Project solid waste disposal needs. (Less-than-Significant Impact with Mitigation)

Construction of the Project would generate solid waste, including construction debris. As part of compliance with the City's Construction and Demolition Debris Ordinance, the proposed Project would be required to develop and submit a Waste Management Plan (WMP) for debris generated during construction. The WMP must plan for a minimum of 50 percent of construction debris to be recycled, thereby minimizing the amount of waste from construction that would require landfill disposal.

As a commercial and industrial operation, the Project would generate solid waste. **Table 4.15-3** of the Draft EIR estimates the solid waste generated by the Project during operation using solid waste generation rates published by CalRecycle. Since little detail is currently known about the Project site tenants (including those that will occupy the industrial and office spaces), the values are considered estimates.

As shown in Table 4.15-3 of the Draft EIR, up to 16,310 lbs (or about 8.2 tons) of trash could be generated on the Project site daily. Currently, the Project site does not generate any waste. The maximum permitted throughput of the Burbank Landfill is 240 tons/day; therefore, this amount of waste would represent about 3 percent of the landfill's daily capacity. Further, since three of the Project's commercial components (creative office, retail, and hotel) would consist of commercial uses that would likely generate more than 4 cubic yards of solid waste weekly, these Project components would be required to comply with AB 341 by participating in recycling. Although recycling at industrial operations is not required by AB 341, industrial operations have the greatest potential to generate solid waste at the Project site.

Mitigation Measures

MM-UTIL-2: As part of their lease agreement, all tenants occupying creative industrial buildings on the proposed Project site shall be required to recycle all qualifying items in accordance with the Burbank Recycling Center's guidelines, including their handbook titled "Materials Accepted in Your Recycling Bin or at the Recycling Center." The Project applicant shall supply tenants with City recycling receptacles as well as the aforementioned Burbank Recycling Center handbook.

Exhibit A-45

Finding

Thus, mitigation measure **MM-UTIL-2** would require all tenants occupying the creative industrial space to recycle to the maximum extent possible. This would help reduce the amount of Project-related waste that requires landfill disposal. Following implementation of Mitigation Measure UTIL-2 and compliance with pertinent regulations, the Burbank Landfill is expected to have sufficient capacity to accommodate waste from the Project during construction and operation. Impacts would be less than significant with mitigation. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a level of less than significant as identified in the EIR.

2.4.2 Significant and Unavoidable Impacts

The following significant environmental impacts of the Project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact. Notwithstanding the disclosure of these impacts, the City Council elects to approve the Project due to overriding considerations as set forth below in Section 3, Statement of Overriding Considerations. There are three (3) significant unavoidable air quality impacts, six (6) significant unavoidable intersection impacts under Existing plus Project traffic conditions and ten (10) significant unavoidable intersection impacts under Future plus Project traffic conditions.

Air Quality

Impact Statement 4.2-1: Project construction would not conflict with or obstruct implementation of relevant air quality policies in the adopted AQMP. Due to exceedance of SCAQMD's regional significance threshold for NOx, operation of the Project would potentially conflict with or obstruct implementation of relevant air quality policies in the adopted AQMP (Significant and Unavoidable Impact with Mitigation).

Operations

The AQMP was prepared to accommodate growth, reduce the levels of pollutants within the areas under the jurisdiction of SCAQMD, return clean air to the region, and minimize the impact on the economy. Projects that are considered consistent with the AQMP would not interfere with attainment because this growth is included in the projections used in the formulation of the AQMP.

The Project site is located in Burbank and currently has two General Plan designations, Golden State Commercial/Industrial and Airport. As previously stated, the Project would require a General Plan Amendment to change the land use designation from Airport to Golden State Commercial/Industrial for an 18-acre central portion of the approximately 61-acre Project site. The Project would redevelop the underutilized land into a mixed campus that would provide retail amenities to serve the Project and surrounding businesses, encourage alternative modes of transportation by installing the prewiring for 177 EV charging stations (115 of which would be fully-installed as Level 2 EV chargers and prewire 32 electrical charging stalls for use by distribution trucks at truck bays), four bike share stations, and bicycle parking, and dedicating 60 parking stalls for use at the Metrorail Link station, as per PDF-AIR-2. The Project site is currently

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serviced by multiple bus routes provided by Los Angeles Metro and Burbank Bus, it would provide two more bus stops upon Project buildout, one along North Hollywood Way and North San Fernando Boulevard. The Project would also include circulation improvements by widening and extending surrounding streets such as Hollywood Way, Tulare, Kenwood, Cohasset, and San Fernando, providing on-street bike infrastructure along North Hollywood Way and Tulare Avenue, as well as contributing fair share funding to support local transit in order to expand service to the Project. Additionally, the Project would provide green street improvements along Tulare, Hollywood Way and North Kenwood Street and provide safe access and connectivity for pedestrians and bicyclists to the Burbank Airport-North Metrolink Station. Overall, these Project characteristics have the potential to reduce single occupancy vehicle trips and their associated criteria pollutant emissions. The Project would incorporate measures and features to be consistent with the air quality goals and policies of the City's General Plan.

Project construction would generate short-term employment resulting in approximately 1,440 direct (on-site) jobs. When the Project is fully operational it would generate approximately 2,119 direct (on-site) jobs. According to SCAG, Burbank's forecast for population, household, and employment growth for the period between 2012 and 2040 is 15,400, 5,900, and 38,200, respectively. The estimated number of employees generated by the Project are within SCAG's employment growth assumptions for Burbank. As such, the Project would not generate growth beyond the range of development anticipated within the established SCAG regional forecast for Burbank. The Project would not increase or induce residential density growth not otherwise anticipated.

As stated previously, projects that are consistent with the growth projections used in the formulation of the AQMP are considered consistent with the AQMP. However, in addition to growth accommodation, the AQMP was prepared to reduce the levels of pollutants within the jurisdiction of SCAQMD. Peak daily NOx emissions from Project operations would exceed the SCAQMD regional significance thresholds. Thus, the Project would conflict with or obstruct implementation of the AQMP, and impacts would be significant.

Mitigation Measures

Project construction is less than significant with implementation of PDF Air-1, therefore, no mitigation measures are needed for Project construction. For Project operation, however, peak daily emissions of NOx would exceed the SCAQMD regional daily threshold. Mobile source emissions from employees and visitors traveling to the Project contribute the majority of NOx emissions, therefore, the following mitigation measures have been implemented to mitigate the impact of mobile sources:

> **MM AIR-1:** All commercial and industrial employers shall participate in the citywide Transportation Management Organization (TMO) and contribute fair share funding towards higher frequency of transit service for the Project site to help further reduce VMT emissions.
>
> **MM AIR-2:** Future commercial and industrial operations with loading docks or delivery trucks shall prohibit idling of on- and off-road heavy-duty diesel vehicles for prolonged periods pursuant to Title 13 of the California Code of Regulations, Section 2485, which limits idle times to not more than five minutes. Such operations shall be required to post signage at all loading docks and/or delivery areas directing drivers to shut down their trucks after five minutes of idle time. Also, site employers who own and operate truck fleets shall be required to inform their drivers of the anti-idling requirement.
>
> **MM AIR-3:** Future commercial and industrial operations with loading docks or dedicated delivery areas shall provide electrical connections for trucks with refrigeration units (TRUs) and require that all electric-capable TRUs utilize the connections when in use. Such operations shall be required to post signage at all loading docks and/or dedicated delivery areas directing electric-capable TRU operators to utilize the connections.

Finding

Using CAPCOA methodology, assuming 20 percent of the future employees are eligible for participating in the City's TMO, mitigation measure MM AIR-1 could potentially reduce employee VMT by approximately 3 percent. Mitigation measures MM-AIR-2 and MM-AIR-3 would reduce on-site NOx emissions from trucks idling. Predictions on the extent to which these required mitigation measures would reduce operational NOx emission would be speculative. However, given that the Project's unmitigated peak daily NOx emissions during operation are more than twice the corresponding SCAQMD regional significance thresholds, the Project's NOx emissions will likely remain significant even with implementation of these mitigation measures. Therefore, although mitigation measures MM AIR-1, MM AIR-2, and MM AIR-3 would reduce operational NOx emissions, emissions would exceed SCAQMD's regional significance threshold and would potentially conflict with or obstruct implementation of relevant air quality policies in the adopted AQMP. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect the extent feasible. However, the environmental effect would remain significant and unavoidable as identified in the EIR.

Impact Statement 4.2-2: Construction of the Project would not exceed the applicable SCAQMD significance thresholds. Operation of the Project would exceed the SCAQMD daily significance threshold for regional NOx. Therefore, impacts related to regional emissions of NOx from operation of the Project would be significant. (Significant and Unavoidable Impact with Mitigation)

Operations

Operational criteria pollutant emissions were calculated for area, energy, mobile and stationary sources for the Project buildout year of 2020. Daily trip generation rates for the Project were provided by the Project traffic study[29] and include trips associated with the proposed mixed used campus.

Results of the criteria pollutant calculations are presented in Table 4.2-6 of the Draft EIR. The operational daily emissions for the criteria and precursor pollutants (VOC, CO, SO_x, PM10, and PM2.5) would be below the SCAQMD thresholds of significance; however, daily Project emissions, 118 lbs/day, would exceed the regional emissions threshold, 55 lbs/day, for NOx.

[29] Traffic Impact Study for the Avion Mixed Use Development project, Fehr and Peers, July 2018

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Since operation of the Project would potentially exceed the regional significance thresholds for NOx, the Project could contribute to health impacts related to these pollutants. Because NOx is an ozone precursor emission, the Project could contribute to impacts related to regional ozone formation and related ozone health impacts. Potential health effects could result from exposure to pollutant concentrations in excess of applicable ambient air quality standards for ozone and NOx including but, not limited to, irritation of the lungs, nose, and throat, coughing and pain in the chest and throat, thereby increasing susceptibility to respiratory infections and reducing the ability to exercise, potential aggravation of lung and heart problems, and may increase susceptibility to respiratory infections, especially in people with asthma. However, due to the dispersive effects of meteorology (wind, temperature, humidity, etc.) and the geographic distribution of the emissions, an exceedance of a mass emissions numeric indicator from Project-related activities does not necessarily result in exposure of sensitive receptors to ground-level concentrations in excess of health-protective levels. The accumulation and dispersion of air pollutant emissions within an air basin is dependent upon the size and distribution of emission sources in the region and meteorological factors such as wind, sunlight, temperature, humidity, rainfall, atmospheric pressure, and topography.

As expressed in the *amicus curiae* brief submitted for the *Sierra Club v. County of Fresno* case (SJVAPCD, 2014), the air Districts established and recommend CEQA air quality analysis of criteria pollutants use significance thresholds that were set at emission levels tied to the region's attainment status, based on emission levels at which stationary pollution sources permitted by the air district must offset their emissions. Such offset levels allow for growth while keeping the cumulative effects of new sources at a level that will not impede attainment of the NAAQS. The health risks associated with exposure to criteria pollutants are evaluated on a regional level based on the region's attainment of the NAAQS, the mass emissions significance thresholds used in CEQA air quality analysis are not intended to be indicative of any localized human health impact that a project may have (SCAQMD, 2014). Therefore, the Project's exceedance of the mass regional emissions threshold (i.e., pounds per day thresholds) from Project-related activities does not necessarily indicate that the Project will cause or contribute to the exposure of sensitive receptors to ground-level concentrations in excess of health-protective levels.

The SCAB is designated as attainment or unclassified/ attainment for NO_2 and nonattainment for ozone. The health concerns associated with NO_X emissions are related to its potential to result in the secondary formation of ground-level ozone. The formation of ground-level ozone is a complex process due to photochemical reactions of precursor pollutants (i.e., VOC and NO_X emissions) in the atmosphere in the presence of sunlight. Based on discussions with air quality management district staff (SCAQMD, 2016b), and as the *amicus curiae* briefs submitted for the *Sierra Club v. County of Fresno* case (Friant Ranch Case) state, there is no model to determine whether, or the extent to which, a single project's precursor emissions would potentially result in the formation of secondary ground-level ozone and the geographic and temporal distribution of such secondary formed emissions. Because of the complexity of O_3 formation and the non-linear relationship of O_3 concentration with its precursor gases, and given the state of environmental science modeling in use at this time, it is infeasible to convert specific emissions levels of NO_X or VOCs emitted in a particular area to a particular concentration of O_3 in that area (SJVAPCD, 2014). Furthermore, available models today are designed to determine regional, population-wide

Exhibit A-49

health impacts and cannot accurately quantify O_3-related health impacts caused by NO_X or ROG/VOC emissions from a local level (project level). Notwithstanding this scientific constraint, CEQA air quality analyses have been using project-level mass-emission thresholds for ozone precursors (NO_X and ROG) and other criteria pollutants, and the disconnect between project-level emissions and project-level health impact cannot be bridged at this time.

According to CARB, anthropogenic sources of emissions in the Air Basin emit a total of approximately 514 tons of NOx per day.[30] Table 4.2-6 of the Draft EIR indicates that maximum operational emissions from the Project could be up to 0.059 tons (118 pounds) of NOx per day. This represents approximately 0.011 percent of the Air Basin's NOx emissions. This assumes that all Project emissions are considered net new emissions, which is a highly conservative assumption that likely overestimates the Project's actual incremental increase in regional emissions. Given that the Project's emissions would constitute a very small portion of the Air Basin's emissions and would occur over a relatively large area (primarily due to motor vehicles traveling on regional roadways) and given that meteorological effects, such as wind, would disperse the pollutants, it is unlikely that the exceedance of the NOx regional threshold from operations would result in a measurable increase in the respective pollutant concentrations in proximity to the Project area or elsewhere in the Air Basin to a degree that measureable heath impacts would result.

Regional emissions from project operations would be a very small fraction (i.e., less than one-tenth percent for NO_X) of the total SCAB emissions and would occur over a relatively large area subject to meteorological dispersive effects. Thus, it is unlikely that the exceedance of the project-level NO_X regional mass emissions thresholds would result in a substantial measurable increase in the respective pollutant concentrations in the SCAB to a degree that clearly predictable and identifiable heath impacts would specifically result from this Project's operational emissions during the overall site cleanup (SJVAPCD, 2014).

As discussed above, secondary formation of ground-level ozone and particulate matter (PM_{10} and $PM_{2.5}$) occurs through complex reactions in the atmosphere. According to the SCAQMD, "secondary pollutants (those formed in the air by chemical reactions, such as ozone and the majority of $PM_{2.5}$) reach maximum concentrations some distance downwind of the sources that emit the precursors, due to the fact that the polluted air mass is moved inland by the prevailing winds many miles to areas where maximum concentrations are reached" (SCAQMD, 2016a). Due to complexity of these atmospheric reactions, there are no CARB-approved or air quality management district-approved project-level models available to estimate the effect of a single project's emissions on the secondary formation of ground-level ozone and particulate matter, and the regional dispersion of such secondary pollutants, within an air basin. Nonetheless, given that project-level emissions are less than one tenth percent of the total NO_X in the region, and because of the geographic distribution of the overall site cleanup's precursor emissions (i.e., NO_X) and meteorological dispersive effects, it is not expected that the exceedance of the project-level NO_X

[30] 2016 SIP Emission Project Data, 2012 Estimated Annual Average Emissions for South Coast Air Basin. CARB 2016. https://www.arb.ca.gov/app/emsinv/2017/emssumcat_query.php?F_YR=2012&F_DIV=0&F_SEASON=A&SP=SIP105ADJ&F_AREA=AB&F_AB=SC#7 Accessed on September 28, 2017.

Exhibit A-50

regional mass emissions thresholds would result in a substantial measurable increase in the concentrations of secondary pollutants in the SCAB to a degree that clearly predictable and identifiable heath impacts would specifically result from this Project's operational emissions -.

Mitigation Measures

Project construction is less than significant with implementation of PDF-AIR-1, therefore, no mitigation measures are needed for Project construction. For Project operation, however, peak daily emissions of NOx would exceed the SCAQMD regional daily threshold. Mobile source emissions from employees and visitors traveling to the Project contribute the majority of NOx emissions, therefore, the mitigation measures MM-AIR-1, MM-AIR-2, and MM-AIR-3, listed above, have been implemented to mitigate the impact of mobile sources.

Finding

Using CAPCOA methodology, assuming 20 percent of the future employees are eligible for participating in the City's TMO, MM-AIR-1 could potentially reduce employee VMT by approximately 3 percent. Mitigation measures MM-AIR-2 and MM-AIR-3 would reduce on-site NOx emissions from trucks idling. Predictions on the extent to which these required mitigation measures would reduce operational NOx emission would be speculative. However, given that the Project's unmitigated peak daily NOx emissions during operation are more than twice the corresponding SCAQMD regional significance thresholds, the Project's NOx emissions will likely remain significant even with implementation of these mitigation measures. Therefore, although mitigation measures MM-AIR-1, MM-AIR-2, and MM-AIR-3 would reduce operational NOx emissions, emissions would exceed SCAQMD's regional significance threshold and would result in regional impacts. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to the extent feasible. However, the environmental effect would remain significant and unavoidable as identified in the EIR.

Impact Statement 4.2-3: The South Coast Air Basin is designated as non-attainment for O_3, PM10, and PM2.5 under Federal and/or State ambient air quality standards. Construction of the Project would not exceed the applicable SCAQMD significance thresholds for ozone precursor emissions (i.e., VOCs and NOx), PM10, or PM2.5. The Project's peak daily operations emissions for NOx would exceed the SCAQMD regional significance threshold. Because of this exceedance, the Project may contribute incrementally to regional ozone and therefore may result in potentially significant impacts. (Significant and Unavoidable Impact with Mitigation)

Operation

Future operations would generate ozone precursors (i.e., VOCs and NOx), CO, SO_2, PM10, and PM2.5. As discussed above, the Project would exceed the SCAQMD's regional significance threshold for NOx but would not exceed localized significance thresholds. It is not possible to determine regional ozone impacts from a Project's ozone precursor emissions. Nonetheless, as the Project would have maximum daily emissions that exceed the thresholds for NOx, implementation of the Project would contribute incrementally to regional ozone and NO_2, and therefore might result in potentially significant impacts.

Exhibit A-51

Mitigation Measures:

As discussed above, with implementation of PDF AIR-1, Project construction impact is less than significant, and no mitigation measures are needed.

Project operation may result in cumulatively significant impacts to the regional non-attained ozone, due to NOx (an ozone precursor) emissions exceeding the corresponding SCAQMD regional significance threshold. Therefore, mitigation measures MM AIR-1, MM AIR-2, and MM AIR-3 have been implemented to reduce operational impacts from the largest NOx emission sources – mobile (vehicular) sources.

Finding

Mitigation measures MM AIR-1, MM AIR-2 and MM AIR-3 would reduce Project's NOx emissions. Predictions on the extent to which these required mitigation measures would reduce operational NOx emission would be speculative. However, given that the Project's unmitigated peak daily NOx emissions are more than twice the corresponding SCAQMD regional significance thresholds, the Project's NOx emissions will likely remain significant even with implementation of these mitigation measures. Therefore, although mitigation measures MM AIR-1, MM AIR-2, and MM AIR-3 would reduce operational NOx emissions, emissions would exceed SCAQMD's regional significance threshold and would result in a cumulatively considerable net increase of NOx. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect. However, the environmental effect would remain significant and unavoidable as identified in the EIR.

Transportation and Traffic (Study Intersections 6,7,8,9,19,27,34, 47, 48, 56)

Impact 4.13-1: The Project would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. (Significant and Unavoidable)

Project significant impacts were identified at 14 study intersections under Existing plus Project conditions and 15 study intersections under Future plus Project conditions. Of those identified, 6 intersections with the Existing plus Project conditions resulted in significant and unavoidable impacts while 10 intersections under the Future plus Project conditions resulted in significant and unavoidable impacts.

There are several intersections where impacts would occur in the Existing plus Project traffic scenario, but not in the Future plus Project traffic scenario, either due to planned improvements or re-opening of lanes that were closed due to I-5 Empire Interchange construction during the existing conditions. As such, mitigation measures were not evaluated for these locations, which include:

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- Buena Vista Street & I-5 NB Ramps (Intersection No. 17) – new traffic patterns in future year scenarios due to temporary construction closures during the existing year scenarios;
- Buena Vista Street & Winona Avenue (Intersection No. 18) – new traffic patterns in future year scenarios due to temporary construction closures during the existing year scenarios;
- North Victory Place & West Burbank Boulevard (Intersection No. 43) – new traffic patterns in future scenarios due to temporary construction closures during existing scenarios; and
- I-5 SB Off-Ramp/Front Street & Burbank Boulevard (Intersection No. 44) – new lane geometries in future year scenarios.

In addition, an impact would occur at the North Hollywood Way & Winona Avenue (Intersection No. 4) in the Existing plus Project traffic scenario, but not in the Future plus Project traffic scenario because of new traffic patterns resulting from a possible connection via Tulare Avenue between North Hollywood Way and the Airport terminal. A mitigation measure was explored for the North Hollywood Way & Winona Avenue intersection because an airport connection via Tulare Avenue is not certain to occur and mitigation would be needed if Winona Avenue remains the only airport connection from North Hollywood Way.

The mitigation measures for the Project include improvements that would increase the capacity and/or the efficiency of the roadway system at study intersections where significant impacts are expected to occur. Opportunities for physical and operational mitigation measures such as restriping of intersection approaches to add turn lanes and improving traffic control devices or signal phasing were evaluated. The emphasis was to identify physical and/or operational improvements that could be implemented efficiently and maintain consistency with the Mobility Element goals.

The Mobility Element provides the City with a framework for determining the feasibility of intersection improvements based upon right-of-way constraints or instances where the physical layout of intersection improvements causes a conflict between City's General Plan Goals and Policies and the City's LOS D standard. The screening analysis used in the City's General Plan and in this analysis relies on the following four overarching City policy groups that support the City's General Plan: Any transportation improvement should: (1) be achievable within the existing right-of-way; (2) be in conformity with the existing scale and design of the location they serve; (3) allow for complete streets; and (4) maintain pedestrian opportunities. These four overarching policies are supported by the City's General Plan through several Land Use and Mobility Element Policies. The relationship between the policy-based screening framework and the City's General Plan Goals and Policies is further described below.

Exhibit A-53

Right-of-Way Needs

A policy conflict is triggered if any right-of-way acquisition is needed to implement the proposed mitigation, assuming lane width minimum and 10-foot sidewalks.

Supporting General Plan Policies:

Mobility Element

Policy 1.2: Recognize that Burbank is a built-out city and wholesale changes to street rights-of-way are infeasible.

Policy 3.4: All street improvements should be implemented within the existing right-of-way. Consider street widening and right-of-way acquisition as a method of last resort.

Scale and Design

A policy conflict is triggered if the scale and design goes beyond the Maximum Acceptable Mitigations 'template' identified in the Burbank2035 FEIR, or if the mitigation needed increases the existing travel-way width (measured from curb-to-curb) along a "residential/mixed-use" area.

Supporting General Plan Policies:

Mobility Element

Policy 1.5: Design transportation improvements to be compatible with the scale and design of existing infrastructure.

Complete Streets

A conflict is triggered if the mitigation increases the travel-way width along the intersection so as to narrow existing sidewalks, decrease bike lane widths, or greatly disturb transit/bus stop locations.

Supporting General Plan Policies:

Mobility Element

Policy 3.2: Complete city streets by providing facilities for all transportation modes.

Land Use Element

Policy 4.1: Maintain complete streets that create functional places meeting the needs of pedestrians, bicyclists, wheelchair users, equestrians, and motorists.

Pedestrian Opportunities

A conflict is triggered if the proposed mitigation requires sidewalks to go below the minimum sidewalk width standards specified in Table M-2 of the Mobility Element.

Supporting General Plan Policies:

Mobility Element

Policy 3.3: Provide attractive, safe street designs that improve transit, bicycle, pedestrian, and equestrian connections between homes and other destinations

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Policy 5.5: Require new development to provide land necessary to accommodate pedestrian infrastructure, including sidewalks at the standard widths specified in Table M-2 (15-feet for sidewalks adjacent to the Buena Vista St./Empire Ave. and Buena Vista St./Victory Blvd. intersections).

Land Use Element

Policy 4.5: Require pedestrian-oriented areas to include amenities such as sidewalks of adequate width, benches, street trees and landscaping, decorative paving, art, kiosks, and restrooms.

Under the City's General Plan, a mitigation measure is considered to result in a significant land use impact if the proposed improvement conflicts with the "Right-of-Way Needs" policies or with two or more of the "Scale and Design," "Complete Streets," or "Pedestrian Opportunities" policies.

It should be noted that while the Burbank Municipal Code does not require the proposed Project to participate in the BTMO because it is not located within the Burbank Media District or Burbank Center Specific Plan areas, the Project will be required to join the BTMO as a condition of the Project's Development Agreement. Participation in the BTMO and its associated transportation management programs may reduce the severity of the impacts identified above. However, for the purposes of this analysis, no trip reduction credit was taken for implementing transportation demand management programs.

The following mitigation measures were evaluated against the policy-based screening analysis discussed above. **Table 4.13-10** and **Table 4.13-11** of the Draft EIR present the LOS results for Existing plus Project and Future plus Project conditions, respectively, at intersections where mitigation measures were applied.[31] Lane configurations for study intersections with mitigation measures are included in Appendix J of the Draft EIR.

Mitigation Measures

Existing Plus Project – Signalized Intersections

MM TRANS- 2: North Hollywood Way & Winona Avenue (Intersection No. 4): The same mitigation measure described above under Existing plus Project conditions (MM TRANS-2) to reduce the proposed Project's incremental increase in V/C to a less than significant level at North Hollywood Way & Winona Avenue would also reduce the cumulative impact under Future plus Project conditions.

MM TRANS-3: **North Hollywood Way & Thornton Avenue (Intersection No. 5)**: In order to mitigate the impact at North Hollywood Way & Thornton Avenue to a less than significant level, it would have to be restriped at the northbound and southbound approaches. The Project applicant shall coordinate with the City to implement the following intersection improvements prior to issuance of the first certificate of occupancy:

[31] The operational effect of the improvements described for each of the mitigation measures was evaluated, the results of which are provided in the LOS tables. .

Exhibit A-55

- Northbound Hollywood Way would be restriped to provide one additional through lane between just north of Avon Street and just north of Tulare Avenue. This would result in a northbound configuration of one left-turn lane, two through lanes, and one through/right-turn lane.
- Southbound Hollywood Way would be restriped to convert the southbound right-turn lane into a southbound through/right-turn lane, resulting in the following configuration: one left turn lane, two through lanes, and one through/right-turn lane. The third southbound departure lane shall merge into the southbound ramp to Empire Avenue at Avon Street.
- The existing raised median will be reconstructed between Avon Street and Thornton Avenue, southbound Hollywood Way would be widened by 4 feet within public right of way between Thornton Avenue and the private fast food complex driveway, and the southbound sidewalk would be maintained at 12-feet, to accommodate the new travel lane.
- Existing bicycle lanes would be maintained and improved on Hollywood Way. Existing 5 foot northbound and southbound bicycle lanes would be maintained on Hollywood Way between Thornton Avenue and Burton Way. Existing bicycle lanes would be widened to 6 feet wide northbound and southbound on Hollywood Way between Avon Street and Thornton Avenue.

North Hollywood Way & Victory Boulevard (Intersection No. 7): In order to mitigate the impact at North Hollywood Way & Victory Boulevard to a less-than-significant level, it would have to be widened and restriped at the northbound and southbound approaches. The northbound approach would be widened to include one left-turn lane, three through lanes, and one right-turn lane. The southbound approach would be widened to include one left-turn lane, three through lanes, and one right-turn lane.

The existing curb-to-curb width on North Hollywood Way at this intersection is approximately 68 feet, which is not wide enough to accommodate the new northbound and southbound lanes. In order to accommodate these improvements, the street would need to be at widened to at least 94 feet, which cannot be accommodated within the existing right-of-way, which would conflict with the Right-of-Way and Complete Streets portions of the policy-based screening analysis. The improvements would also conflict with the Scale & Design portion of the policy-based screening analysis because the three through lanes would exceed the Maximum Acceptable Mitigations (MAMS) template identified in the City's General Plan FEIR. Therefore, implementation of these improvements is deemed infeasible and the impact would remain significant and unavoidable.

North Hollywood Way & Burbank Boulevard (Intersection No. 8): In order to mitigate the impact at North Hollywood Way & Burbank Boulevard to a less than significant level, it would have to be widened and restriped at the eastbound and westbound approaches. The eastbound approach would be widened to include two left-turn lanes, one through lane, and one through/right lane. The westbound approach would be widened to include two left-turn lanes, two through lanes, and one through/right lane.

The existing curb-to-curb width on Burbank Boulevard at this intersection is approximately 68 feet, which is not wide enough to accommodate the new eastbound and

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westbound lanes. In order to accommodate these improvements, the street would need to be widened to at least 80 feet, which would require narrowing the sidewalks, which would conflict with the Complete Streets portion of the policy-based screening analysis. The improvements would also conflict with the Scale & Design portion of the policy-based screening analysis because it would narrow sidewalks below the 15 feet prescribed in the MAMS template identified in the City's General Plan FEIR. Therefore, implementation of these improvements is deemed infeasible and the impact would remain significant and unavoidable.

Buena Vista Street & North San Fernando Boulevard (Intersection No. 19): In order to mitigate the impact at Buena Vista Street & North San Fernando Boulevard to a less than significant level, the intersection would have to be widened and restriped at the southbound approach to include two left-turn lanes, one through lane, and one through/right-turn lane.

The southbound approach at Buena Vista Street is currently under construction as part of improvements to I-5, which will include a new center median containing columns to support a new rail bridge. The new curb-to-curb width at this approach is expected to be less than 40 feet. To accommodate the proposed improvement, the City would need to acquire right-of-way to widen the curb-to-curb distance and reconstruct the rail bridge over Buena Vista Street. Therefore, the improvement fails the Right-of-Way Needs elements of the policy-based screening analysis and is also physically infeasible. Therefore, implementation of these improvements is deemed infeasible and the impact would remain significant and unavoidable.

The General Plan mitigation measure proposed for this intersection was also tested, which calls for the restriping of the eastbound approach to provide two left-turn lanes, one through lane, and one shared through/right-turn lane. This change would not reduce the proposed Project's incremental increase in V/C to a less than significant level, because it would add capacity to a non-critical movement (eastbound left).

Vineland Avenue & Vanowen Street (Intersection No. 48): In order to mitigate the impact at Vineland Avenue & Vanowen Street to a less than significant level, it would have to be widened and restriped at the eastbound and westbound approaches. The eastbound approach would be restriped to include one left turn lane, two through lanes, and one through/right lane. The westbound approach would be widened to include one left-turn lane, two through lanes, and one right-turn lane.

The existing curb-to-curb width on Vanowen Street is approximately 62 feet, which is not wide enough to accommodate the additional lanes. In order to accommodate this improvement, the street would need to be widened, which would require acquiring right-of-way from adjacent properties and/or narrowing the sidewalks. As this intersection is located within the City of Los Angeles, implementation of the improvement is not entirely within the control of the lead agency (City of Burbank). Therefore, implementation of the improvement is deemed infeasible and the impact would remain significant and unavoidable.

San Fernando Boulevard & Strathern Street/Clybourn Avenue (Intersection No. 56): In order to mitigate the impact at San Fernando Boulevard & Strathern Street/Clybourn Avenue to a less than significant level, the northbound approach on San

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Fernando Boulevard would have to be widened and restriped to include two left turn lane and two through lanes.

The existing curb-to-curb width on San Fernando Boulevard is approximately 56 feet, which is wide enough to accommodate the additional lanes. As this intersection is located within the City of Los Angeles, implementation of this improvement is not entirely within the control of the lead agency (City of Burbank). Therefore, the improvement is deemed infeasible and this impact would remain significant and unavoidable.

Existing plus Project – Unsignalized Intersections

MM TRANS-5: North San Fernando Boulevard & I-5 Southbound Ramps (Intersection No. 34): In order to mitigate the significant impact at North San Fernando Boulevard & I-5 Southbound Ramps to a less than significant level, the intersection would need to be signalized. The Project applicant shall coordinate with the City and Caltrans to implement the following intersection improvements prior to issuance of the first certificate of occupancy:

1) Install a traffic signal.
2) Coordinate signal timing with other traffic signals to maintain traffic flow.

The intersection meets the signal warrant during all analyzed scenarios during at least one of the analyzed peak hours. No change in striping or lane configuration is included as part of this mitigation. This mitigation measure would reduce the proposed Project's incremental increase in V/C to a less than significant level under Existing plus Project conditions. This mitigation measure reduces the intersection's delay to LOS C or better during all analyzed periods. Under the City of Burbank's guidelines, intersections with LOS C cannot have an impact. However, since this intersection is located within the shared jurisdiction of Caltrans and the City of Burbank, implementation of this improvement is not entirely within the control of the lead agency (City of Burbank). Therefore, the improvement is deemed infeasible and this impact would remain significant and unavoidable.

Future plus Project – Signalized Intersections

North Hollywood Way & Avon Street (Intersection No. 6): In order to mitigate the significant impact at North Hollywood Way & Avon Street to a less than significant level, the northbound and southbound approaches would need to be reconfigured to include additional through lanes. However, due to the proximity of the Empire Avenue bridge over Hollywood Way, the right-of-way is constrained. Therefore, the added lanes could not be feasibly accommodated, and the impact would remain significant and unavoidable.

North Hollywood Way & Victory Boulevard (Intersection No. 7): The same improvements described under Existing plus Project Conditions would be required to reduce the significant impact at North Hollywood Way & Victory Boulevard to a less than significant level. This mitigation conflicts with the Right-of-Way, Complete Streets, and the Scale & Design portions of the policy-based screening analysis. The impact is considered significant and unavoidable.

North Hollywood Way & Burbank Boulevard (Intersection No. 8): The same improvements described under Existing plus Project Conditions would be required to

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reduce the significant impact at North Hollywood Way & Burbank Boulevard to a less than significant level. This mitigation conflicts with the Complete Streets and the Scale & Design portions of the policy-based screening analysis and, therefore, the impact is considered significant and unavoidable.

North Hollywood Way & Magnolia Boulevard (Intersection No. 9): In order to mitigate the impact at North Hollywood Way & Magnolia Boulevard to a less than significant level, it would have to be widened and restriped at the northbound approach to include one left-turn lane, three through lanes, and one right-turn lane. This improvement would reduce the proposed Project's incremental increase in V/C to a less than significant level.

The existing curb-to-curb width on North Hollywood Way at this intersection is approximately 68 feet, which is not wide enough to accommodate the new northbound lanes without reducing the number of southbound lanes. In order to accommodate this improvement, the northbound approach would need to be widened, which would require narrowing the sidewalks to approximately 5 feet on Hollywood Way. The narrowing of the sidewalk would conflict with the Complete Streets portion of the policy-based screening analysis. In addition, the improvement would conflict with the Scale and Design element of the policy-based screening analysis because the three through lanes would exceed the MAMS template in the Burbank General Plan FEIR. Therefore, implementation of the improvement is deemed infeasible and the impact would be significant and unavoidable.

MM TRANS-8: Buena Vista Street & North San Fernando Boulevard (Intersection No. 19): The same improvements described under Existing plus Project Conditions would be required to reduce the significant impact at Buena Vista Street & North San Fernando Boulevard to a less than significant level. The mitigation fails the Right-of-Way Needs elements of the screening analysis and is also physically infeasible. The impact is considered significant and unavoidable.

Buena Vista Street & SR-134 Westbound Ramps/Riverside Drive (Intersection No. 27): In order to mitigate the significant impact at Buena Vista Street & SR-134 Westbound Ramps/Riverside Drive, the intersection would have to be widened and restriped to convert the existing northbound through/right-turn lane to a through lane and right-turn lane. This improvement could be accommodated within the existing right-of-way, but may require moving the curb. It would not conflict with any of the goals and policies identified in the Mobility Element; therefore, physical widening at this intersection is feasible. This improvement would reduce the proposed Project's incremental increase in V/C to a less than significant level; however, because Caltrans has jurisdiction over the right-of-way required for the improvement, implementation of the improvement is deemed infeasible and the impact would remain significant and unavoidable.

Clybourn Avenue & Vanowen Street (Intersection No. 47): In order to mitigate the impact at Clybourn Avenue & Vanowen Street to a less than significant level, an improvement was tested that added a second eastbound left-turn lane to the intersection. Although this improvement would reduce the impact at the intersection to a less than significant level, the improvement is deemed to be infeasible because there is not sufficient space for vehicles to merge from the two left-turn lanes into the one receiving travel lane on Clybourn Avenue, and providing sufficient space would require expanding

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the right-of-way. Although the street could potentially be widened into the railroad right-of-way to extend the merge area, this would require merging across the railroad tracks, creating a potentially unsafe condition. As this mitigation would require additional right-of-way, it conflicts with the Right-of-Way Needs portion of the policy-based screening analysis, and would remain significant and unavoidable.

Vineland Avenue & Vanowen Street (Intersection No. 48): The same improvements described under Existing plus Project Conditions would be required to reduce the significant impact at Buena Vista Street & North San Fernando Boulevard to a less than significant level. However, implementation of the improvement is deemed infeasible and the impact would remain significant and unavoidable.

San Fernando Boulevard & Strathern Street/Clybourn Avenue (Intersection No. 56): The same improvements described under Existing plus Project Conditions would be required to reduce the significant impact at Buena Vista Street & North San Fernando Boulevard to a less than significant level. However, implementation of the improvement is deemed infeasible and the impact would remain significant and unavoidable.

Future plus Project – Unsignalized Intersections

North San Fernando Boulevard & I-5 Southbound Ramps (Intersection No. 34): The same mitigation measure described above under Existing plus Project conditions **(MM TRANS-5)** to reduce the proposed Project's incremental increase in V/C to a less than significant level at North San Fernando Boulevard & I-5 Southbound Ramps would also reduce the impact under Future plus Project conditions. However, the ability of the lead agency (City of Burbank) to implement improvement is uncertain, given the intersection's location within the jurisdiction of Caltrans. Therefore, this impact would remain significant and unavoidable.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1) changes or alterations have been required in or incorporated into the project that avoid or substantially lessen the significant environmental effect to the extent feasible. However, the environmental effect would remain significant and unavoidable as identified in the EIR.

Impact 4.13-2: The proposed Project would conflict with an applicable congestion management program including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. (Significant and Unavoidable)

Arterial Monitoring Stations

As noted previously, none of the study area intersections are CMP arterial monitoring locations. The CMP arterial monitoring stations closest to the proposed Project site are located at Victory Boulevard & Woodman Avenue (approximately 6 miles west of the Project site) and Ventura Boulevard & Lankershim Boulevard (approximately 5 miles south of the Project site). Based on the proposed Project's trip distribution and trip generation, the proposed Project is not expected to add 50 peak hour vehicle trips through the CMP arterial monitoring station. Project trips are anticipated to disperse among the transportation network due to the extended distance between the Project site and the monitoring station and less than 3 percent of Project trips (or a maximum

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of 34 trips) are expected at these CMP monitoring stations. The proposed Project is not expected to add enough new traffic to exceed the arterial analysis criteria of 50 vehicle trips at the above-mentioned location. Therefore, the impact to CMP arterial monitoring stations would be less than significant.

Freeway Monitoring Stations

As noted previously, the CMP freeway monitoring stations closest to the Project site include the following:

- I-5 Freeway at Osborne Street, north of SR-170 (approximately 6 miles north of the Project site)
- I-5 Freeway north of Burbank Boulevard Burbank Ramps (approximately 3 miles from the Project site)
- I-5 Freeway south of Colorado Boulevard Exit (approximately 7 miles from the Project site)
- SR-134 at Forman Avenue (approximately 4 miles from the Project site)
- SR-134 east of Central Avenue (approximately 8 miles from the Project site)
- SR-170 south of Sherman Way (approximately 3 miles from the Project site)

Based on the Project distribution patterns described in Section 4.13.4, *Methodology*, and the trip generation estimates shown above in Table 4.13-5, approximately 30 percent of Project traffic is expected to travel through the monitoring station at I-5 Freeway north of Burbank Boulevard Burbank Ramps. For all other monitoring stations, fewer than 150 trips would be added during the AM or PM peak hours in either direction at any of the freeway segments in the vicinity of the proposed Project, so no further analysis of the freeway segments is required for CMP purposes.

Using the methodology outlined in the CMP, a significant impact was identified at the monitoring station at I-5 Freeway north of Burbank Boulevard Burbank Ramps in both the Existing plus Project and Future plus Project scenarios. The significant impact would only occur in the southbound travel direction during the PM peak hour. Detailed calculations are provided in Appendix J.

Mitigation Measures

The CMP states that the "final selection of mitigation measures remains at the discretion of the lead agency", in this case the City of Burbank. Mitigation can be accomplished through either a project contribution to a planned regional improvement, or through Transportation Demand Management (TDM) programs. TDM measures that could reduce the impact below significant and unavoidable include parking management strategies, parking cash-out, transit fare subsidies, and rideshare or shuttle programs. However, as there is not currently a TDM plan in place for the Project, the impacts would remain significant and unavoidable. The appropriate physical mitigation for this impact would be to widen I-5 to add capacity. However, due to the scale of the proposed Project and the cost of any potential mitigation, and because the freeway is in the process of being widened now with no plans for future widening, the impact is considered to be significant and unavoidable.

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Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1) changes or alterations have been required in or incorporated into the project that avoid or substantially lessen the significant environmental effect to the extent feasible. However, the environmental effect would remain significant and unavoidable as identified in the EIR.

2.5 CEQA Project Alternatives

CEQA requires that an EIR include an analysis of a reasonable range of feasible alternatives to a project capable of avoiding or substantially lessening any significant adverse environmental impact associated with the Project. The discussion of alternatives is required to include the "No Project" alternative. CEQA requires further that the City of Burbank identify an environmentally superior alternative. If the "No Project" alternative is the environmentally superior alternative, an environmentally superior alternative must be identified from among the other alternatives. (CEQA Guidelines, section 15126.6.)

As set forth in these Findings, the implementation of the Project will result in significant impacts that are considered unavoidable. Following are the alternatives to the Project that were considered and evaluated.

2.5.1 Alternatives

A comparison of impacts of the proposed Project and the Alternatives selected for further evaluation is provided in this section for each of the environmental topics addressed in the Draft EIR. This comparison of impacts assumes, for each topic, that the mitigation measures identified in this Draft EIR for the proposed Project would also be incorporated into the Alternatives.

2.5.2 Alternatives Considered but Eliminated

Alternatives may be eliminated from detailed consideration in an EIR if they fail to meet most of the Project objectives, are infeasible, or do not avoid or substantially reduce any significant environmental effects (*State CEQA Guidelines*, Section 115126.6(c)). Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, also do not need to be considered (*State CEQA Guidelines*, Section 15126.6(f)(3)).

Alternative Project Location

In accordance with CEQA, an alternative location for a project should be considered if development of another site is feasible and if such development would avoid or substantially lessen the significant impacts of the project (*State CEQA Guidelines*, Section 15126.6(f)(2)). Additionally, if no feasible alternative locations exist, the reasons for this conclusion must be disclosed in the EIR (*State CEQA Guidelines*, Section 15126.6(f)(2)(b)). When identifying alternative location sites, the following factors may be considered: site size, location, General Plan land use designation, availability of infrastructure and ability to meet project objectives. However, the key question in addressing an off-site alternative is whether any of the significant effects of the project would be avoided or substantially lessened by putting it in another location (*State CEQA Guidelines*, Section 15126.6(f)(2)(a)).

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Other sites within the city were evaluated, but none were found adequate, because there is not another undeveloped location within the city large enough to accommodate the Project. Additionally, the Project is an infill site, owned by the Project applicant, which would deliver a mixed-use campus with creative office space, industrial buildings, retail, and a hotel. It will provide connectivity between the Metro station, the Airport, and the Project, and provide 60 on-site parking spaces for the Burbank Airport-North Metrolink Station, may include a future connection to the Airport frontage road as well as improving, extending and adding bike facilities and green streets to local streets.

If another parcel were to become available within the City, development of this alternative site would likely result in the same or similar impacts as those identified for the proposed Project in the EIR. Those impacts include air quality, greenhouse gases, noise, traffic, and energy. The Project is an infill development on a previously contaminated site, surrounded on all sides by development, which helps to revitalize the area and avoid urban sprawl. The proposed Project site avoids environmentally sensitive areas and connects the Airport to the Burbank Airport-North Metrolink Station. An alternative site, if one could be found, would not likely substantially reduce significant environmental effects for resource areas when compared to the proposed Project site. Moreover, the Project applicant has stated that it cannot reasonable acquire, control, or gain access to another site with the same or similar attributes as the proposed Project site.

The Project applicant acquired the Project site for its infill location, to redevelop underutilized land, and for its access to the Airport and Burbank Airport-North Metrolink Station, which are all positive changes for the area. Additionally, the Project site will enhance the area by widening and extending streets and providing additional parking for the Burbank Airport-North Metrolink Station. There are no other available sites in the city that meet proposed Project requirements. The Project site would eliminate the vacant site next to the Airport and turn it into an economic vibrant part of the community. Rehabilitation of the proposed Project site would not occur if an alternative site location was selected. For these reasons, the alternative site location is not considered a feasible option.

2.5.3 Alternatives Selected for Analysis

The Lead Agency has identified three alternatives to the Project, including the no Project alternative that would avoid significant effects of the Project, while feasibly attaining most of the basic objectives of the Project. This represents a reasonable range of alternatives that would be feasible from a development perspective. The alternatives include:

- Alternative 1: No Project/No Build. Under this alternative no development would occur at the Project site. The Project site would remain in its current condition and would remain vacant. Impacts associated with the No Project/No Build Alternative would be less than those associated with the proposed Project as the Project site would remain vacant.
- Alternative 2: Increased Office and Hotel Uses Alternative. The Project site would most likely not remain vacant for long, even if the proposed Project is not approved. State CEQA Guidelines state that another way of analyzing no Project impacts is by projecting what would reasonably be expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services (State CEQA Guidelines, Section 15126.6(e)(3)(c)).
- This Alternative analyzes impacts from the Project by considering potential land use scenarios discussed in the LinkBurbank Land Use Planning Study. In light of this review this Alternative considers a modified Project alternative. This Alternative would develop the Project site with the industrial uses, office uses, two hotels and the proposed retail component. The total development square footage of this Alternative would be similar to the proposed Project approximately 1,215,475 square feet. However, this Alternative would include 500,000 square feet of industrial buildings, 500,000 square feet of office buildings, and two, 200-key hotels (approximately 120,000 square feet each) on opposite ends of the property. Each hotel would include 20,000 square feet of event space. This Alternative would maintain the small retail component (15,475 square feet).

  Implementation of this Alternative would result in an increase of 2,471 daily trips compared to the proposed Project attributable to the increase in creative office, a reduction of 2,313 daily trips attributable to industrial uses, and an increase of 2,652 daily trip attributable to the hotel and event space.
- Alternative 3: Reduced Intensity Alternative. Under the Reduced Intensity Alternative, the Project would be developed with the industrial, office and retail components. The hotel component would not be built. The total square footage of the Project would be reduced by approximately 40 percent from 1,273,842 square feet to 703,567 square feet. Alternative 3 is estimated to generate 5,023 net daily trips, which is approximately a 56 percent reduction in trips from the proposed Project.

  The Reduced Intensity Alternative was chosen because it would reduce overall environmental impacts. With the proposed Project, construction air quality impacts and impacts associated with odors, cultural resources, GHG, hazards and hazardous materials, noise, and some intersections for transportation and traffic would result in less than significant impacts with implementation of mitigation measures. The proposed Project would result in significant and unavoidable impacts for operational air quality and operational traffic. With this Reduced Intensity Alternative, aesthetics, air quality, energy, GHG, noise, traffic, aesthetics, cultural, energy, noise, population and employment, public service, traffic and utilities would have slightly lower impacts, but the same significant and unavoidable impact, as the proposed Project. All other disciplines would have the same impact as the proposed Project under the Reduced Intensity Alterative as detailed below.

2.5.4 Alternative 1: No Project/No Build Alternative

The No Project/No Build Alternative assumes that the proposed Project is not developed. The Project site would remain vacant. Environmental impacts resulting from the No Project/No Build Alternative would be less than those of the proposed Project as the Project site would remain vacant and undeveloped. The No Project/No Build Alternative is consistent with Section 15126.6(e) of the State CEQA Guidelines, and evaluates the existing conditions of the Project site at the time the NOP was published.

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Finding

The No Project/No Building Alternative is infeasible because it fails to meet any Project objectives.

Facts in Support of Finding

In comparing the No Project/No Build Alternative to the proposed Project, CEQA provides that the Lead Agency should proceed to analyze the impacts of the proposed Project with the impacts of not approving the proposed Project (State CEQA Guidelines 15126.6(e)(1)). The No Project/No Build Alternative would maintain the current undeveloped/vacant character of the Project site. As such, the No Project/No Build Alterative analyzes impacts as compared to the proposed Project not being built and the Project site is left in its current state, vacant. No environmental impacts are noted under the various disciplines, as described below, for the No Project/No Build Alternative, because the Project site would be left vacant, and no construction or operations would occur.

Compared to the proposed Project, the No Project/No Build Alternative would reduce impacts in every environmental discipline. Although impacts would be less than the proposed Project, the No Project/No Build Alternative would not meet any of the Project objectives listed in Section 1.3 above. Additionally, as discussed above, the Project site is not expected to be vacant for the foreseeable future. Thus, although no impacts would occur under No Project/No Build Alternative, once another Project is proposed for the Project site, it would have its own impacts which would be greater than those of this alternative.

Aesthetics

Under the No Project/No Build Alternative, no impacts to aesthetics would occur, because no development would ensue that would result in construction and operation of buildings. The No Project/No Build Alternative would not impact existing visual character or quality of the Project site, nor would it introduce new sources of light and glare. For this reason, impacts to aesthetic would be less under this alternative when compared to the proposed Project.

Air Quality

Under the No Project/No Build Alternative, no impacts to air quality would occur, because no development would ensue that would result in construction and operation of buildings. The No Project/No Build Alternative would not result in air quality, health risk, CO, and odor impacts. For this reason, impacts to air quality would be less under this alternative when compared to the proposed Project.

Cultural Resources

Under the No Project/No Build Alternative, no impacts to historical, archaeological, or paleontological resources would occur, because no development would ensue that would result in construction and operation of buildings. The No Project/No Build Alternative would not result in cultural resources impacts. For this reason, impacts to cultural resources would be less under this alternative when compared to the proposed Project.

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Energy

Under the No Project/No Build Alternative, no impacts to energy plans, regulations, and energy usage would occur, because no development would ensue that would result in the construction and operation of buildings. The No Project/No Build Alternative would not result in cultural resources impacts. For this reason, impacts to cultural resources would be less under this alternative when compared to the proposed Project.

Geology and Soils

Under the No Project/No Build Alternative, no impacts to geology and soils would occur, because no development would ensue that would result in the construction and operation of buildings. The No Project/No Build Alternative would not result in any geology and soils impacts. For this reason, impacts to geology and soils would be less under this alternative when compared to the proposed Project.

Greenhouse Gas Emissions

Under the No Project/No Build Alternative, no GHG emissions impacts would occur, because no development would ensue that would result in the construction and operation of buildings. The No Project/No Build Alternative would not result in GHG impacts. For this reason, impacts resulting from GHG's would be less under this alternative when compared to the proposed Project.

Hazards and Hazardous Materials

Under the No Project/No Build Alternative, no impacts related to hazards or hazardous materials would occur, except for the Project site being listed on the hazardous materials sites list, because no development would ensue that would result in the construction and operation of buildings. The No Project/No Build Alternative would result in a less than significant impact regarding the Project site being listed on the list of hazardous materials sites. The No Project/No Build Alternative would not result in other hazards and hazardous materials impacts. For this reason, impacts resulting from hazards and hazardous materials would be less under this alternative when compared to the proposed Project.

Hydrology and Water Quality

Under the No Project/No Build Alternative, no impacts related to hydrology and water quality would occur, because no development would ensue that would result in the construction and operation of buildings. The No Project/No Build Alternative would not result in hydrology and water quality impacts. For this reason, impacts resulting from hydrology and water quality would be less under this alternative when compared to the proposed Project.

Land Use and Planning

Under the No Project/No Build Alternative, no impacts related to land use and planning would occur, because no development would ensue that would result in the construction and operation of buildings. The No Project/No Build Alternative would not result in land use and planning impacts. For this reason, impacts resulting from land use and planning would be less under this alternative when compared to the proposed Project.

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Noise

Under the No Project/No Build Alternative, no impacts related to noise and vibration would occur, because no development would ensue that would result in the construction and operation of buildings. The No Project/No Build Alternative would not result in no noise or vibration impacts. For this reason, impacts resulting from noise and vibration would be less under this alternative when compared to the proposed Project.

Population and Employment

Under the No Project/No Build Alternative, no impacts related to population and employment would occur, because no development would ensue that would result in the construction and operation of buildings. The No Project/No Build Alternative would not result in a population or employment growth within the city. For this reason, impacts resulting from population and employment would be less under this alternative when compared to the proposed Project.

Public Services

Under the No Project/No Build Alternative, no impacts related to fire and police response time and facilities would occur, because no development would ensue that would result in the construction and operation of buildings. The No Project/No Build Alternative would not result in a need for added police or fire resources. For this reason, impacts resulting from public services would be less under this alternative when compared to the proposed Project.

Transportation and Traffic

Under the No Project/No Build Alternative, no impacts related to transportation and traffic would occur, because no development would ensue that would result in the construction and operation of buildings. The No Project/No Build Alternative would not alter transportation or traffic patterns and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. For this reason, impacts resulting from transportation and traffic would be less under this alternative when compared to the proposed Project.

Tribal Cultural Resources

No requests for consultation were received from any of the Native American contacts regarding the AB 52 consultation letters sent by the City and no Native American resources were identified in the Project site by the NAHC. As a result, no tribal cultural resources were identified to be present within the Project site and, there would be no environmental impacts to known tribal cultural resources within the Project site.

Under the No Project/No Build Alternative, no impacts related to tribal cultural resources would occur, because no development would ensue that would result in the construction and operation of buildings. The No Project/No Build Alternative would interfere with tribal cultural resources. For this reason, impacts resulting from tribal cultural resources would be less under this alternative when compared to the proposed Project.

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Utilities

Under the No Project/No Build Alternative, no impacts related to utilities would occur, because no development would ensue that would result in the construction and operation of buildings. The No Project/No Build Alternative would not impact water, wastewater, stormwater, or solid waste facilities. For this reason, impacts resulting from utilities would be less under this alternative when compared to the proposed Project.

Wind

Under the No Project/No Build Alternative, no impacts related to wind would occur, because no development would ensue that would result in the construction and operation of buildings. The No Project/No Build Alternative would have no facilities which could be impacted by wind. For this reason, impacts resulting from wind would be less under this alternative when compared to the proposed Project.

2.5.5 Alternative 2: Increased Office and Hotel Uses Alternative

This Alternative analyzes impacts from the Project by considering potential land use scenarios discussed in the LinkBurbank Land Use Planning Study. The modified Project alternative would develop the Project site with the industrial uses, office uses, two hotels and the proposed retail component. The total development square footage of this Alternative would be approximately 1,215,475 square feet. This Alternative would include 500,000 square feet of industrial buildings, 500,000 square feet of office buildings, and two, 200-key hotels (approximately 120,000 square feet each) on opposite ends of the property. Each hotel would include 20,000 square feet of event space. This Alternative would maintain the small retail component (15,475 square feet). The proposed Project includes six creative industrial buildings totaling 1,004,307 square feet; nine creating office buildings totaling 142,250 square feet; two retail buildings totaling 15,475 square feet; and, a 101,230 square foot hotel component.

For analysis purposes, it was assumed that the site would be developed to a maximum density at 1,215,475 square feet, a reduction of 47,787 square feet total building square footage from the proposed Project (1,263,262 square feet). This alternative would generate about 11,794 net daily trips, which is more than the proposed Project's 8,984 net daily trips. Alternative 2 would potentially increase all impacts associated with building in an Airport Land Use Area. Other discipline areas would have greater impacts or the same impacts as the proposed Project as discussed below.

Finding

Significant and unavoidable impacts under the proposed Project would remain significant and unavoidable for Alternative 2. Less than significant impacts related to aesthetics, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and land use and planning would be similar under Alternative 2 as compared to the proposed Project.

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Facts in Support of Finding

Aesthetics

Alternative 2 would result in reduced development of the site than the proposed Project. The proposed Project would include 1,273,842 square feet of buildings, while Alternative 2 would include up to 1,215,475, building square feet. Under Alternative 2, the industrial buildings on-site would be reduced in size and massing compared to the proposed Project. This Alternative would also include another hotel. Similar to the Project, this alternative would change the visual character of the site by adding multi-story buildings to the Project site; the overall development including building mass would remain the same or increase due to multi-story buildings and scale would be reduced compared to the proposed Project and impacts would be less than significant, increased compared to the proposed Project.

Air Quality

Under Alternative 2, less industrial uses would be developed and more office and hotel uses would be introduced. The total building square footage would be reduced from the proposed Project by approximately 47,787 square feet. The discussion below assumed Alternative 2 would implement the same Project design features (PDFs) and mitigation measures as those for the proposed Project.

Due to the fact that the total building square footage is similar to but less than the proposed Project, construction under Alternative 2 would be similar with the proposed Project. Development of office land uses requires far more construction than industrial. Building systems, steel, HVAC, glazing, electrical, drywall, et cetera. Construction impact under Alternative 2 will therefore be potentially significant.

Operation of Alternative 2 is consistent with the City's General Plan air quality goals and policies. The estimated increase in employment projected from the Project are within SCAG's employment growth assumptions for Burbank. Similar to the proposed Project, Alternative 2 and the proposed development land use intensity, under Alternative 2 is consistent with the, the City's General Plan as described under Table 4.9-1, Consistency Of Proposed Project With Burbank2035 General Plan Policies, in the Land Use Section of the EIR. Thus, because Alternative 2 proposes less building development than the proposed Project and is within SCAG projections for the Project site; impacts would be less than significant.

For the operational phase of Alternative 2, even though the total building square footage is reduced from the proposed Project, area emission sources and the total energy use may not be reduced from the proposed Project because hotel and office buildings consume more energy (e.g., lighting, HVAC, etc.) than industrial buildings for the same square footage. However, Alternative 2 would generate about 11,794 net daily trips, which is greater than the proposed Project's 8,984 net daily trips. Because area sources and energy use are the small contributors and mobile sources (vehicles) are the major contributors to criteria pollutant operational emissions, the operational impact of Alternative 2 is likely to be increased from the proposed Project, given the increased number of trips generated by the increased office and hotel uses and the increased energy uses.

Exhibit A-69

The proposed Project's NOx emissions were approximately twice the SCAQMD regional significance threshold, even with mitigation, resulting in a potential conflict or obstruction of the AQMP. Alternative 2 would have an increase in traffic volume, as compared to the proposed Project. Alternative 2 would therefore also exceed regional NOx emissions thresholds and potentially conflict with or obstruct the implementation of the AQMP; impacts are significant and unavoidable. Since operation of Alternative 2 would exceed the NOx significance threshold it could, therefore, result in a cumulatively considerable contribution to a Federal or State non-attainment ozone precursor. Even with implementation of Mitigation Measures AIR-1, AIR-2, and AIR-3, which would reduce operational NOx impacts, operation of Alternative 2 would still result in a cumulatively considerable net increase of NOx and impacts would remain significant and unavoidable. Therefore, operation of Alternative 2 would conflict with or obstruct implementation of the AQMP and result in emissions (NOx) that exceed SCAQMD thresholds; impacts would be significant and unavoidable. Operation of Alternative 2 would also result in a cumulatively considerable contribution to a Federal or State non-attainment pollutant or ozone precursor and impacts would significant and unavoidable.

Given the total building square footage under Alternative 2 is reduced from the proposed Project, Alternative 2's localized emissions of regulated pollutants and associated health risk values from building emissions would be less than the proposed Project. Therefore, construction and operation of Alternative 2 building emissions would not exceed the localized significance threshold at off-site sensitive receptors. Additionally, Alternative 2 is unlikely to exceed the CAAQS CO standards, although it has increased trips associated with it, itis unlikely to result in CO hotspots (because the busiest intersection impacted by the proposed Project will have a peak traffic volume of about 67,130 vehicles per day, even assuming all the 2,810 additional trips from Alternative 2 occurs at that same busiest intersection, it is still far below the 100,000 vehicles per day screening threshold from the SCAQMD's 2003 AQMP). Alternative 2 would not generate emissions of TACs that would result in a significant health impact to off-site sensitive receptors. Alternative 2 is not expected to create objectionable odors from construction or operation. Therefore, construction and operation of Alternative 2 would not result in considerable LST, CO, TACs, or odors and impacts would be less than significant.

Under Alternative 2, construction regional impacts would be potentially significant, greater than the proposed Project. Operation Alternative 2 would result in emissions (NOx) that exceed SCAQMD regional thresholds, conflict with or obstruct implementation of the AQMP and result in a cumulatively considerable contribution to a Federal or State non-attainment pollutant or ozone precursor (NOx); impacts would be significant and unavoidable. Operational regional impact would be increased (due to increased NOx impacts), but similar (significant and unavoidable), when compared to the proposed Project. Alternative 2 consistencies with the City's General Plan air quality goals and SCAG's employment growth assumptions have the same (less than significant) impact when compared with the proposed Project. Construction and operation of Alternative 2 would have the same (less than significant) impact with respect to localized criteria pollutant impacts including CO hotspots from mobile sources, TACs, or odors when compared to the proposed Project.

Exhibit A-70

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Cultural Resources

Alternative 2 would still have two historic architectural resources close to the Project site. As with the proposed Project, only the North San Fernando Boulevard resource would be impacted through road widening but would not alter the general alignment of the road nor result in changes to the character of the road or diminish its significance. Impacts to historical resources are less than significant, similar to the proposed Project.

Under Alternative 2, ground disturbing activities would still occur which have the potential to uncover unknown archaeological, vertebrate fossil, or human remains as the Project site is currently undeveloped. Therefore, Alternative 2 could adversely affect unknown archaeological and vertebrate fossil resources, or human remains, similar to the proposed Project. Implementation of mitigation measures 4.3-2a through 4.3-4a would reduce potentially significant impacts to a less than significant level.

Under the Alternative 2 impacts related to cultural resources would be similar (less than significant with mitigation) when compared to the proposed Project.

Energy

Alternative 2 would be designed in a manner that is consistent with relevant energy conservation plans designed to encourage development that results in the efficient use of energy resources. In addition, as provided in PDF AIR-2 and Mitigation Measures GHG-1 through 7, the Project would also implement features that would result in energy reductions beyond those specified by regulation by incorporating energy efficient design features and VMT reduction land use characteristics. Alternative 2 would be consistent with the applicable goals and actions to minimize energy use from City, State, and Federal energy conservation plans and regulations. Therefore, Alternative 2 would be consistent with the City's applicable plans for conserving energy and would not conflict with any adopted energy conservation plans or violate any State or Federal energy standards. Impacts would be less than significant, similar to the proposed Project.

Construction of Alternative 2 could utilize more energy for necessary activities and to transport construction materials and demolition debris to and from the site because development of office and hotel uses have more construction activities than that of industrial buildings. BWP and SoCal Gas have sufficient supplies and infrastructure to meet construction energy demands. Construction of the Project would not result in the wasteful, inefficient, or unnecessary consumption of energy. Therefore, construction of Alternative 2 would not have a significant impact on existing energy supplies or on existing energy infrastructure and impacts would be less than significant, similar to the proposed Project.

Implementation of Alternative 2 would have similar or slightly increased operational demand for natural gas and electricity resources including for water supply, conveyance, distribution, and treatment, as compared to the proposed Project. Utility supply and infrastructure impacts would be slightly greater than those of the proposed Project; however, the City would still have the capacity to serve the slightly increased demand under Alternative 2. Therefore, with implementation of PDFs GHG-1 through 6, PDFs AIR-1 and 2, and mitigation measures GHG-1 through 3, impacts would be less than significant, similar to the proposed Project.

Exhibit A-71

Alternative 2 is an infill development located next to available transit options and would implemented PDFs to reduce fuel usage and encourage alternative transit modes which would minimize operational transportation fuel demand consistent with State and City goals. However, Alternative 2, because of the increased hotel and industrial uses would increase daily auto trips over the proposed Project which would result in more transportation fuel impacts. Operation of Alternative 2 would not result in the wasteful, inefficient, or unnecessary consumption of transportation fuel even though more tips would be associated with it because, like the proposed Project, it would minimize operational transportation fuel demand consistent with State and City goals and impacts would be less than significant with mitigation, similar to the proposed Project.

Alternative 2 would have similar (less than significant) impacts on consistency with the City's applicable plans for conserving energy and would not conflict with any adopted energy conservation plans or violate any State or Federal energy standards when compared to the proposed Project. Impacts related to construction and operational energy usage regarding existing energy supplies or existing energy infrastructure would be slightly less (less energy demand), but similar (less than significant), when compared to the proposed Project. Impacts related to operational transportation fuel would be greater (more auto trips), but similar (less than significant), when compared to the proposed Project.

Geology and Soils

Since geology and soils hazards are generally site specific, development of the Project site, under Alternative 2, would have similar impacts related to geology, soils, and seismicity as the proposed Project. Under Alternative 2, construction and operational impacts related to seismically induced ground shaking, liquefaction, and dynamic compaction would be less than significant, similar to the proposed Project.

Alternative 2 would result in less building square footage being developed then the proposed Project site which would slightly reduce potential impacts related to soil erosion and loss of topsoil when compared to the proposed Project. Impacts would be less than significant, similar to the proposed Project.

Alternative 2 would involve construction upon existing soils which are generally unconsolidated alluvial deposits that could be subject to collapse and documented and undocumented fill soils. Soils may be potentially compressible/collapsible, have the potential for differential settlement, the potential for soil shrinkage and/or subsidence, and the potential to be corrosive. Impacts resulting from compressible/collapsible soils, differential settlement, soil shrinkage and/or subsidence, and corrosive soils would be less than significant, similar to the proposed Project, with adherence to the design standards outlined in the Project Geotechnical Engineering Investigation Report and other applicable regulatory standards contained within the City's building code requirements.

Soils at the Project site have a very low expansion index, thus impacts resulting from expansive soil would be less than significant, similar to the proposed Project.

Exhibit A-72

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Alternative 2 impacts resulting from soil erosion and loss of topsoil would be slightly less (less acreage developed), but still similar (less than significant), when compared to the proposed Project. Impacts relating to exposure of people to seismically induced hazards would be similar (less than significant), when compared to the proposed Project. Other impacts related to soils would be similar (less than significant) when compared to the proposed Project.

Greenhouse Gas Emissions and Climate

Alternative 2 would also implement Mitigation Measures AIR-1, AIR-2, and AIR-3, which would reduce mobile source emissions. Even though the total building square footage would be reduced under Alternative 2, building GHG emissions associated with electricity use, natural gas use, water conveyance, wastewater treatment and solid waste may not be reduced over those of the proposed Project because hotel and office buildings (for which the square footage increased in Alternative 2) have higher consumption rate than industrial buildings (for which the square footage decreased in Alternative 2) for the same square footage. In addition, increased traffic associated with Alternative 2 would increase mobile source emissions by approximately 30 percent and resulting in a net increase in GHG emissions over the proposed Project. Therefore, operation under Alternative 2 would result in greater GHG emissions and associated impacts than the proposed Project.

Alternative 2 is expected to be consistent with local, regional, and State's plans and programs adopted for the purpose of reducing the emissions of GHGs. Because Alternative 2's location, land use characteristics, and design would be consistent with statewide and regional climate change mandates, plans, policies, and recommendations, and with the City's GGRP and CAL Green Code, the alternative would be consistent with and would not conflict with any applicable plan, policy, regulation or recommendation to reduce GHG emissions. The Alternative's consistency with these applicable regulatory plans and policies to reduce GHG emissions, along with implementation of Mitigation Measures AIR-1, AIR-2, AIR-3, GHG-1, GHG-2, and GHG-3, would minimize Alternative 2's GHG emissions and render GHG impacts less than significant, similar to the proposed Project.

Under Alternative 2, GHG emissions are expected to increase (more mobile sources) when compared with the proposed Project, but overall GHG impacts relating to emissions would be similar (less than significant) when compared to the proposed Project after implementation of Mitigation Measures AIR-1, AIR-2, and AIR-3. Alternative 2 is expected to be consistent with and would not conflict with any applicable plan, policy, regulation or recommendation to reduce GHG emissions and resulting impacts would be the same (less than significant) when compared with the proposed Project.

Hazards and Hazardous Materials

Alternative 2 would have the same impacts to workers, regarding contaminated soils and groundwater, as the proposed Project. Impacts related to contaminated soils would be less than significant, similar to the proposed Project.

Alternative 2 would also require the abandonment, protection in place or relocation of the nine groundwater monitoring wells at the Project site and have the same potential to unearth USTs and

Exhibit A-73

ACM Transite piping as the proposed Project. Impacts would be less than significant, and in the case of that Transite piping is uncovered, less than significant with implementation of mitigation, similar to the proposed Project

Development under Alternative 2 would result in less building square footage than the proposed Project, however the amount of hazardous materials transported, used and disposed during construction activities, would be the same as the proposed Project because Alternative 2 would need to grade for the additional parking required for this Alternative. Under this alternative, building square footage is reduced over the proposed Project, which would reduce the amount of hazardous materials used during operations. Impacts associated with the routine use, transport, and disposal as well as accidental release or exposure to hazardous materials would be less than significant, similar to the proposed Project.

The Alternative 2 Project site would also be listed on the Cortese list, but it would not create a significant hazard to the public or the environment, similar to the proposed Project.

For Alternative 2, the CEM health risk analysis would also demonstrate that all exposure pathways are incomplete, meaning there is not a direct connection from the contamination to human exposure. Impacts would be less than significant, similar to the proposed Project.

Alternative 2 would not be constructed on land located within an airport land use plan, although it is located within two miles of a public airport. Impacts would be less than significant, similar to the proposed Project.

Alternative 2 would not impair or interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant, similar to the proposed Project.

Under Alternative 2, impacts resulting from contaminated soils and groundwater, monitoring wells, Transite pipe possibly containing asbestos, USTs, inclusion on the Cortese list, CEM health risk, location by an airport and interference with emergency response or evacuation plans would be similar (less than significant with implementation of mitigation for Transite piping, if required) when compared with the proposed Project. Impacts resulting from the routine use, transport and disposal and the accidental upset hazard regarding hazardous materials used in construction would be slightly less (less building square footage developed) when compared to the proposed Project. Impacts resulting from the routine use, transport and disposal and the accidental upset hazard regarding hazardous materials used in operations would be reduced (reduced square footage) when compared to the proposed Project.

Hydrology and Water Quality

Similar to the proposed Project, Alternative 2 construction activities could result in accidental spills or disposal of potentially harmful materials that could wash into and pollute surface waters or groundwater. Construction activities would also expose soils for a limited time, allowing for possible erosion and sediments to enter into sheet flow runoff, which could enter the existing storm drain system. Construction activities may encounter perched groundwater, that would

Exhibit A-74

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require dewatering, and/or contaminated soils. Impacts associated with construction would be less than significant, similar to the proposed Project.

Stormwater discharge associated with operation of Alternative 2 may include pollutants of concern, which are expected to be generated by the Project. Impacts would be less than significant, similar to the proposed Project.

Alternative 2 would not directly access any underlying groundwater resources. Water would be supplied for Project operations by the Burbank Water and Power and would not substantially deplete groundwater supplies. The Project site is primarily impervious surfaces due to past uses (14-acres). Similar to the proposed Project, implementation of Alternative 2 would not increase the amount of impervious surfaces at the Project site but would rather reduce impervious surfaces and would not interfere with groundwater recharge. Impacts associated with depleting groundwater supplies or interfering with groundwater recharge are less than significant, similar to the proposed Project.

Alternative 2 would not substantially alter the existing drainage pattern of the Project site or result in substantial erosion or siltation. Impacts would be less than significant, similar to the proposed Project.

Alternative 2 would not significantly alter the overall topography or existing drainage pattern of the Project site, as the Project site has been previously graded, nor cause there to be flooding on-site or off-site. Impervious surfaces that would result from Alternative 2, are expected to be reduced from current conditions. Peak stormwater runoff volumes would not be expected to change significantly as a result of Alternative 2 from the proposed Project. Implementation of PDF Hydro-1 would ensure that the Project is designed to meet drainage control requirements to ensure that 100 percent of peak runoff volumes are contained. In addition, because there are no rivers or streams in the vicinity, the Project would not alter a river or stream. Impacts would be less than significant, similar to the proposed Project.

Construction of Alternative 2 is not expected to generate large amounts of water that would substantially increase the rate or amount of surface runoff, or exceed the capacity of existing or planned stormwater drainage systems and impacts would be less than significant, similar to the proposed Project. Implementation of Alternative 2 is not expected to increase stormwater volumes or rates of discharge or add additional pollutants to stormwater drainage systems and impacts would be less than significant, similar to the proposed Project.

Under Alternative 2, all impacts resulting from hydrology and water quality would be similar (less than significant), when compared to the proposed Project.

Land Use and Planning

Alternative 2 would not conform with the existing land uses at the site (Airport Zone), without having to apply for a General Plan amendment to land use designation and a zoning change. Implementation of Alternative 2 would result in reduced industrial uses from the proposed Project and would introduce more office uses and another hotel. As with the proposed Project with the

Exhibit A-75

implementation of a General Plan amendment and zone change, it is anticipated that the operational activities associated with Alternative 2 would also result in no impact related to conflicts with land use policies, plans, or regulations that serve to avoid or mitigate an environmental effect, similar to the proposed Project.

Alternative 2 would have similar (less than significant impact overall), when compared to the propose project. Implementation of Alternative 2 would not conflict with land use policies, plans, or regulations that serve to avoid or mitigate an environmental effect and impacts would be similar (less than significant) when compared to the proposed project. Impacts regarding consistency with the County's CLUP would be similar (less than significant) when compared to the proposed Project.

Noise

Alternative 2 construction related noise would exceed the established noise standards and temporarily increase ambient noise during construction, similar to impacts under the proposed Project. With implementation of Mitigation Measure NOI-1, construction noise impacts would be reduced to a less than significant level, similar to the proposed Project. Noise from off-site construction traffic would not increase noise levels over thresholds and impacts would be less than significant, similar to the proposed Project.

Alternative 2 would result in potentially significant impacts related to operational noise from mechanical equipment. Implementation of Mitigation Measure NOI-2 would ensure that operation of mechanical equipment would not exceed the City's thresholds of significance and impacts would be less than significant, similar to the proposed Project. Noise levels would not be increased above thresholds at sensitive receptors for loading dock, refuse collection, and parking related noise activities and impacts would be less than significant, similar to the proposed Project. Project related traffic would increase sound levels slightly above the significance threshold at North Kenwood Street and Cohasset Street. However, this intersection is surrounded by parking and warehouse land uses that are not noise sensitive. Therefore, off-site traffic related noise impacts would be less than significant, similar to the proposed Project.

Alternative 2 would be expected to have a slightly lesser on-site composite noise level impact since it has reduced building square footage, as compared to the proposed Project. Its composite noise level impact on the nearest sensitive receptors is still expected to be less than significant, similar to the proposed Project. Noise generated by Alternative 2 traffic is expected to increase.

Construction activities at the Project site have the potential to generate low levels of groundborne vibration at sensitive receptors. Vibration impacts related to structural damage and human annoyance would be less than significant, similar to the proposed Project.

Implementation of Alternative 2 would produce vibration impacts from mechanical and electrical equipment. In addition, the primary sources of transient vibration would include passenger vehicle circulation within the proposed parking area. Potential vibration levels from all Project operational sources at the closest existing building and human annoyance receptor locations

Exhibit A-76

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would be below significance thresholds. Impacts would be less than significant, similar to the proposed Project.

Alternative 2's location in Airport Influence Area (AIA) may expose people working in the Project area to potentially significant noise levels. The affected land uses on the Project site would be industrial uses, retail, and hotel uses. Industrial uses do not have designated land use noise thresholds under the General Plan Noise Element. The Project would also be required to be consistent with the Airport's Land Use Plan, for other land uses proposed by the Alternative (hotel and retail). Therefore, noise exposure from airport activities would be less than significant.

Under Alternative 2, noise impacts resulting from construction and traffic would result in short-term noise impacts that are similar (less than significant impact with mitigation) when compared to the proposed Project. Operational noise impacts, including mechanical equipment, loading dock, refuse collection and parking, and traffic under this alternative would increase ambient noise levels, but with incorporation of mitigation, impacts would be similar (less than significant with mitigation) when compared with the proposed Project. Operational composite noise levels under this alternative are expected to be less than), but similar (less than significant), when compared with the proposed Project. Traffic noise is expected to increase, due to the increase in trips associated with Alternative 2, but still expected to be less than significant. Construction and operational vibration impacts to structures and human annoyance would be similar (less than significant) when compared with the proposed Project. Noise exposure impacts from airport activities would be similar (less than significant) when compared with the proposed Project.

Population and Employment

Alternative 2 would result in the development of 47,787 square feet less and would generate different employment opportunities, with the reduction of industrial uses but introduction of more office and hotel uses. Construction of Alternative 2 would provide a short-term demand for workers, but is expected to draw them from the labor force within the region resulting in a less than significant impact, similar to the proposed Project.

Alternative 2 does not include a residential component, so population within the city would not directly increase. However, this alternative would increase employment opportunities, over the proposed Project, and could induce population growth in the city. This inducement of growth could be considered substantial; however, potential environmental effects associated with this inducement would be considered less than significant due to the ability of the city to meet housing needs as a result of the projected and planned growth within the city. Thus, Alternative 2 would result in less than significant impacts related to the inducement of population, similar to the proposed Project.

Under the Alternative 2, impacts resulting from population and employment would be greater (generate more employment) but similar (less than significant), when compared to the proposed Project.

Exhibit A-77

Public Services

Construction efforts associated with Alternative 2 would be typical in size and character and would not pose an unusual increase in demand to emergency services. Demand on fire and emergency response services during construction would be less than significant, similar to the proposed Project.

Alternative 2 would result in a reduced square footage of buildings on the Project site, however the different used would result in more employees to the proposed Project. The increase in employees would result in an increased demand for fire and police services under Alternative 2 as compared to the proposed Project. The Project applicant would be required to pay a development impact fee to the City to compensate for the potential impacts on fire and police facilities and operations by funding any necessary facility expansions or personnel increases needed. Therefore, impacts related to fire and police response time and facilities would be less than significant, similar to the proposed Project.

Under the Alternative 2, impacts on fire and emergency response services during construction would be the same (less than significant) when compared to the proposed Project. Impacts related to fire and police response time and facilities during operation of Alternative 2 would be greater (increased employees), but similar (less than significant after development fee), when compared to the proposed Project.

Transportation and Traffic

Alternative 2 would generate about 11,794 net daily trips, which is approximately 30 percent more than the proposed Project's 8,984 net daily trips. Alternative 2 would generate 1,741 trips in the AM peak hour, 1,799 trips in the PM peak hour, and 1,262 trips during the weekend mid-day peak hour (see Table 23 of Appendix J of this Draft EIR). This alternative would result in approximately twice as many trips in the AM peak hour and 50 percent more trips in the PM peak hour when compared to the proposed Project. Weekend peak hour trip generation would be approximately 50 percent more than the proposed Project.

Due to the increased trip generation rates in the AM and PM peak hours, this alternative would be expected to create at least as many significant and unavoidable impacts, if not more, for intersections, freeway queuing, CMP arterial and freeway monitoring stations, than the proposed Project. In addition, fewer impacts may be able to be mitigated with the increase in trip generation during the weekday peak hours resulting in significant and unavoidable impacts, similar to the proposed Project.

Given the frequency of the transit service in close proximity to the Project site, as described above for the proposed Project, and the anticipated number of transit users generated by Alternative 2, impacts are expected to be less than significant, similar to the proposed Project.

According to the Hollywood-Burbank Airport Influence Area Map, the Alternative 2 Project site is located within the planning boundary/airport influence area for the Hollywood-Burbank Airport. The tallest buildings proposed under the Project would be the two 150-room hotel with a maximum height of 69 feet, which would be a maximum of 69 feet tall, would be substantially

Exhibit A-78

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less than the 200-foot height at which special marking and lighting could be required. Additionally, the height of the buildings would not result in changes to the air traffic patterns associated with the Hollywood-Burbank Airport and the impact would be less than significant, similar to the proposed Project.

Alternative 2 would include driveways along Kenwood Street, North Hollywood Way, North San Fernando Boulevard, and Tulare Avenue. Access to the entire Project site is available at each driveway. Impact regarding design hazards at intersections are expected to be less than significant, similar to the proposed project.

Alternative 2 would not result in inadequate emergency access to the Project site. Emergency vehicles can access the project site through all driveways along Kenwood Street, North Hollywood Way, North San Fernando Boulevard, and Tulare Avenue. All internal roadways will be designed to comply with the design requirements set forth in the California Fire Code. Based on the above, the number, location, and design of the proposed project driveways and internal roadways would accommodate emergency vehicle access to and circulation within the Project site. Therefore, the impact would be less than significant.

Similar to the proposed Project, Alternative 2 would not significantly conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities with the required implementation of MM-TRANS-1 and MM-TRANS-9. Given that Alternative 2 would result in approximately 30 percent more trips than the proposed project, increased traffic impacts would be greater than the proposed Project, but would be less than significant with the implementation of. Required MM-TRANS-1 and MM-TRANS-9.

Construction of Alternative 2, is not expected to cause lane closures, restrict access to nearby sites, impede bus operations or require relocation of bus stops, or interfere with transit operations nearby; impacts would be less than significant, similar to the proposed Project.

Under Alternative 2, traffic impacts resulting from the increased trip generation rates in the AM and PM peak hours would be greater (intersections, freeway queuing, CMP arterial and freeway monitoring stations), but similar (significant and unavoidable with incorporated mitigation), when compared with the proposed Project. Transit capacity impacts, location within an Airport planning boundary impacts, intersection design hazard impacts, emergency site access impacts and lane closures and restricted access to transit operation impacts would be similar (less than significant) when compared to the proposed Project.

Tribal Cultural Resources

No requests for consultation were received from any of the Native American contacts regarding the AB 52 consultation letters sent by the City and no Native American resources were identified in the Project site by the NAHC. As a result, no tribal cultural resources were identified to be present within the Project site and, there would be no environmental impacts to known tribal cultural resources within the Project site.

Exhibit A-79

Under the Industrial Only Build Alternative, impacts resulting from tribal cultural resources would be similar when compared to the proposed Project

Utilities

Alternative 2 would result in the development of 47,787 less square feet of uses, including reduced industrial uses, but increased office and hotel uses on the Project site. The more intensive land uses would result in increased demands on water, sewer, wastewater treatment, and landfill capacity as compared to the proposed Project.

Wastewater generated by construction would be minimal and would not exceed the capacity of disposal and treatment facilities; impacts would less than significant, similar to the proposed Project.

Alternative 2 would introduce new land uses to the Project site that would generate wastewater requiring treatment. Alternative 2 is expected to generate an estimated 1,128,188 gpd of wastewater. (See wastewater calculations for Alternative 2 in **Appendix L of the Draft EIR**). This is greater than that of the proposed Project. Similar to the proposed Project, Alternative 2 would require a connection to the existing sanitary sewer system, which is currently insufficient to meet the anticipated demand. However, compliance with Mitigation Measure MM-UTIL-1 would require the Project to fund sewer upgrades necessary in order for the Project to have sufficient capacity to accommodate the increase of wastewater under this alternative. Similar to the proposed Project, compliance with UTIL-1 would result in less than significant impacts related to the expansion of wastewater treatment facilities. The Project would also result in less than significant impacts related to determination by a wastewater treatment provider that they would have adequate capacity to serve the Project.

Alternative 2 would require an estimated 236,238 gpd (265 AFY) of water to operate. (See potable water calculations for Alternative 2 in **Appendix L of the Draft EIR**). This is greater than the proposed Project's total water demand of 186 AFY. Similar to the proposed Project, it is assumed the demand associated with Alternative 2 has been accounted for in water demand projections, and there would be sufficient water supplies available during Alternative 2 operation. Further, Alternative 2 would be required to comply with CALGreen water-efficient plumbing requirements as well as the City's Sustainable Water Use Ordinance to encourage water conservation. Therefore, impacts related to water would be less than significant.

Alternative 2 is not expected to require or result in the construction of new stormwater drainage facilities or expansion of existing facilities whose construction would cause significant environmental effects. Alternative 2 is expected to generate an estimated 50-year peak flow that is similar to the existing 50-year peak flow rate of 132.3 cfs. Alternative 2 will require compliance with PDF Hydro-1, which would ensure that stormwater runoff would not supply additional sources of polluted runoff and would not exceed the capacity of existing or planned stormwater drainage systems as it has to be designed to hold 100 percent of the stormwater quality runoff volume. Therefore, expansion of existing public stormwater drainage facilities would not be required and impacts are less than significant, similar to the proposed Project.

Exhibit A-80

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Alternative 2 is expected to generate slightly more trash than the proposed Project due to its larger square footage. To reduce waste generated by Alternative 2, the creative industrial uses must comply with Mitigation Measure MM-UTIL-2, which requires them to recycle to the maximum extent possible. Therefore, following implementation of Mitigation Measure MM-UTIL-2, the Burbank Landfill should have sufficient capacity to accommodate Alternative 2's slightly larger waste requirements and impacts would be less than significant, similar to the proposed Project.

Alternative 2 would similarly require the developer to pay fees associated with infrastructure upgrades. Alternative 2 would result in slightly greater impacts to utilities. However, impacts would remain less than significant after mitigation.

Under the Alternative 2, impacts resulting from utilities would be slightly greater (larger building would result in a larger demand for utilities), but similar (less than significant and less than significant with mitigation), when compared to the proposed Project.

Wind

Alternative 2 would result in the development of 47,787 square feet of industrial, retail and hotel uses on the Project site, Under Alternative 2, the buildings on-site would be similar and have similar mass than the building of the proposed Project.

Although Alternative 2 could be designed and built so as to not result in substantial increases in wind speeds as compared with existing wind speeds on the vacant site, the known infrequent high-speed winds within the city would be expected to continue to occur and cause potential hazardous conditions for pedestrians that are outdoors within the Project or elsewhere in the city. Alternative 2 would not increase the likelihood or increase the magnitude of the wind hazard risk to the public or to persons at the Project site. Impacts associated with wind hazards would be less than significant, similar to the proposed Project.

Alternative 2 would not alter local wind conditions enough to have a noticeable effect on any aircraft that uses adjacent airport spaces, taxiways or runways, similar to the proposed Project.

Under Alternative 2, impacts associated with wind hazards would be similar (less than significant) when compared to the proposed Project. Impacts associated with wind conditions having a noticeable effect on any aircraft that uses adjacent airport spaces, taxiways or runways would be similar (less than significant) when compared with the proposed Project.

2.5.6 Alternative 3: Reduced Intensity Alternative

Under the Reduced Intensity Alternative, the Project would be developed with the creative industrial, office and retail components. The hotel component would not be built. Alternative 3 reduces the overall square footage by approximately 40 percent from 1,273,842 square feet to 703,567 square feet. Alternative 3 is estimated to generate 5,023 net daily trips, which is approximately a 56 percent reduction in trips from the proposed Project. Additionally, this alternative allows for more variety of uses than Alternative 2, Industrial Only Buildout.

Exhibit A-81

Finding

Compared to the proposed Project, the Reduced Intensity Alternative would decrease overall environmental impacts. With this Reduced Intensity Alternative, aesthetics, air quality, energy, GHG, noise, traffic, aesthetics, cultural, energy, noise, population and employment, public service, traffic and utilities would have slightly lower impacts, but overall the same impact, as the proposed Project. All other disciplines would have the same impact as the proposed Project. Some significant and unavoidable impacts to intersections under traffic may be avoided with this alternative. However, overall significant and unavoidable impacts found for the proposed Project would remain significant and unavoidable for Alternative 3. The economic incentives would be reduced as the potential revenues to offset the associated increased mitigation cost would not be readily available.

Alternative 3 is rejected because it would not avoid any of the significant and unavoidable impacts of the Project as proposed, and would not significantly lessen any such impacts; and it would not achieve the Project objectives to the same extent as the proposed Project.

Facts in Support of Finding

Aesthetics

Alternative 3 would result in development of industrial, office, and retail components without a hotel component. This reduces the square footage of the Project by approximately 40 percent from 1,273,842 square feet to 703,567 square feet. Similar to the proposed Project, this alternative would change the visual character of the Project site by adding commercial, industrial, and office buildings; however, the overall development including building mass and scale would be reduced. Alternative 3's overall design and surface parking would be similar to the surrounding developments. Impacts would be less than significant, similar to the proposed Project.

Since total square footage is reduced by 40 percent, this Alternative would introduce less light and glare to the Project site and surrounding vicinity than the proposed Project. Impacts resulting from light and glare would be less than significant, similar to the proposed Project.

Under the Reduced Intensity Alternative, impacts resulting from visual change in character and Project site quality would be less (building mass and scale), but similar (less than significant) when compared to the proposed Project. Light and glare impacts would be less (introduce less light and glare), but still similar (less than significant), when compared with the proposed Project.

Air Quality

Alternative 3 would result in development of industrial, office, and retail components without a hotel component. This reduces the square footage of the Project by approximately 40 percent from 1,273,842 square feet to 703,567 square feet. Alternative 3 is estimated to generate 5,023 net daily trips, which is approximately a 56 percent reduction from the proposed Project.

Due to the fact that the total building square footage is reduced by 40 percent as compared to the proposed Project, construction emissions under Alternative 3 would be less than those under the

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proposed Project and would not exceed the SCAQMD regional significance threshold, similar to the proposed Project. Construction of Alternative 3 would not conflict with or obstruct the implementation of the AQMP and would not result in a cumulatively considerable contribution to a Federal or State non-attainment pollutant or ozone precursor; impacts would less than significant, similar to the proposed Project.

Operation of Alternative 3 is consistent with the City's General Plan air quality goals and policies. The estimated increase in employment projected from this alternative would be slightly less than the proposed Project and are within SCAG's employment growth assumptions for Burbank. Alternative 3 is consistent with the City's General Plan and SCAG projections, therefore, impacts would be less than significant, similar to the proposed Project.

The proposed Project's NOx emissions were approximately twice the SCAQMD regional significance threshold, even with mitigation, resulting in a potential conflict or obstruction of the AQMP. Alternative 3 would reduce the level of NOx emissions as compared to the proposed Project due to its smaller size and less net daily trips. However, the biggest source of NOx emissions, vehicle emissions, would only be reduced by 44 percent under this alternative, which likely is not enough to reduce NOx emissions to a less than significant level. Therefore, Alternative 3 would likely exceed regional NOx emissions thresholds and potentially conflict with or obstruct the implementation of the AQMP; impacts are significant and unavoidable. Since operation of Alternative 3 would exceed the NOx significance threshold it could, therefore, result in a cumulatively considerable contribution to a Federal or State non-attainment ozone precursor. Even with implementation of Mitigation Measures AIR-1, AIR-2, and AIR-3, which would reduce operational NOx impacts, operation of Alternative 3 would still result in a cumulatively considerable net increase of NOx and impacts would remain significant and unavoidable. Therefore, operation of Alternative 3 would conflict with or obstruct implementation of the AQMP and result in emissions (NOx) that exceed SCAQMD thresholds; impacts would be significant and unavoidable, similar to the proposed Project. Operation of Alternative 3 would also result in a cumulatively considerable contribution to a Federal or State non-attainment pollutant or ozone precursor and impacts would significant and unavoidable, similar to the proposed Project.

Given the total building square footage under Alternative 3 is reduced by 40 percent from that of the proposed Project, Alternative 3's localized emissions of regulated pollutants and associated health risk values would be less than the proposed Project. Construction and operation of Alternative 3 would not exceed the localized significance threshold at off-site sensitive receptors. Additionally, Alternative 3 would not exceed the CAAQS CO standards, since it has less trips associated with it, and would not result in CO hotspots. Alternative 3 would not generate emissions of TACs that would result in a significant health impact to off-site sensitive receptors. Alternative 3 is not expected to create objectionable odors from construction or operation. Therefore, construction and operation of Alternative 3 would not result in considerable LST, CO, TACs, or odors and impacts would be less than significant, similar to the proposed Project.

Under the Reduced Intensity Alternative, construction emissions would not exceed SCAQMD thresholds, would not conflict with or obstruct implementation of the AQMP and would not result

Exhibit A-83

in a cumulatively considerable contribution to a Federal or State non-attainment pollutant or ozone precursor; impacts would be less than significant. Construction impacts would be less (reduction in criteria air emissions), but similar (less than significant impact) when compared to the proposed Project. Operation of the Reduced Intensity Alternative would result in emissions (NOx) that exceed SCAQMD thresholds, conflict with or obstruct implementation of the AQMP and result in a cumulatively considerable contribution to a Federal or State non-attainment pollutant or ozone precursor (NOx); impacts would be significant and unavoidable even with mitigation. Operation impacts would be the less (decreased NOx impacts), but similar (significant and unavoidable with mitigation), when compared to the proposed Project. Alternative 3 consistency with the City's General Plan air quality goals and SCAG's employment growth assumptions has the same (less than significant) impact when compared with the proposed Project. Construction and operation of Alternative 3 would have the same impact (less than significant) with respect to LST, CO, TACs, or odors when compared to the proposed Project.

Cultural Resources

Alternative 3 would still have two historic architectural resources close to the Project site. As with the proposed Project, only the North San Fernando Boulevard resource would be impacted through road widening but would not alter the general alignment of the road nor result in changes to the character of the road or diminish its significance. Impacts to historical resources are less than significant, similar to the proposed Project.

Under Alternative 3, ground disturbing activities would still occur which have the potential to uncover unknown archaeological, vertebrate fossil, or human remains as the Project site is currently undeveloped. Therefore, Alternative 3 could adversely affect unknown archaeological and vertebrate fossil resources, or human remains, similar to the proposed Project. Implementation of mitigation measures 4.3-2a through 4.3-4a would reduce potentially significant impacts to a less than significant level.

Under the Reduced Intensity Alternative, impacts related to cultural resources would be similar (less than significant with mitigation) when compared to the proposed Project.

Energy

Alternative 3 would be designed in a manner that is consistent with relevant energy conservation plans designed to encourage development that results in the efficient use of energy resources. In addition, as provided in PDF AIR-2 and PDF GHG-1 through 6, this alternative would also implement features that would result in energy reductions beyond those specified by regulation by incorporating energy efficient design features and VMT reduction land use characteristics. Alternative 3 would be consistent with the applicable goals and actions to minimize energy use from City, State, and Federal energy conservation plans and regulations. Therefore, Alternative 3 would be consistent with the City's applicable plans for conserving energy and would not conflict with any adopted energy conservation plans or violate any State or Federal energy standards. Impacts would be less than significant, similar to the proposed Project.

Construction of Alternative 3 would utilize less energy for necessary activities and to transport construction materials and demolition debris to and from the Project site because the square

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footage of construction is smaller. BWP and SoCal Gas have sufficient supplies and infrastructure to meet construction energy demands. Construction of this alternative would require less energy than the proposed Project. Therefore, construction of Alternative 3 would not have a significant impact on existing energy supplies or on existing energy infrastructure and impacts would be less than significant, similar to the proposed Project.

Implementation of Alternative 3 will decrease the demand for electricity resources including for water supply, conveyance, distribution, and treatment, natural gas, and transportation fuel demand over the proposed Project. The required load for Alternative 3 would be less than the proposed Project, forecasted projections by BWP and SoCalGas, show that the utilities would be able to meet Alternative 3's demand for electricity and natural gas services, since they can meet the demand of the proposed Project. Utility supply and infrastructure impacts would be less than significant with implementation of PDF-GHG-1 through 6, PDF-AIR-1 and 2, and mitigation measures GHG-1 through 3, similar to the proposed Project.

Alternative 3 is an infill development located next to available transit options and has implemented PDFs to reduce fuel usage and encourage alternative transit modes which would minimize operational transportation fuel demand consistent with State and City goals. Additionally, Alternative 3 would decrease daily auto trips by approximately 56 percent from the proposed Project which would result in less transportation fuel impacts. Operation of Alternative 3 would result in less transportation fuel usage and impacts would be less than significant, similar to the proposed Project.

The Reduced Intensity Alternative would have similar (less than significant) impacts on consistency with the City's applicable plans for conserving energy and would not conflict with any adopted energy conservation plans or violate any State or Federal energy standards when compared to the proposed Project. Impacts related to construction energy usage regarding existing energy supplies or existing energy infrastructure would be slightly less (less energy demand), but similar (less than significant), when compared to the proposed Project. Impacts related to operational energy use regarding existing energy supplies or existing energy infrastructure would be less (decreased energy demand), but similar (less than significant with mitigation) when compared to the proposed Project. Impacts related to transportation fuel would be less (less auto trips), but similar (less than significant), when compared to the proposed Project.

Geology and Soils

Since geology and soils hazards are generally site specific, development of the Project site, under Alternative 3, would have similar impacts related to geology, soils, and seismicity as the proposed Project. Under Alternative 3, construction and operational impacts related to seismically induced ground shaking, liquefaction, and dynamic compaction would be less than significant, similar to the proposed Project.

Alternative 3 would result in less acreage (less square footage) being developed then the proposed Project which would slightly reduce potential impacts related to soil erosion and loss of topsoil. Impacts would be less than significant, similar to the proposed Project.

Exhibit A-85

Alternative 3 would involve construction upon existing soils which are generally unconsolidated alluvial deposits that could be subject to collapse and documented and undocumented fill soils. Soils may be potentially compressible/collapsible, have the potential for differential settlement, the potential for soil shrinkage and/or subsidence, and the potential to be corrosive. Impacts resulting from compressible/collapsible soils, differential settlement, soil shrinkage and/or subsidence, and corrosive soils would be less than significant, similar to the proposed Project, with adherence to the design standards outlined in the Project *Geotechnical Engineering Investigation Report* and other applicable regulatory standards contained within the City's building code requirements would be less than significant.

Soils at the Project site have a very low expansion index, thus impacts resulting from expansive soil would be less than significant, similar to the proposed Project.

Under the Reduced Intensity Alternative, impacts resulting from soil erosion and loss of topsoil would be slightly less (less acreage developed), but still similar (less than significant), when compared to the proposed Project. Impacts relating to exposure of people to seismically induced hazards would be slightly less (less square footage developed), but still similar (less than significant), when compared to the proposed Project. Other impacts related to soils would similar (less than significant) when compared to the proposed Project.

Greenhouse Gas Emissions

Alternative 3 will have about 60 percent of the proposed Project's industrial, office, and retail components and will not have a hotel component. Alternative 3 is estimated to generate about 56 percent of the net daily trips of the proposed Project. Alternative 3 will implement the same PDFs and mitigation measures as the proposed Project. GHG emissions for Alternative 3 are expected to be less than those for the proposed Project due to the 40 percent reduction in square footage of buildings and the 56 percent reduction in traffic associated with this alternative. Additionally, Alternative 3 would implement Mitigation Measures AIR-1, AIR-2, and AIR-3, which would further reduce mobile source emissions. Total building square footage would be reduced by 40 percent under Alternative 3, which would decrease GHG emissions from electricity use, natural gas use, water conveyance, wastewater treatment and solid waste over those of the proposed Project. Truck trips would be reduced by 56 percent which would reduce mobile source impacts. Therefore, operation under Alternative 3 would result in decreased GHG emissions and associated impacts than the proposed Project.

Similar to the proposed Project, Alternative 3 is expected to be consistent with local, regional, and State's plans and programs adopted for the purpose of reducing the emissions of GHGs, including the requirements of State and Regional GHG policies, as well as with applicable actions and measures in City's General Plan and Greenhouse Gas Reduction Plan. The Alternative's consistency with these applicable regulatory plans and policies to reduce GHG emissions would minimize its GHG emissions and render GHG impacts less than significant, similar to the proposed Project.

Under the Reduced Intensity Alternative, GHG emissions are expected to decrease (less square footage and traffic) when compared with the proposed Project, but overall GHG impacts relating

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to emissions would be similar (less than significant) when compared to the proposed Project after implementation of Mitigation Measures AIR-1, AIR-2, and AIR-3. Alternative 3 is expected to be consistent with and would not conflict with any applicable plan, policy, regulation or recommendation to reduce GHG emissions and resulting impacts would be similar (less than significant) when compared with the proposed Project.

Hazards and Hazardous Materials

Alternative 3 would have the same impacts to workers, regarding contaminated soils and groundwater, as the proposed Project. Impacts related to contaminated soils would be less than significant, similar to the proposed Project.

Alternative 3 would also require the abandonment, protection in place or relocation of the nine groundwater monitoring wells at the Project site and have the same potential to unearth USTs and ACM Transite piping as the proposed Project. Impacts would be less than significant, and in the case that Transite piping is uncovered, less than significant with implementation of mitigation, similar to the proposed Project

Development under Alternative 3 would result in less square footage than the proposed Project which would reduce the amount of hazardous materials transported, used and disposed during construction and operation activities. Impacts associated with the routine use, transport, and disposal as well as accidental release or exposure to hazardous materials would be less than significant, similar to the proposed Project.

Under the Alternative 3 scenario, the Project site would also be listed on the Cortese list, but it would not create a significant hazard to the public or the environment, similar to the proposed Project.

For Alternative 3, the CEM health risk analysis would also demonstrate that all exposure pathways are incomplete, meaning there is not a direct connection from the contamination to human exposure, and therefore, impacts on workers would be less than significant, similar to the proposed Project.

Alternative 3 would be located within an airport land use plan and within two miles of a public airport. Impacts would be less than significant, similar to the proposed Project.

Alternative 3 would not impair or interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant, similar to the proposed Project.

Under the Reduced Intensity Alternative, impacts resulting from contaminated soils and groundwater, monitoring wells, Transite pipe possibly containing asbestos, USTs, inclusion on the Cortese list, CEM health risk, location by an airport and interference with emergency response or evacuation plans would be similar (less than significant, and less than significant with implementation of mitigation for Transite piping, if required), when compared with the proposed Project. Impacts resulting from the routine use, transport and disposal and the accidental upset

Exhibit A-87

hazard regarding hazardous materials used in construction and operation would be less (less acreage and square footage) when compared to the proposed Project.

Hydrology and Water Quality

Similar to the proposed Project, Alternative 3 construction activities could result in accidental spills or disposal of potentially harmful materials that could wash into and pollute surface waters or groundwater. Construction activities would also expose soils for a limited time, allowing for possible erosion and sediments to enter into sheet flow runoff, which could enter the existing storm drain system. Construction activities may encounter perched groundwater that would require dewatering, and/or contaminated soils. Impacts associated with construction would be less than significant, similar to the proposed Project.

Stormwater discharge associated with operation of Alternative 3 may include pollutants of concern, which are expected to be generated by the Project. Impacts would be less than significant, similar to the proposed Project.

Alternative 3 would not directly access any underlying groundwater resources. Water would be supplied for Project operations by the Burbank Water and Power and would not substantially deplete groundwater supplies. The Project site is primarily impervious surfaces due to past uses. Implementation of Alternative 3 would not increase the amount of impervious surfaces at the Project site and would not interfere with groundwater recharge. Impacts associated with depleting groundwater supplies or interfering with groundwater recharge are less than significant, similar to the proposed Project.

Alternative 3 would not substantially alter the existing drainage patterns at the Project site or result in substantial erosion or siltation. Impacts would be less than significant, similar to the proposed Project.

Alternative 3 would not significantly alter the overall topography or existing drainage pattern of the Project site, as the Project site has been previously graded, nor cause there to be flooding on-site or off-site. Impervious surfaces that would be, as a result of Alternative 3, are not expected to differ from current conditions. Peak stormwater runoff volumes would not be expected to change as a result of Alternative 3. Implementation of PDF Hydro-1 would ensure that the Project is designed to meet drainage control requirements to ensure that 100 percent of peak runoff volumes are contained. In addition, because there are no rivers or streams in the vicinity, the Project would not alter a river or stream. Impacts would be less than significant, similar to the proposed Project.

Construction of Alternative 3 is not expected to generate large amounts of water that would substantially increase the rate or amount of surface runoff, or exceed the capacity of existing or planned stormwater drainage systems and impacts would be less than significant, similar to the proposed Project. Implementation of Alternative 3 is not expected to increase stormwater volumes or rates of discharge or add additional pollutants to stormwater drainage systems and impacts would be less than significant, similar to the proposed Project.

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Under the Reduced Intensity Alternative, all impacts resulting from hydrology and water quality would be similar (less than significant) when compared to the proposed Project.

Land Use and Planning

Alternative 3 would require a land use designation and/or zoning change, similar to the proposed Project. Implementation of Alternative 3 would result in general industrial, commercial and retail uses that are consistent with the proposed land uses designated for the Project site within the City's General Plan. As with the proposed Project, it is anticipated that the operational activities associated with Alternative 3 would also result in no impact related to conflicts with land use policies, plans, or regulations that serve to avoid or mitigate an environmental effect, similar to the proposed Project.

Under the Reduced Intensity Build Alternative, a zoning change would be required; uses under this alternative would be consistent with proposed land uses designated for the Project site resulting in an impact that is similar (less than significant impact) when compared to the propose Project. Implementation of Alternative 2 would not conflict with land use policies, plans, or regulations that serve to avoid or mitigate an environmental effect and impacts would be similar (less than significant) when compared to the proposed Project.

Noise

Similar to the proposed Project, Alternative 3 would result in short-term construction-related noise

Alternative 3 construction related noise would exceed the established noise standards and temporarily increase ambient noise during construction. With implementation of Mitigation Measure 4.10-1, construction noise impacts would be reduced to a less than significant level, similar to the proposed Project. Noise from off-site construction traffic would not increase noise levels over thresholds and impacts would be less than significant, similar to the proposed Project.

Alternative 3 would result in potentially significant impacts related to operational noise from mechanical equipment. Implementation of Mitigation Measure 4.10-2 would ensure that operation of mechanical equipment would not exceed the City's thresholds of significance and impacts would be less than significant, similar to the proposed Project. Noise levels would not be increased above thresholds at sensitive receptors for loading dock, refuse collection, and parking related noise activities and impacts would be less than significant, similar to the proposed Project. Project related traffic would increase sound levels slightly above the significance threshold at Kenwood Street and Cohasset Street. However, this intersection is surrounded by parking and warehouse land uses that are not noise sensitive. Therefore, off-site traffic related noise impacts would be less than significant, similar to the proposed Project.

Alternative 3 would be expected to have a decreased composite noise level impact since it has a less building square footage and less traffic associated with it, as compared to the proposed Project. Therefore, its composite noise level impact on the nearest sensitive receptors would be less than significant, similar to the proposed Project.

Exhibit A-89

Construction activities at the Project site have the potential to generate low levels of groundborne vibration at sensitive receptors. Vibration impacts related to structural damage and human annoyance would be less than significant, similar to the proposed Project.

Implementation of Alternative 3 would produce vibration impacts from mechanical and electrical equipment. In addition, the primary sources of transient vibration would include passenger vehicle circulation within the proposed parking area. Potential vibration levels from all Project operational sources at the closest existing building and human annoyance receptor locations would be below significance thresholds. Impacts would be less than significant, similar to the proposed Project.

Alternative 3's location in Airport Influence Area (AIA) may expose people working in the Project area to potentially significant noise levels. The affected land uses on the Project site would be industrial uses. Industrial uses do not have designated land use noise thresholds under the General Plan Noise Element. Therefore, noise exposure from airport activities would be less than significant.

Under the Reduced Intensity Alternative, noise impacts resulting from construction and traffic would result in short-term noise impacts that are similar (less than significant impact with mitigation) when compared to the proposed Project. Operational noise impacts, including mechanical equipment, loading dock, refuse collection and parking, and traffic under this alternative would increase ambient noise levels, but with incorporation of mitigation, impacts would be similar (less than significant with mitigation) when compared with the proposed Project. Operational composite noise levels under this alternative are expected to be less (less square footage and traffic), but similar (less than significant), when compared with the proposed Project. Construction and operational vibration impacts to structures and human annoyance would be similar (less than significant) when compared with the proposed Project. Noise exposure impacts from airport activities would be similar (less than significant) when compared with the proposed Project.

Population and Housing

Alternative 3 would result in the development of commercial, office, and industrial uses. Construction of Alternative 3 would provide a short-term demand for workers, but is expected to draw them from the labor force within the region resulting in a less than significant impact, similar to the proposed Project.

Alternative 3 would generate slightly less employment opportunities than the proposed Project and could induce population growth in the city. This inducement of growth could be considered substantial; however, potential environmental effects associated with this inducement would be considered less than significant due to the ability of the city to meet housing needs as a result of the Projected and planned growth within the city. Thus, Alternative 3 would result in less than significant impacts related to the inducement of population compared to the proposed Project.

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Under the Reduced Intensity Alternative, impacts resulting from population and employment would be less (generate less employment), but similar (less than significant), when compared to the proposed Project.

Public Services

Alternative 3 would result in a less development on the Project site as compared to the proposed Project. Construction efforts, associated with Alternative 3, would be typical in size and character and would not pose an unusual increase in demand to emergency services. Demand on fire and emergency response services during construction would be less than significant, similar to the proposed Project.

Alternative 3 would result in a decreased demand for fire and police services compared to the proposed Project because the Alternative would result in slightly less employees. Similar to the proposed Project, Alternative 3 would result in a less than significant impact on public services.

Alternative 3 would result in less development, through decreased square footage of buildings and no hotel on the Project site, which would result in slightly less employees than the proposed Project. The decrease in employees would result in a decreased demand for fire and police services under Alternative 3 as compared to the proposed Project. However, the Project applicant would still be required to pay a development impact fee to the City to compensate for the potential impacts on fire and police facilities and operations by funding any necessary facility expansions or personnel increases needed. Therefore, impacts related to fire and police response time and facilities would be less than significant, similar to the proposed Project.

Under the Reduced Intensity Alternative, impacts on fire and emergency response services during construction would be similar (less than significant) when compared to the proposed Project. Impacts related to fire and police response time and facilities during operation of Alternative 3 would be less (less employees requiring increased protection), but similar (less than significant after development fee), when compared to the proposed Project.

Transportation and Traffic

Alternative 3 would generate approximately 5,023 net daily trips, including 550 and 660 trips in the AM and PM peak hours, respectively (see Table 24 of Appendix J of this Draft EIR). The Project is estimated to generate 294 trips during the weekend mid-day peak hour. These numbers represent approximately half of the trip generation of the proposed Project.

Due to decreased trip generation rates in the AM and PM peak hours, this alternative would be expected to decrease significant and unavoidable impacts at many of the intersections, freeway queuing, CMP arterial and freeway monitoring stations, impacted by the proposed Project. However, due to the high numbers of new trips expected under this alternative, several intersections, particularly along Hollywood Way, would still have significant and unavoidable impacts, similar to the proposed Project.

Given the frequency of the transit service in close proximity to the Project site, impacts are expected to be less than significant, similar to the proposed Project.

Exhibit A-91

According to the Hollywood-Burbank Airport Influence Area Map, the Alternative 3 Project site is located within the planning boundary/airport influence area for the Hollywood-Burbank Airport. The tallest building proposed under the Project would be substantially less than the 200-foot height at which special marking and lighting could be required. Additionally, the height of the buildings would not result in changes to the air traffic patterns associated with the Hollywood-Burbank Airport, and the impact would be less than significant, similar to the proposed Project.

Alternative 3 would include driveways along Kenwood Street, North Hollywood Way, and North San Fernando Boulevard. Access to the entire Project site is available at each driveway. Impact regarding design hazards at intersections are expected to be less than significant, similar to the proposed Project.

Alternative 3 would not result in inadequate emergency access to the Project site. Emergency vehicles can access the Project site through all driveways along Kenwood Street, North Hollywood Way, and North San Fernando Boulevard. All internal roadways will be designed to comply with the design requirements set forth in the California Fire Code. Based on the above, the number, location, and design of the proposed Project driveways and internal roadways would accommodate emergency vehicle access to and circulation within the Project site. Therefore, the impact would be less than significant.

Similar to the proposed Project, Alternative 3 would not significantly conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Given that Alternative 3 would result in less trips than the proposed Project and would be less than significant.

Construction of Alternative 3, is not expected to cause lane closures, restrict access to nearby sites, impede bus operations or require relocation of bus stops, or interfere with transit operations nearby; impacts would be less than significant, similar to the proposed Project.

Under the Reduced Intensity Alternative, traffic impacts resulting from Alternative 3 would be less (intersections, freeway queuing, CMP arterial and freeway monitoring stations), but similar (significant and unavoidable with incorporated mitigation), when compared with the proposed Project. Transit capacity impacts, location within an Airport planning boundary impacts, intersection design hazard impacts, emergency site access impacts and lane closures and restricted access to transit operation impacts would be similar (less than significant) when compared to the proposed Project.

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Tribal Cultural Resources

Under the Reduced Intensity Alternative, impacts resulting from tribal cultural resources would be similar when compared to the proposed Project.

Utilities

Alternative 3 would result in less development on the Project site. The reduced square footage would result in decreased demands on water, sewer, wastewater treatment, and landfill capacity as compared to the proposed Project.

Wastewater generated by construction would be minimal and would not exceed the capacity of disposal and treatment facilities; impacts would be less than significant, similar to the proposed Project.

Alternative 3 would introduce industrial, commercial and retail uses to the Project site that would generate wastewater requiring treatment. Alternative 3 is expected to generate less wastewater based on the smaller square footage. Alternative 3 would require tie in to the existing sanitary sewer system, which is currently insufficient to meet the proposed demand of Alternative 3. Impacts would be similar to the proposed Project. Compliance with Mitigation Measure UTIL-1 would mitigate impacts to a less than significant level, similar to the proposed Project.

Alternative 3 would have a decreased demand for potable water over the proposed Project. Water would be supplied by Burbank Water and Power which would have sufficient supply to accommodate the decreased demand under this alternative. Wastewater would be conveyed to the BWRP, through the new sewer upgrades proposed by the Project, which would have sufficient capacity to accommodate the decreased wastewater demand under this alternative and would not result in a determination by the wastewater treatment provider that it has inadequate capacity to serve this alternative. Therefore, impacts related to construction or expansion of the water or wastewater treatment facilities would be less than significant, similar to the proposed Project.

Alternative 3 is not expected to require or result in the construction of new stormwater drainage facilities or expansion of existing facilities whose construction would cause significant environmental effects. Alternative 3 is expected to generate an estimated 50-year peak flow that is similar to the existing 50-year peak flow rate of 132.3 cfs. Alternative 3 would require compliance with PDF Hydro-1, which would ensure that stormwater runoff would not supply additional sources of polluted runoff and would not exceed the capacity of existing or planned stormwater drainage systems as it has to be designed to hold 100 percent of the stormwater quality runoff volume. Therefore, expansion of existing public stormwater drainage facilities would not be required and impacts are less than significant, similar to the proposed Project.

Alternative 3 is expected to generate less trash than the proposed Project due to its smaller square footage. To reduce waste generated by Alternative 3, the creative industrial uses must comply with Mitigation Measure 4.15-2, which requires them to recycle to the maximum extent possible. Therefore, following implementation of Mitigation Measure 4.15-2, the Burbank Landfill should have sufficient capacity to accommodate Alternative 3's decreased waste requirements and impacts would be less than significant, similar to the proposed Project.

Exhibit A-93

Alternative 3 would similarly require the developer to pay fees associated with infrastructure upgrades. Alternative 3 would result in decreased impacts to utilities. However, impacts would remain less than significant after mitigation.

Under the Reduced Intensity Alternative, impacts resulting from utilities would be less (smaller building square footage would result in a decreased demand for utilities), but similar (impacts less than significant with mitigation), when compared to the proposed Project.

Wind

Under Alternative 3, development would be reduced by approximately 40 percent compared to the Project. Alternative 3 would include industrial, office, and retail components, but would not include the hotel. The total building square footage would be 703,567 square feet. Under Alternative 3, the buildings on-site would be smaller and/or more spread out than the Project buildings. However, these buildings could be designed and oriented to have no greater wind effects than the proposed Project.

Although Alternative 3 could be designed and built so as to not result in substantial increases in wind speeds as compared with existing wind speeds on the vacant site, the known infrequent high-speed winds within the city would be expected to continue to occur and cause potential hazardous conditions for pedestrians that are outdoors within the Project or elsewhere in the city. Alternative 3 would not increase the likelihood or increase the magnitude of the wind hazard risk to the public or to persons at the Project site, similar to the proposed Project. Impacts associated with wind hazards would be less than significant, similar to the proposed Project.

Alternative 3 would not alter local wind conditions enough to have a noticeable effect on any aircraft that uses adjacent airport spaces, taxiways or runways, similar to the proposed Project. Impacts would be less than significant, similar to the proposed Project.

Under the Reduced Intensity Alternative, impacts associated with wind hazards would be similar (less than significant) when compared to the proposed Project. Impacts associated with wind conditions having a noticeable effect on any aircraft that uses adjacent airport spaces, taxiways or runways would be similar (less than significant) when compared with the proposed Project.

2.6 Findings Regarding Errata and Recirculation

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect that the Project proponent declines to implement. The CEQA Guidelines provide the following examples of significant new information under this standard (CEQA Guidelines, Section 15088.5(a).

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

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- A substantial increase in the severity of an environmental impact would result unless mitigation are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (CEQA Guidelines, Section 15088.5(b)).

The City has published for review proposed revisions to the text in the Final EIR and the Project. The Burbank City Council finds that the changes identified in the proposed revisions do not identify any new impacts or identify any substantial increase in the severity of an environmental impact that would not be reduced to a less ¬than significant level through mitigation, nor would the revised mitigation measures result in new significant environmental impacts. Because no new unmitigated impacts have been identified or created by the revised mitigation, the EIR is not changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project. The revisions to the EIR's mitigation measures represent improvements to the analysis and mitigation of impacts, and therefore do not require recirculation of the EIR.

Exhibit A-95

CHAPTER 3
Statement of Overriding Considerations

The City Council makes this statement of overriding considerations in accordance with CEQA Guidelines Section 15093 in support of approval of the Avion Burbank Project. In the City Council's judgement, the benefits of the Avion Burbank Project outweigh its unavoidable significant effects. The following statement identifies the reasons why, in the City Council's judgement, the benefits of the Project as approved outweigh its unavoidable significant effects.

Any one of the stated reasons below is sufficient to justify approval of the Project in spite of the unavoidable impacts. Thus, even if a court were to conclude that no every reason set forth in this Statement is supported by substantial evidence, the City Council finds that any individual reason is separately sufficient. This Statement is supported by the substantial evidence set forth in the Draft EIR, Final EIR, Errata, the Findings set forth above, and in the documents contained in the administrative record.

Overall Project Benefits

The Project would redevelop vacant land in the City into a mixed-use campus that would facilitate the following:

- Maintain, for the life of the Project, all public right-of-way infrastructure within and adjacent to the Project site. This shall include sidewalks, trees and landscaping, transit stops and shelters, painted and raised protected bike facilities, and lighting.
- Maintain, for the life of the project, the portions of Tulare Avenue and Kenwood Street lying within the Project site, including curb, gutter, pavement, sewers, storm drains, utilities, lighting, signage and striping, and other improvements.
- Provide pedestrian and bicycle connectivity from the North Burbank Metrolink station to the Project site.
- Project would result in the redevelopment of a Brownfield site into a mixed-use campus with new and modern buildings at a site that has been a visual eyesore and underutilized over the past three decades as airport parking and commercial vehicle storage facilities.
- Build out of over a million new square feet of industrial and warehouse space at time when industrial real estate is in demand as result of a growth in the manufacturing and e-commerce sectors as well as increase international trade;
- Creation of more than 142 thousand square feet of office space within an office campus setting with 15,475 sq. ft. of locally serving retail and service commercial space which would decrease traffic impacts by keeping people on-site and reducing vehicle miles travelled as well as new hospitality services resulting from a new 150 room hotel;

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Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

- Promote green building design by requiring: all buildings will be designed and obtain LEED Silver certification for the Core and Shell; provide for the prewire of 177 parking stalls for electric vehicle (EV) charging stations, 115 of which (5 percent of all Project parking stalls) would be fully-installed as Level 2 EV chargers, which exceeds CalGreen Tier 1 standard for EV charging spaces by 3 percent; and, requiring that the Project incorporates on-site renewable energy or purchase of green power (including pre-wiring for solar photovoltaic) such that 10 percent of the project's energy use is from renewable sources;
- Create new opportunities to retain and attract businesses seeking new industrial and office spaces in the community, which help to foster the City's long term sustainability and economic growth;
- Generate 1,440 new short-term employment opportunities in the building trades as a result of the proposed building out of one million plus square feet of industrial, over 142 thousand square feet of creative office space, more than 15 thousand square feet of locally serving retail and service commercial space and a new 150 room hotel;
- Generate new long term employment from new industrial, office, retail, and hospitality uses that are being proposed as part of the Project, which amounts to over 2,100 new employment opportunities in the areas of manufacturing, assembly, shipping and distribution, e-commerce as well as opportunities for highly skilled labor in the areas of media production and support services, technology, research and development and new employment opportunities in the retail and service commercial and hospitality services business sectors.
- Build out of 60 on-site parking spaces for exclusive use by light rail transit riders, providing fair share contribution to fund the ongoing operation and maintenance of the North Burbank Metrolink Station and the locally serving Burbank Bus system, and providing a monthly transit subsidy or transit pass for up to 20% of Project site's future employees in order to encourage use of public transit and reduce single rider occupancy vehicle trips to and from the Project site.
- Construction of bicycle and pedestrian amenities along wide, tree lined sidewalks throughout the Project Site and on adjacent public right-of-way that provide greater connectively and safety along North San Fernando Blvd. and North Hollywood Way with new protected bike lanes extending between both existing Metrolink Stations, the Airport, and the Project Site in order to promote use of alternative modes of transportation.
- Major upgrades to all adjacent streets including implementation of the City's "Green Streets Policy" for new streets and sidewalks along North Hollywood Way and Tulare Avenue as well as additional infrastructure work on Cohasset Street, Kenwood Street, and San Fernando Boulevard.
- Planting more than 1,000 new trees on the Project site and in the adjacent public right-of-way that help expand the tree canopy and reduce the heat island effect.

Exhibit A-97

- Provide a fair share of $108,000 to the maintenance of the Burbank Airport North Metrolink Station;
- Provide a fair share contribution of $220,000 towards BurbankBus.
- Maintenance of all adjacent public right-of-way adjacent to the Avion Burbank site for the life of the Project.
- Investment in public utility infrastructure upgrades to the serve the site and the surrounding Airport District through a $4.3 million dollar investment in the Ontario Community Substation.
- In addition to creating new opportunities for future property, sales, and transient occupancy taxes generated by the Project, the overall investment in off-site improvements (both one-time fees and ongoing maintenance costs) will exceed $23.6 million.

Economic Benefits

The Project provided $4.3 million to Burbank Water and Power for a 10 megawatt (MW) substation. Approximately $2.5-3 million would go to the general fund via property taxes and transit occupancy taxes. Once redeveloped, the assessed value of the Project site would be greatly enhanced by the construction of a new mixed-use campus. The Project would contribute over $23 million in public improvement benefits and over $8 million in development impact fees. The future hotel is projected to bring in over half a million annually in Transient Occupancy Tax. Furthermore, the Project would generate over 1,440 construction short-term jobs and 2,100 long-term jobs including high skilled positions related to office uses related to and/or in support of media production, research and design, and technology.

Environmental Benefits

The Project would include energy-efficient and environmentally sustainable design features. Some of the features include and are not limited to the following:

- LEED Silver on Core and Shell Certification;
- 8 percent of the total Project parking stalls (177) would be prewired for electric vehicle (EV) charging stations, 115 of which (5 percent of all Project parking stalls) would be fully-installed as Level 2 EV chargers and prewire 32 electrical charging stalls for use by distribution trucks at truck bays. The Project total would exceed the CalGreen Tier 1 standard for EV charging spaces by 3 percent.
- Project shall be constructed such that it incorporates on-site renewable energy or purchase of green power (including pre-wiring for solar photovoltaic) such that 10 percent of the project's energy use is from renewable sources
- Drought-tolerant landscaping which would reduce reliance on water for landscaping

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Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

- The Project would exceed the required tree installation by 25 percent to attain greater than 50 percent shading requirement (1,027 trees required for 50 percent shade. The Project would provide 1,284).
- The Project operations would participate in food scraps and compostable paper diversion;
- Designing the right-of-way along the project frontage to the City's Green Street policy.

Mobility – Transit, Pedestrian and Bicycle and Roadway Improvements

The Project applicant would construct and pay for a 60-space parking lot for Burbank Airport North Metrolink Station. The Project site management would maintain the parking lot for the life of the Project. The Project would provide a $108,000 contribution towards the Burbank Airport North Metrolink Station maintenance. The Project would contribute $220,000 to the Burbank Bus- Golden State Circular.

The Project would construct a signalized pedestrian crossing along San Fernando Road from Burbank Airport North Metrolink Station to Cohasset that would provide connectivity between the Station and the Project site. The Project would provide connectivity to the public right-of-way via sidewalks and a multi-use trail. The Project would provide sidewalks along Hollywood Way, in addition to a buffered bike trail.

The Project would stripe or restripe bike lanes within public right-of-way on East and west side of Hollywood Way from City limit on Hollywood Way to Empire Avenue.

Infrastructure Improvements

The Project would include construction and extension of North Kenwood Street and Tulare Avenue as public streets. North Kenwood Street would be extended to Cohasset Street. Tulare Avenue would be extended to Hollywood Way. Hollywood Way would be widened to allow for the construction of deceleration/acceleration lanes. North San Fernando Boulevard would be widened by one lane to allow for access to North Hollywood Way. Two bus stops would be provided, one each along North Hollywood Way and North San Fernando Boulevard.

The following intersection mitigation measures would be implemented in the Project study area:

- North Hollywood Way & Tulare Avenue: widen and restripe the northbound, eastbound, and southbound intersection approaches to accommodate a third northbound through lane, a second northbound left-turn lane, and as outbound right-turn lane (MM TRANS-1).
- North Hollywood Way & Winona Avenue: widen and restripe the northbound intersection approach to provide a third northbound through lane (MM TRANS-2).
- North Hollywood Way & Thornton Avenue: restripe the northbound and southbound intersection approaches to provide an additional northbound through lane and a shared southbound through/right-turn lane (MM TRANS-3).

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- North Hollywood Way & North San Fernando Boulevard Eastbound Ramps: redesign intersection to accommodate an uncontrolled eastbound right-turn lane (MM TRANS-4).
- North Hollywood Way & Alameda Avenue: widen and restripe the northbound intersection approach to include two left-turn lanes, two through lanes, and one right-turn lane. (MM TRANS-7)
- North Hollywood Way & Olive Avenue: reconfigure/restripe westbound and eastbound intersection approaches to accommodate one left-turn lane, two through lanes, and one shared through/right-turn lane in the westbound direction and two left-turn lanes, two through lanes, and one shared through/right-turn lane in the eastbound direction.

The Project would also construct two new traffic signals at North Hollywood Way & North San Fernando Blvd. EB Ramps and at San Fernando Blvd. (MM TRANS-5) & Cohasset St. (MM TRANS-9).

Conclusion

The Burbank City Council has considered these benefits and considerations and has considered the potentially significant and unavoidable effects of the Project; these include air quality, transportation and traffic. The City Council has determined that the economic, legal, social, technological, and other benefits of the Project outweigh the identified impacts. The City Council has determined that the Project benefits set forth above override the significant and unavoidable environmental costs associated with implementation of the Project.

The City Council adopts the mitigation measures in the final Mitigation Monitoring and Reporting Program, incorporated by reference into these Findings, and finds that any residual or remaining effects on the environment resulting from the Project, identified as Significant and Unavoidable in the Findings of Fact, are acceptable, due to the benefits set forth in this Statement of Overriding Considerations. The City Council makes this statement of overriding considerations in accordance with State CEQA Guidelines Section 15093 in support of approval of the Burbank Avion Project.

Exhibit A-100

Attachment B
"MITIGATION MONITORING AND REPORTING PROGRAM"

Exhibit A-101

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE AVION BURBANK PROJECT

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule		
			Before Construction	During Construction	After Construction
Air Quality					
MM AIR-1: All commercial and industrial employers shall participate in the citywide Transportation Management Organization (TMO) and contribute fair share funding towards higher frequency of transit service for the project site to help further reduce VMT emissions.	1. During operation, all commercial and industrial employers shall participate in the citywide Transportation Management Organization (TMO) and contribute fair share funding towards higher frequency of transit service for the project site.	• Applicant • Future Tenant • Community Development Department			X
MM AIR-2: Future commercial and industrial operations with loading docks or delivery trucks shall prohibit idling of on- and off-road heavy-duty diesel vehicles for prolonged periods pursuant to Title 13 of the California Code of Regulations, Section 2485, which limits idle times to not more than five minutes. Such operations shall be required to post signage at all loading docks and/or delivery areas directing drivers to shut down their trucks after five minutes of idle time. Also, site employers who own and operate truck fleets shall be required to inform their drivers of the anti-idling requirement.	1. Future commercial and industrial operations with loading docks or delivery trucks shall prohibit idling of on- and off-road heavy-duty diesel vehicles for prolonged periods.	• Applicant • Future Tenants • Community Development Department			X
	2. Future commercial and industrial operations with loading docks or delivery trucks shall post signage at all loading docks and/or delivery areas directing drivers to shut down their trucks after five minutes of idle time.	• Applicant • Future Tenants • Community Development Department			X
	3. Site employers who own and operate truck fleets shall be required to inform their drivers of the anti-idling requirement.	• Applicant • Future Tenants • Community Development Department			X

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule: Before Construction	During Construction	After Construction
MM AIR-3: Future commercial and industrial operations with loading docks or dedicated delivery areas shall provide electrical connections for trucks with refrigeration units (TRUs) and require that all electric-capable TRUs utilize the connections when in use. Such operations shall be required to post signage at all loading docks and/or dedicated delivery areas directing electric-capable TRU operators to utilize the connections.	1. During operation, commercial and industrial operations with loading docks or dedicated delivery areas shall provide electrical connections for trucks with refrigeration units (TRUs) and require that all electric-capable TRUs utilize the connections when in use.	• Applicant • Future Tenants • Community Development Department		X	X
	2. During operation, commercial and industrial operations shall be required to post signage at all loading docks and/or dedicated delivery areas directing electric-capable TRU operators to utilize the connections.	• Applicant • Future Tenants • Community Development Department			X
Cultural Resources					
MM-CUL-1: Prior to start of ground-disturbing activities, a qualified archaeologist (who meets the Secretary of the Interior's Professional Qualifications Standards) shall be retained by the project applicant to conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains, and safety precautions to be taken when working with archaeological monitors. The project applicant shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.	1. Prior to ground-disturbing activities, the applicant shall retain a qualified archaeologist (who meets the Secretary of the Interior's Professional Qualifications Standards).	• Applicant • Community Development Department	X		
	2. The qualified archaeologist shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains, and safety precautions to be taken when working with archaeological monitors.	• Applicant • City-Approved Archaeologist • Community Development Department	X		

Exhibit A-103

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule: Before Construction	During Construction	After Construction
	3. The qualified archaeologist shall provide a sign-in sheet during the training and send the completed sheet to the City of Burbank Planning Division.	• Applicant • City-Approved Archaeologist	X		
MM-CUL-2: In the event of the unanticipated discovery of archaeological materials, the project applicant shall immediately cease all work activities in the area (within approximately 100 feet) of the discovery until it can be evaluated by a qualified archaeologist. Construction shall not resume until the qualified archaeologist has conferred with the City on the significance of the resource. If it is determined that the discovered archaeological resource constitutes a historical resource or unique archaeological resource pursuant to CEQA, avoidance and preservation in place shall be the preferred manner of mitigation. Preservation in place maintains the important relationship between artifacts and their archaeological context and also serves to avoid conflict with traditional and religious values of groups who may ascribe meaning to the resource. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is determined to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Treatment Plan shall be prepared and implemented by the qualified archaeologist in consultation with the City that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource. The City shall consult with appropriate Native American representatives in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource, beyond that which is scientifically important, are considered.	1. During construction, the project applicant shall immediately cease all work activities in the area (within approximately 100 feet) in the event of the unanticipated discovery of archaeological materials. Construction shall not resume until the qualified archaeologist has conferred with the City on the significance of the resource. If it is determined that the discovered archaeological resource constitutes a historical resource or unique archaeological resource pursuant to CEQA, avoidance and preservation in place shall be the preferred manner of mitigation.	• Applicant • City-Approved Archaeologist • Community Development Department		X	

Exhibit A-104

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule		
			Before Construction	During Construction	After Construction
	2. In the event of the unanticipated discovery of archaeological materials during construction, if preservation in place is determined to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Treatment Plan shall be prepared and implemented by the qualified archaeologist in consultation with the City that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource.	• Applicant • City-Approved Archaeologist • Community Development Department		X	
	3. The City shall consult with appropriate Native American representatives in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource, beyond that which is scientifically important, are considered.	• Community Development Department		X	
MM-CUL-3: A qualified paleontologist, defined as a paleontologist who meets the standards of the Society of Vertebrate Paleontology (SVP), shall be retained by the project applicant to carry out all mitigation measures related to paleontological resources.	1. Prior to and during construction construction, the project applicant shall retain a qualified paleontologist (who meets the standards of the SVP) to carry out all mitigation measures related to paleontological resources.	Applicant • Community Development Department	X	X	
MM-CUL-4: Prior to the start of construction, a qualified paleontologist, or his or her designee to conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The project applicant shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.	1. Prior to construction, the project applicant shall hire a City-approved qualified paleontologist, or his or her designee to conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.	• Applicant • City-Approved Paleontologist • Community Development Department	X		

Exhibit A-105

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule		
			Before Construction	During Construction	After Construction
	2. The qualified archaeologist shall provide a sign-in sheet during the training and send the completed sheet to the City of Burbank Planning Division.	• Applicant • City-Approved Paleontologist • Community Development Department	X		
MM-CUL-5: Ground-disturbing construction activities (including grading, trenching, foundation work, and other excavations) in previously undisturbed sediments that exceed 10 feet in depth shall be monitored on a full-time basis during initial ground disturbance. Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources and meets the minimum standards of the SVP (2010). The duration and timing of the monitoring shall be determined by the qualified paleontologist and the location and extent of proposed ground disturbance. If the qualified paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, the qualified paleontologist may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall not be required in artificial fill or for activities that do not reach 10 feet in depth.	1. Ground-disturbing construction activities (including grading, trenching, foundation work, and other excavations) in previously undisturbed sediments that exceed 10 feet in depth shall be monitored on a full-time basis by the qualified paleontological monitor during initial ground disturbance. Monitoring shall not be required in artificial fill or for activities that do not reach 10 feet in depth.	• Applicant • City-Approved Paleontologist • Community Development Department		X	
	2. The paleontologist shall monitor all ground-disturbing activity in previously undisturbed sediments that exceed 10 feet in depth during initial ground disturbance and, in consultation with the City, may adjust the duration and timing of monitoring based on observations of subsurface conditions. If the qualified paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, the qualified paleontologist may recommend that monitoring be reduced to periodic spot-checking or cease entirely.	• Applicant • City-Approved Paleontologist • Community Development Department		X	

Exhibit A-106

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule		
			Before Construction	During Construction	After Construction
MM-CUL-6: In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. The qualified paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources: 1. Salvage of Fossils. The qualified paleontologist (or paleontological monitor) shall recover significant fossils following standard field procedures for collecting paleontological resources, as described by the SVP (2010). Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. 2. Preparation and Curation of Recovered Fossils. Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the qualified paleontologist.	1. If paleontological resources are found during construction, the project applicant shall halt all work in the immediate vicinity of the find shall cease.	• Applicant • City-Approved Paleontologist • Community Development Department		X	
	2. The qualified paleontologist shall evaluate the find before restarting construction activities in the area. The qualified paleontologist shall have authority to temporarily divert excavation operations away from exposed fossils to collect associated data and recover the fossil specimens if necessary.	• Applicant • City-Approved Paleontologist • Community Development Department		X	
	3. The qualified paleontologist shall identify significant fossils to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data, and maps.	• Applicant • City-Approved Paleontologist • Community Development Department		X	
MM-CUL-7: If human remains are encountered, the project applicant shall halt work in the vicinity (within 100 feet) of the discovery and contact the Los Angeles County Coroner in accordance with PRC Section 5097.98 and Health and Safety Code Section 7050.5. If the County Coroner determines that the remains are Native American, the NAHC will be notified in accordance with Health and Safety Code Section 7050.5, subdivision (c), and PRC Section 5097.98 (as amended by AB 2641).	1. In the event that human remains are uncovered during the course of the project construction, the project applicant shall immediately halt work within 100 feet of the discovery, notify the City Planning Division in writing, contact the County Coroner for evaluation, and follow the procedures and protocols recommended in Section 15064.5(e)(1) of the CEQA Guidelines.	• Applicant		X	

Exhibit A-107

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule		
			Before Construction	During Construction	After Construction
The NAHC will designate an MLD for the remains per PRC Section 5097.98. Until the landowner has conferred with the MLD, the contractor shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity, is adequately protected according to generally accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials.	2. If the remains are determined to by the County Coroner to be Native American, the Native American Heritage Commission (NAHC)shall be notified in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). The NAHC shall designate a Most Likely Descendent (MLD) for the remains per Public Resources Code 5097.98.	• Community Development Department		X	
	3. The landowner shall ensure that the immediate vicinity according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.	• Applicant • Community Development Department		X	
Energy					
MM GHG-1: Prior to the issuance of building permits, project applicant shall demonstrate that the project shall be constructed such that it incorporates on-site renewable energy or purchase of green power (including pre-wiring for solar photovoltaic) such that 10 percent of the project's energy use is from renewable sources.	1. The project applicant shall provide documentation to the City that the project will be constructed such that it incorporates on-site renewable energy or purchase of green power (including pre-wiring for solar photovoltaic) such that 10 percent of the project's energy use is from renewable sources.	• Applicant's Architect or Consultant • Community Development Department	X		

Exhibit A-108

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule		
			Before Construction	During Construction	After Construction
MM GHG-2: The project shall participate in the food scraps and compostable paper diversion so that 100 percent of commercial businesses divert 90 percent of food scraps and compostable paper.	1. The project property management of the project shall document participation in the food scraps and compostable paper diversion ordinance.	• Applicant, Property Owner, or Successor in Interest			X
MM GHG-3: Property management shall ensure that all yard waste disposed of on-site is disposed of in a proper yard waste collection bin. No yard waste is to be disposed of in trash bins.	1. Property management of the project shall document compliance and provide evidence to the City that all yard waste is disposed of onsite in proper yard waste collection bin. No yard waste at the project site is to be disposed of in trash bins.	• Applicant, Property Owner, or Successor in Interest			X
Greenhouse Gas Emissions					
MM GHG-1: Prior to the issuance of building permits, project applicant shall demonstrate that the project shall be constructed such that it incorporates on-site renewable energy or purchase of green power (including pre-wiring for solar photovoltaic) such that 10 percent of the project's energy use is from renewable sources.	1. The project applicant shall provide documentation to the City that the project will be constructed such that it incorporates on-site renewable energy or purchase of green power (including pre-wiring for solar photovoltaic) such that 10 percent of the project's energy use is from renewable sources.	• Applicant's Architect or Consultant • Community Development Department	X		
MM GHG-2: The project shall participate in the food scraps and compostable paper diversion so that 100 percent of commercial businesses divert 90 percent of food scraps and compostable paper.	1. The project property management of the project shall document participation in the food scraps and compostable paper diversion ordinance.	• Applicant, Property Owner, or Successor in Interest			X
MM GHG-3: Property management shall ensure that all yard waste disposed of on-site is disposed of in a proper yard waste collection bin. No yard waste is to be disposed of in trash bins.	1. Property management of the project shall document compliance and provide evidence to the City that all yard waste is disposed of onsite in proper yard waste collection bin. No yard waste at the project site is to be disposed of in trash bins.	• Applicant, Property Owner, or Successor in Interest			X

Exhibit A-109

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule		
			Before Construction	During Construction	After Construction
Hazards and Hazardous Materials					
MM HAZ-1: During construction, if encountered, the project applicant shall remove Transite pipe containing asbestos in full compliance with SCAQMD and Cal-OSHA requirements to ensure proper handling, notification, and disposal and would be performed by a licensed asbestos abatement contractor. All asbestos-containing material (ACM) would be contained in leak tight containers, labeled appropriately, transported and disposed of in accordance with applicable rules and regulations.	1. If encountered during construction, the project applicant shall remove Transite pipe containing asbestos in full compliance with SCAQMD and Cal-OSHA requirements to ensure proper handling, notification, and disposal and would be performed by a licensed asbestos abatement contractor.	• Applicant • Community Development Department		X	
MM HAZ -2: During construction, the project applicant will ensure that prior to leaving the project site, each haul truck, and other delivery truck that comes in contact with project waste, are inspected and put through procedures, as necessary, to remove loose debris from tire wells and on the truck exterior. Haul truck operators (drivers) are required to have the proper training and registration by the State and as applicable to the material they would be hauling. Trucks transporting hazardous waste are required to maintain a hazardous waste manifest that describes the content of the materials.	1. During construction, the project applicant shall ensure that prior to leaving the project site, each haul truck, and other delivery truck that comes in contact with project waste, are inspected and put through procedures, as necessary, to remove loose debris from tire wells and on the truck exterior.	• Applicant • Community Development Department		X	
MM HAZ-3: The project applicant shall identify truck haul routes for the potential transportation of contaminated soils from the project site and get City approval for routes prior to beginning of construction. The project contractor shall be responsible for enforcing the use of approved truck haul routes if contaminated soil is transported from the project site.	1. The project applicant shall identify truck haul routes for the potential transportation of contaminated soils from the project site and get City approval prior to the beginning of construction. 2. The project contractor shall be responsible for enforcing the use of approved truck haul routes if contaminated soil is transported from the project site.	• Applicant • Community Development Department • Applicant • Project Contractor	X	X	

Exhibit A-110

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule		
			Before Construction	During Construction	After Construction
Noise					
MM NOI-1: The Developer shall provide a temporary 6-foot-tall construction fence equipped with noise blankets rated to achieve sound level reductions of at least 10 dBA between the project site and single-family residential uses north of the project site.	1. The project applicant shall provide a temporary 6-foot-tall construction fence equipped with noise blankets rated to achieve sound level reductions of at least 10 dBA between the project site and single-family residential uses north of the project site.	• Applicant • Community Development Department			
MM NOI-2: All building outdoor mounted mechanical and electrical equipment shall be designed to comply with the Noise Regulations, which prohibits noise from any heating, ventilation, and air conditioning (HVAC) system from exceeding the ambient noise levels on the premises of other occupied properties by more than 5 dBA L_{eq}.	1. The project applicant shall ensure that all building outdoor mounted mechanical and electrical equipment shall be designed to comply with the Noise Regulations, which prohibits noise from any heating, ventilation, and air conditioning (HVAC) system from exceeding the ambient noise levels on the premises of other occupied properties by more than 5 dBA L_{eq}.	• Applicant • Community Development Department	X		
Transportation and Traffic					
MM TRANS-1: North Hollywood Way & Tulare Avenue (Intersection No. 3): In order to mitigate the impact at North Hollywood Way & Tulare Avenue to a less than significant level, it would have to be widened and restriped at the northbound, eastbound, and southbound approaches. The project applicant shall coordinate with the City to implement the following intersection improvements prior to issuance of the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first):[1]	1. Prior to issuance of the first certificate of occupancy, the project applicant shall coordinate with the City to implement intersection improvements to the northbound, eastbound, and southbound approach of the intersection of North Hollywood Way and Tulare Avenue, as outlined in MM TRANS-1.	• Applicant • City Public Works Department • Community Development Department			X

[1] The eastbound approach is set to be redesigned as part of the proposed project, and could accommodate the two lanes proposed in this mitigation measure. The existing curb-to-curb width on North Hollywood Way is approximately 82 feet between Burton Avenue and Tulare Avenue, which is not wide enough to accommodate the additional northbound lanes and maintain the three current southbound through lanes. In order to accommodate this mitigation and to widen the sidewalk to 10 feet as prescribed in the City's General Plan, Hollywood Way would need to be widened by 5 feet on the west side along the project's frontage between the North San Fernando Boulevard/North Hollywood Way SW intersection and Winona Avenue, which would require acquiring right-of-way from the project. In addition, the west side of Hollywood Way would have to be widened by an additional 10 feet (15 feet total) from the centerline of Tulare Avenue to a point approximately 300 feet south of Tulare Avenue, whereby the widening would taper from 15 feet back to 5 feet over a distance of an additional 300 feet (for a total of 600 feet south of Tulare Avenue). Also, the west side of Hollywood Way would have to be widened by an additional 19 feet (24 feet total) from the centerline of Tulare Avenue to a point approximately 150 feet north of Tulare Avenue. As this mitigation measure would only require right-of-way from the project to be implemented, and because the existing bicycle lanes are being further protected, it would not violate any of the policy-based screening analysis. Therefore, this mitigation measure is deemed feasible and would reduce the project impact to a less than significant level under Existing plus Project conditions.

Exhibit A-111

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule		
			Before Construction	During Construction	After Construction
• The northbound approach (Hollywood Way) would be restriped to provide one additional through lane between just north of Avon Street and just north of Tulare Avenue. In addition, it would be widened to include two left-turn lanes, so that the northbound approach would consist of two left-turn lanes, two through lanes, and one through/right lane. To offset the effect of additional travel lanes on bicyclists, the existing southbound Class II bicycle lanes would be separated from vehicular traffic by a raised five-foot sidewalk bicycle lane separated from the street by a 5-foot green street bio-swale, and separated from the sidewalk with a demarcation of colored concrete or truncated domes, along the project's frontage between Winona Avenue and the San Fernando Blvd. ramps. The existing northbound Class II bicycle lanes would be separated from the travel lanes by a painted buffer of at least three feet along with semi-permanent devices such as bollards. • The eastbound approach (Tulare Avenue) would be widened to include one left-turn lane and one through/right-turn lane. • The southbound approach (Hollywood Way) would be widened to include one southbound right turn lane so that the southbound approach would consist of one left-turn lane, three through lanes, and one right-turn lane. **North Hollywood Way & Tulare Avenue (Intersection No. 3)**: The same mitigation measure described above under Existing plus Project conditions (MM TRANS-1) to reduce the proposed project's incremental increase in V/C to a less than significant level at North Hollywood Way & Tulare Avenue would also reduce the impact under Future plus Project conditions.					
MM TRANS-2: North Hollywood Way & Winona Avenue (Intersection No. 4): In order to mitigate the impact at North Hollywood Way & Winona Avenue to a less than significant level, it would have to be widened and restriped at the northbound approach. The project applicant shall coordinate with the City to implement the following intersection improvements prior to issuance of the first certificate of occupancy:[2]	1. Prior to issuance of the first certificate of occupancy, the project applicant shall coordinate with the City to implement intersection improvements at the intersection of North Hollywood Way & Winona Avenue, including restriping Northbound Hollywood Way and	• Applicant • City Public Works Department • Community Development Department		X	X

[2] The existing curb-to-curb width on North Hollywood Way is approximately 82 feet between Burton Avenue and Tulare Avenue, which is wide enough to accommodate the additional lane without reducing the number of southbound lanes or removing the existing bicycle lanes. This mitigation measure would not conflict with any of the criteria in the policy-based screening analysis. Therefore, this mitigation measure is deemed feasible and would reduce the project impact to a less than significant level. It should be noted that the Hollywood-Burbank Airport Terminal Replacement Project also included a mitigation measure to address an intersection impact at this location. That mitigation measure required widening the northbound and eastbound approaches to add additional travel lanes beyond those described above, which would also reduce the proposed project's incremental increase in V/C to a less than significant level under Existing plus Project conditions.

Exhibit A-112

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule		
			Before Construction	During Construction	After Construction
• Northbound Hollywood Way would be restriped to provide one additional through lane between just north of Avon Street and just north of Tulare Avenue. This would result in a northbound configuration of one left-turn lane, two through lanes, one through/right-turn lane. • Existing northbound bicycle lanes would be maintained and improved on Hollywood Way by installing a painted buffer of at least 2 feet between Burton Way and Winona Avenue; 5-foot bike lanes would be maintained between Thornton Avenue and Burton Way. Existing southbound bike lanes would be maintained by a width of at least 5 feet between Thornton Avenue and Winona Avenue. **North Hollywood Way & Thornton Avenue (Intersection No. 4): The same mitigation measure described above under Existing plus Project conditions (MM TRANS-2) to reduce the proposed project's incremental increase in V/C to a less than significant level at North Hollywood Way & Winona Avenue would also reduce the cumulative impact under Future plus Project conditions.**	maintaining and improving existing bicycle lanes on Hollywood Way.				
	2. Prior to issuance of the first certificate of occupancy, the project applicant shall coordinate with the City to implement the intersection improvements listed in MM TRANS-1 to the intersection of North Hollywood Way and Thornton Avenue.	• Applicant • City Public Works Department • Community Development Department		X	X
MM TRANS-3: North Hollywood Way & Thornton Avenue (Intersection No. 5): In order to mitigate the impact at North Hollywood Way & Thornton Avenue to a less than significant level, it would have to be restriped at the northbound and southbound approaches. The project applicant shall coordinate with the City to implement the following intersection improvements prior to issuance of the first temporary certificate of occupancy or certificate of occupancy (which is issued first):[3] • Northbound Hollywood Way would be restriped to provide one additional through lane between just north of Avon Street and just north of Tulare Avenue. This would result in a northbound configuration of one left-turn lane, two through lanes, and one through/right-turn lane. • Southbound Hollywood Way would be restriped to convert the southbound right- turn lane into a southbound through/right-turn lane, resulting in the following configuration: one left turn lane, two through lanes, and one through/right-turn lane. The	1. Prior to issuance of the first certificate of occupancy, the project applicant shall coordinate with the City to implement intersection improvements at the intersection of North Hollywood Way and Thornton Avenue, including restriping Northbound and Southbound Hollywood Way and maintain and improving existing bicycle lanes on Hollywood Way.	• Applicant • City Public Works Department • Community Development Department		X	X

[3] The existing curb-to-curb width on North Hollywood Way at this intersection varies between Avon Street and just north of Thornton Avenue, but is wide enough to accommodate the additional travel lanes and maintain the existing bicycle lanes if the existing raised median is reconstructed between Avon Street and Thornton Avenue. However, widening would be required at the existing southbound right-turn lane into the commercial property south of Thornton Avenue in order to accommodate the existing right-turn lane, existing bike lane, and three travel lanes. This mitigation measure would reduce the proposed project's incremental increase in V/C to a less than significant level under Existing plus Project conditions, and would not conflict with any of the criteria in the policy-based screening analysis.

Exhibit A-113

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule		
			Before Construction	During Construction	After Construction
third southbound departure lane shall merge into the southbound ramp to Empire Avenue at Avon Street. • The existing raised median will be reconstructed between Avon Street and Thornton Avenue, southbound Hollywood Way would be widened by 4 feet within public right of way between Thornton Avenue and the private fast food complex driveway, and the southbound sidewalk would be maintained at 12-feet, to accommodate the new travel lane. • Existing bicycle lanes would be maintained and improved on Hollywood Way. Existing 5 foot northbound and southbound bicycle lanes would be maintained on Hollywood Way between Thornton Avenue and Burton Way. Existing bicycle lanes would be widened to 6 feet wide northbound and southbound on Hollywood Way between Avon Street and Thornton Avenue.					
MM TRANS-4: North Hollywood Way & North San Fernando Boulevard Eastbound Ramps (Intersection No. 30): In order to mitigate the significant impact at North Hollywood Way & North San Fernando Boulevard Eastbound Ramps to a less than significant level, the intersection would need to be redesigned. The project applicant shall coordinate with the City to implement the following intersection improvements prior to issuance of the first temporary certificate of occupancy or certificate of occupancy (whichever is issued first):[4] • The intersection would be redesigned to accommodate an uncontrolled eastbound right-turn lane. The new design would require acquisition of right-of-way from the project, and would extend the planned southbound right-turn lane at Hollywood Way & Tulare Avenue back to the San Fernando Boulevard Eastbound Ramps, creating a weaving section for vehicles entering Hollywood Way from San Fernando Boulevard and vehicles turning right into the project site at Tulare Avenue. • The redesign would shift bicycles from the Class II on-street facility to an off-street protected Class IV facility, to avoid vehicles weaving across bicycle traffic. The bicycle lanes would be separated from vehicular traffic by a raised five-foot	1. Prior to issuance of the first certificate of occupancy, the project applicant shall coordinate with the City to redesign the intersection of North Hollywood Way and North San Fernando Boulevard.	• Applicant • City Public Works Department • Community Development Department		X	X

[4] As the mitigation would result in no vehicle control for either the eastbound or southbound approaches, there would be no control delay at the intersection, reducing the project's incremental impact at the intersection below significance. Therefore, this mitigation measure is deemed feasible and would reduce the project impact to a less than significant level. It should be noted that a measure was explored involving signalizing the intersection to be consistent with a similar mitigation that was proposed as part of the Burbank Bob Hope Airport Terminal Replacement Project. Although the intersection meets the signal warrant during all analyzed scenarios for at least one of the analyzed peak hours, signalizing the intersection would result in additional delay for vehicles traveling southbound on Hollywood Way, which make up the majority of vehicles using the intersection. The mitigation was therefore rejected.

Exhibit A-114

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule		
			Before Construction	During Construction	After Construction
sidewalk bicycle lane separated from the street by a 5-foot green street bio-swale, and separated from the sidewalk with a demarcation of colored concrete or truncated domes, along the project's frontage between Winona Avenue and the San Fernando Blvd. ramps.					
MM TRANS-7: North Hollywood Way & Alameda Avenue (Intersection No. 11): In order to mitigate the cumulative impact at North Hollywood Way & Alameda Avenue to a less than significant level, it would have to be widened and restriped at the northbound approach to include two left-turn lanes, two through lanes, and one right-turn lane.[5] Alternatively, developer shall pay the applicable transportation development impact fee in lieu of constructing the improvements, and the City shall construct the improvements when they are needed to maintain the City's LOS D standard. The City will measure the LOS of all study intersections every two years to evaluate traffic impacts of development projects, or more frequently if necessary to identify or confirm LOS. The mitigation will be implemented prior to the point at which the intersection is expected to deteriorate to LOS to E or F, accounting for reasonable variability in daily traffic demand. This mitigation monitoring program shall be implemented consistent with the Burbank2035 Mitigation Monitoring and Reporting Program.	1. Prior to issuance of the first certificate of occupancy, the project applicant shall widen and restripe the intersection of North Hollywood Way and Alameda Avenue at the northbound approach to include two left-turn lanes, two through lanes, and one right-turn lane.	• Applicant • City Public Works Department • Community Development Department		X	X
MM TRANS-8: North Hollywood Way & Olive Avenue (Intersection No. 13): In order to mitigate the cumulative impact at North Hollywood Way & Alameda Avenue to a less than significant level, westbound and eastbound approaches would need to be reconfigured, resulting in a new peak period parking restriction. The project applicant shall design and construct the following improvements prior to the City issuing the first certificate of occupancy for the project. Alternatively, developer shall pay the applicable transportation development impact fee in lieu of constructing the improvements, and the City shall construct the improvements when they are needed to maintain the City's LOS D standard. The City will measure the LOS of all study intersections every two years to evaluate traffic impacts of development projects, or more frequently if necessary to identify or confirm	1. Prior to issuance of the Prior to issuance of the first certificate of occupancy, the project applicant shall coordinate with the City to design and construct intersection improvements to the intersection of North Hollywood Way and Olive Avenue and the intersection of North Hollywood Way and North San Fernando Boulevard; or alternatively developer shall pay the applicable transportation development impact fee in lieu and the city shall construct the	• Applicant • City Public Works Department • Community Development Department		X	X

[5] The existing curb-to-curb width on North Hollywood Way at this intersection is approximately 80 feet, which is wide enough to accommodate the additional travel lanes and maintain all existing lanes. This mitigation measure reduces the project's incremental increase in V/C to a level below significance under Future plus Project conditions, and does not conflict with any of the criteria in the policy based screening analysis. However, as most of the vehicles making the northbound left movement at this intersection are doing so to access the freeway on-ramp on Alameda Avenue, these vehicles would not be able to use the second northbound left-turn lane, resulting in minimal increase in capacity. Further, the addition of a second northbound left-turn lane would require adjustments to signal phasing and signal timing, leading to similar levels of delay at the intersection. The mitigation was therefore rejected, and the impact is considered significant and unavoidable.

Exhibit A-115

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule		
			Before Construction	During Construction	After Construction
LOS. The mitigation will be implemented prior to the point at which the intersection is expected to deteriorate to LOS to E or F, accounting for reasonable variability in daily traffic demand. This mitigation monitoring program shall be implemented consistent with the Burbank2035 Mitigation Monitoring and Reporting Program.[6] • Implement PM peak period parking restriction in the westbound direction of Olive Avenue. • Reconfigure the westbound approach to include one left-turn lane, two through lanes and one shared through/right-turn lane. • Restripe the eastbound approach to include two left-turn lanes, two through lanes, and one through/right-turn lane (may require alteration to the existing median). **North Hollywood Way & North San Fernando Boulevard Eastbound Ramps (Intersection No. 30):** The same mitigation measure described above under Existing plus Project conditions (MM TRANS-8) to reduce the proposed project's incremental increase in V/C to a less than significant level at North Hollywood Way & North San Fernando Boulevard Eastbound Ramps would also reduce the cumulative impact under Future plus Project conditions.	improvements when needed to maintain LOS D in accordance with the Burbank2035 MMRP..				
MM TRANS-9: North San Fernando Boulevard & Cohasset Street (Intersection No. 32): To mitigate the significant pedestrian impact at North San Fernando Boulevard & Cohasset Street, the intersection would need to be signalized. The project applicant shall coordinate with the City and the City of Los Angeles to implement the following intersection improvements prior to issuance of the first certificate of occupancy, subject to the approval of the City and the City of Los Angeles[7]: • Install a traffic signal.	1. Prior to issuance of the first certificate of occupancy, the project applicant shall coordinate with the City to make a fair-share payment for improvements at the intersection of North San Fernando Boulevard and Cohasset Street, including the installation of a traffic signal and coordinating signal timing with other traffic signals on	• Applicant • City Building Division		X	X

[6] Currently, a peak parking restriction exists on westbound Olive Avenue between Riverside Drive and Pass Avenue during the AM peak period. During the PM period, parking is currently permitted and the westbound intersection approach configuration consists of one left-turn lane, two through lanes, and one right-turn lane. The mitigation measure would establish a PM peak period parking restriction on westbound Olive Avenue between Riverside Drive and Pass Avenue (the same as the AM parking restriction limits) from 4:30 to 7:30 PM, Monday through Friday. This mitigation measure can be implemented within the existing right-of-way without re-striping and would involve restricting approximately eight parking spaces during the PM peak period. The proposed changes on both the eastbound and westbound approaches can be accommodated within the existing curb-to-curb space. The mitigation measure would exceed the MAMS template, and therefore would conflict with the Scale and Design criteria in the policy-based screening analysis. It does not conflict with other elements of the screening analysis. This mitigation measure would reduce the proposed project's incremental increase in V/C to a less than significant level. Therefore, this mitigation measure is deemed feasible and would reduce the project impact to a less than significant level.

[7] Since this intersection is located within the shared jurisdiction of Los Angeles and Burbank, implementation of this improvement is not entirely within the control of the lead agency (City of Burbank). Therefore, if the improvement cannot be approved by Los Angeles then the improvement is deemed infeasible and this impact would remain significant and unavoidable.

Exhibit A-116

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule: Before Construction	During Construction	After Construction
• Construct curb extension and pedestrian ramp at the signalized intersection. • Coordinate signal timing with other traffic signals on North San Fernando Boulevard to maintain traffic flow. **North San Fernando Boulevard & Cohasset Street (Intersection No. 32):** The same pedestrian mitigation measure described above (MM TRANS-9) would also reduce the proposed project's incremental increase in V/C to a less than significant level at North San Fernando Boulevard & Cohasset Street under cumulative Future plus Project conditions.	North San Fernando Boulevard to maintain traffic flow.				
Utilities					
MM-UTIL-1: The project applicant shall pay fees to the City of Burbank as determined by the current Sewer Capacity Analysis performed for the project Draft EIR. The fees will cover the pro-rated cost of necessary project-related sewer infrastructure upgrades, including design, permitting, and contractor costs to install the necessary improvements; inspection; traffic control; and street restoration. The required portion to be paid is valued as a percentage of the project's contribution to the impacted sanitary sewer system. For the project, this amount is estimated at $49,000, which is approximately 2.7 percent of the total cost of off-site sewer infrastructure upgrades. The project applicant is also subject to sewer facility charges (SFCs) estimated at $$388,719. Therefore, the total fees to be paid to the City for sewer interconnection and upgrades is estimated to be approximately $423,000. Despite the estimates in this mitigation measure, the estimated amount due is subject to change. The project applicant must pay fees deemed necessary by the City prior to issuance of a building permit from the City.	1. Prior to the issuance of a building permit, the project applicant shall pay fees to the City as determined by the current Sewer Capacity Analysis performed for the project Draft EIR.	• Applicant • City Building Division	X		
MM-UTIL-2: As part of their lease agreement, all tenants occupying creative industrial buildings on the proposed project site shall be required to recycle all qualifying items in accordance with the Burbank Recycling Center's guidelines, including their handbook titled "Materials Accepted in Your Recycling Bin or at the Recycling Center." The project applicant shall supply tenants with City recycling receptacles as well as the aforementioned Burbank Recycling Center handbook.	1. All tenants occupying creative industrial buildings, as part of their lease agreement, shall be required to recycle all qualifying items in accordance with the Burbank Recycling Center's guidelines.	• Applicant • Future Tenants of Creative Industrial Buildings			X
	2. The project applicant shall supply tenants with City recycling receptacles as well as the aforementioned Burbank Recycling Center handbook.	• Applicant		X	

Exhibit A-117

RESOLUTION NO. 19-29,077

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURBANK ADOPTING A RESOLUTION APPROVING AN AMENDMENT TO THE GENERAL PLAN LAND USE DESIGNATION FROM AIRPORT TO GOLDEN STATE COMMERCIAL FOR 18 ACRES AT 3001 N. HOLLYWOOD WAY AND AN AMENDMENT TO EXHIBIT M-2: ROADWAY CIRCULATION DIAGRAM OF THE MOBILITY ELEMENT OF THE GENERAL PLAN TO INCORPORATE THE EXTENSION OF TULARE AVENUE AND KENWOOD STREET INTO THE CITYS ROADWAY NETWORK (PROJECT NO. 16-0004646)

THE CITY COUNCIL OF THE CITY OF BURBANK FINDS:

A. On July 20, 2016 Timur Tecimer ("Applicant") of Overton Moore Properties on behalf of Burbank Industrial Investors, LP ("Applicant") submitted an application for Project No. 16-0004646, the Avion Burbank Project located at 3001 N. Hollywood Way, to amend the General Plan Land Use designation from Airport to Golden State Commercial/Industrial for an approximate 18 acres portion of the Project site and an amendment to Exhibit M-2: Roadway Circulation Diagram of the Mobility Element in order to incorporate the extension of Tulare Avenue and Kenwood Street that will serve the Project Site. Tulare Avenue will be designated as a collector street and Kenwood Street will be designated at a local street.

B. The Planning Board at its meeting of February 26, 2018, held a public hearing to consider Project No. 16-0004646 and associated entitlements, including the amendment to the General Plan Land Use Designation and Mobility Element. Subsequent to a public hearing and Planning Board deliberation, the Planning Board voted 5-0 recommending to the City Council approval of the amendment to the General Plan Land Use Designation and the Mobility Element.

C. A Final EIR has been prepared consisting of the circulated EIR, all comments received during the public review period, responses to all significant environmental points raised during the public review period, and a MMRP has been prepared. This Final EIR was posted on the City's website at www.burbankca.gov/planning on or about February 15, 2019, and the response to comments were sent to all commenters not less than ten (10) days prior to the City Council's consideration of the EIR and the Project in accordance with California Environmental Quality Act (Public Resources Code Section 21000 e. seq.) ("CEQA"), and the State CEQA Guidelines (14 Code of California Regulations Section 150000, et. seq.) and the City's CEQA procedures for the Project.

D. The Planning Board of the City of Burbank held a duly noticed public hearing on February 25, 2019, after which it recommended certification of the Project EIR, including Responses to Comments, and adoption of the MMRP with a Statement of Overriding Considerations with Findings of Fact.

1

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

E. The Council at its regular meeting of March 26, 2019, held a duly noticed public hearing on Project No. 16-0004646, to amend the General Plan Land Use Designation and Mobility Element. Public notification to the property owners of record (within 1,000 feet) went out 10 business days before the March 26, 2019 City Council public hearing on the Avion Burbank Project (3001 N. Hollywood Way) pursuant to Burbank Municipal Code Section 10-1-1964(2).

F. Public notification was provided in the Burbank Leader Newspaper, providing for ten day notification prior to the City Council's consideration on March 26, 2019 pursuant to Government Code Section 65090.

G. The City Council considered the report and recommendations of the City Planner, the action and recommendations of the Planning Board, the EIR, the MMRP and Statement of Overriding Considerations with Findings of Fact, and the evidence presented at such hearing.

H. The City Council certified the EIR as being in full compliance with CEQA, and adopted a MMRP and Statement of Overriding Considerations with Findings of Fact with adoption of Resolution No. 19-29,076.

THE CITY COUNCIL OF THE CITY OF BURBANK RESOLVES:

1. The Project request to amend the General Plan Land Use designation for approximately 18 acres of the Project site property from Airport to Golden State Commercial/Industrial and an amendment to Exhibit M-2: Roadway Circulation Diagram of the Mobility is hereby approved based upon the following findings:

1. The proposed General Plan Amendment is consistent the Burbank2035 General Plan goals and policies and the plan goals that may be affected by the Project's implementation. Specifically, the proposed General Plan Amendment is consistent with the following Burbank2035 General Plan goals and policies:

   - Air Quality and Climate Change Element Goals 1 and 2 and Policies 1.3, 1.5, 1.6, 1.9, 2.1, 2.2, and 2.3;
   - Land Use Element Goals 1, 4, 6, and 12 and Policies 1.1, 1.2, 3.5, 3.7,3.11, 3.12, 4.9, 6.1, 6.6,12.3, and 12.6;
   - Mobility Element Goal 1, 3, and 4; Policies 1.2, 1.4, 1.5, 3.2, 3.3, 3.4, 4.1, 4.5, 5.5;
   - Noise Element Goal 5 and Policies 5.1 and 5.3;
   - Open Space Element Policy 6.1; and,
   - Safety Element Goals 5 and 7 and Policies 5.3, 7.1, 7.2, and 8.4.

   The General Plan Amendment will convert approximately 18-acres of the Project Site designated as Airport to Golden State Commercial/Industrial (Exhibit A), thereby rendering the entire site as having a Golden State Commercial/Industrial land use designation and providing consistency across the entire Planned Development and associated development standards.

A General Plan Amendment to Exhibit M-2: Roadway Circulation Diagram (Exhibit B to this Resolution) of the Mobility Element of the General Plan for the 1,250 foot extension of Tulare Avenue west from North Hollywood Way to the west property of the Project site and designated as a collector street; and for the 700 foot extension of Kenwood Street south to the new Tulare Avenue within the Project site and designated as a local street.

The proposed General Plan Amendment, including the change to the Mobility Element Exhibit M-2 for new street segments, will not cause any internal inconsistencies in the General Plan, would not change any policy direction or intent of the General Plan, would contribute to the purposes of the General Plan, and expand employment opportunities and facilitate redevelopment of vacant former brownfield site.

2. The potential impacts of the proposed General Plan Amendment, including the change to the Mobility Element Exhibit M-2 for new street segments, have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

3. The proposed General Plan Amendment, including the change to the Mobility Element Exhibit M-2 for new street segments, has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

2. The Secretary of the City Council shall mail a copy of this Resolution to the applicants.

PASSED AND ADOPTED this 26th day of March, 2019.

Emily Gabel-Luddy
Mayor

Attest:

Zizette Mullins, MMC, City Clerk

Approved as to Form
Office of the City Attorney

By: Joseph H. McDougall,
Senior Assistant City Attorney

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

19-29,077

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

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the this 26th day of March, 2019, by the following vote:

AYES: Frutos, Springer, Talamantes and Gabel-Luddy.

NOES: Murphy.

ABSENT: None.

Zizette Mullins, MMC, City Clerk

EXHIBIT A

Amendment to General Plan Land Use Designation Map

4

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

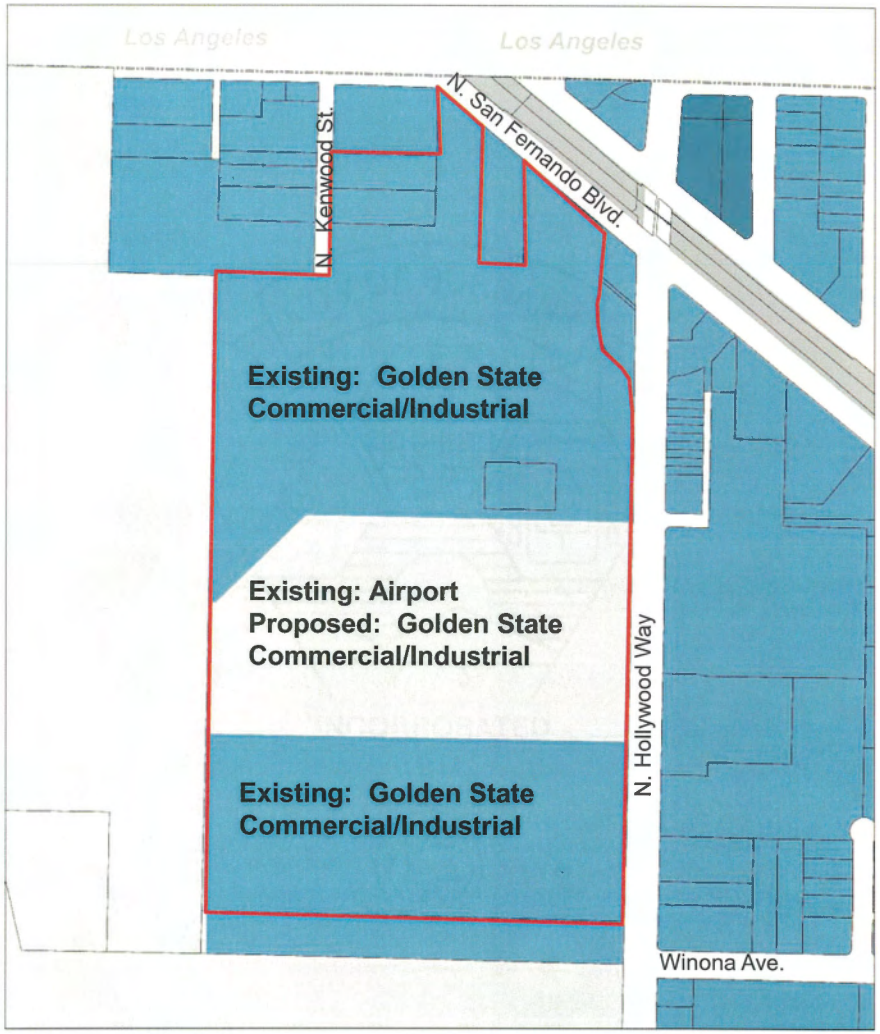

Exhibit B

Amendment to Mobility Element Exhibit M-2: Roadway Circulation Diagram Map

Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

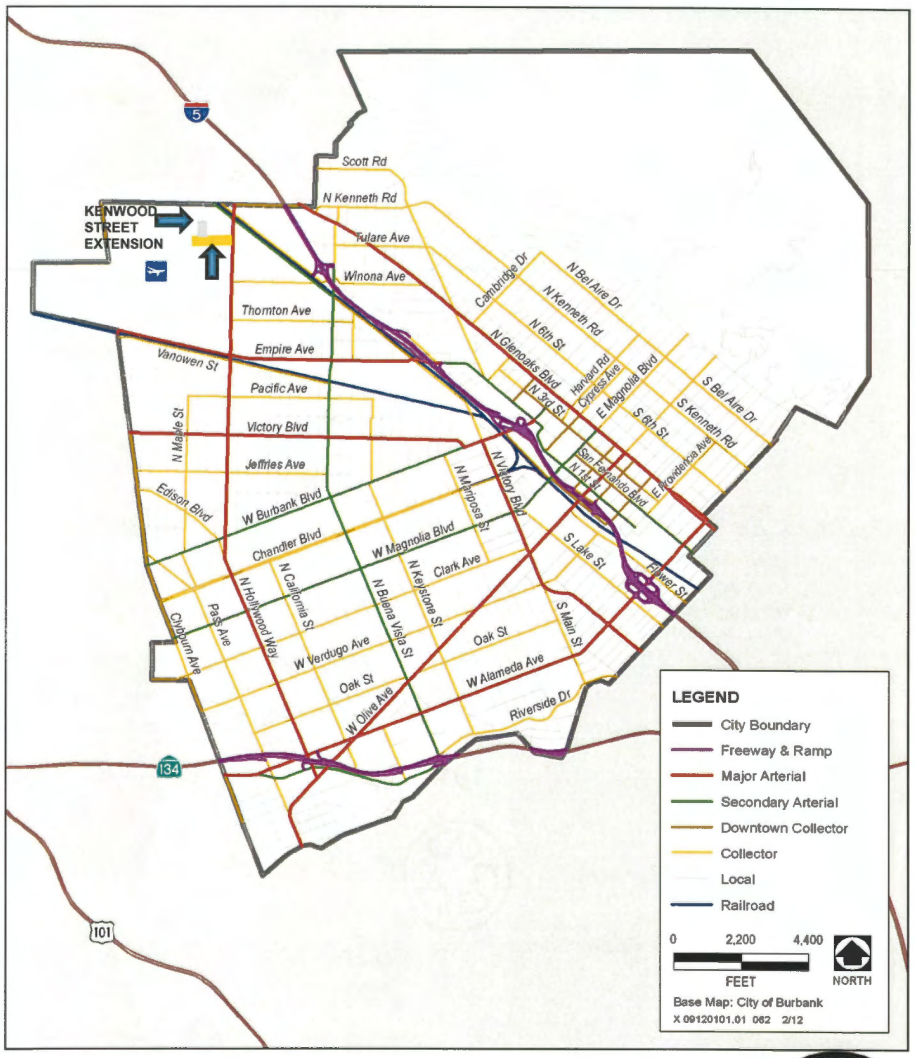

EXHIBIT B AMENDMENT TO ROADWAY CIRCULATION DIAGRAM M-2

3001 N. Hollywood Way

Response to Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020)

696-779

The comment states that the information on the Avion Burbank Project in the Draft EIR/EIS is outdated. The status of the Avion Burbank Project was updated in Appendix 3.19-A, Table 3.19.A-2, in this Final EIR/EIS to state that the project site is fully entitled, the project is currently under construction, and the project is 70 percent pre-leased. The Authority's goal is for the Burbank Airport Station to be integrated into the larger development in a mutually beneficial way, where the station enhances the development, even if some structures are displaced or changed.

696-780

The Notice of Preparation of the Draft EIR for the Avion Burbank Project had not been published at the time studies were initiated in 2015 for the Burbank to Los Angeles Project Section; therefore, the project was not considered reasonably foreseeable at that time. The 2014 Palmdale to Los Angeles SAA (2014 SAA) (Authority 2014) determined that the Burbank Airport Station was the most appropriate station option to advance for this subsection because it would align with project objectives, local and stakeholder input, the potential for future HSR expansion and third-party public-private partnership investments, the potential for intermodal connectivity, and the potential for the station to become a regional transportation hub. Additionally, affected property owners were noticed during the alternatives analysis process and during the NOP comment period. The Authority acknowledges that the Avion Burbank Project is now fully entitled and partially constructed. Any property that needs to be acquired from the Avion Burbank Project by the Authority will be done so in accordance with impact avoidance and minimization feature SOCIO-IAMF#2 which requires compliance with the Uniform Relocation and Real Property Acquisitions Policy Act.

No revisions have been made to this Final EIR/EIS in response to this comment.

696-781

The commenter states that the costs and operations included in Chapter 6 of the EIR/EIS should be revised to include the cost of acquiring the Avion Burbank Project. Based on the Authority's Capital Cost Estimating Methodology for the 15% Design Level TM 1.1.19 (Authority 2014), following preparation of the 15% Design level estimates, cost estimates will advance through a validation process that involves assembling subject matter experts in the areas of engineering, construction, and estimating to perform an independent review of the scope, assumptions, and basis used to prepare the cost estimate. This process will provide a thorough vetting of each cost estimate before it is finalized. It is important that the methodology used in estimating project costs is flexible enough to be applied at each point in the project development process, and additional guidelines will be developed to prepare cost estimates for subsequent phases of the HSR project. At this stage of project design, a 10% contingency is included for the purchase or lease of real estate. The more detailed the design becomes in subsequent phases, the more detailed the cost estimate should be. Therefore, the capital costs provided in Chapter 6 of this Final EIR/EIS are preliminary in nature and will be refined in the next phase of project design. Once the design is final and the exact nature of impacts to the Burbank Avion Development is defined, the Authority will coordinate with the property owner and follow the procedures described in the Right-of-Way Manual (Authority 2019).

696-782

Refer for Responses to Comments 696-783 and 696-780.

Response to Submission 696 (Timur Tecimer, OVERTON MOORE PROPERTIES, July 21, 2020) - Continued

696-783

The commenter requests that a revised EIR/EIS be recirculated for public comment because the Draft EIR/EIS did not evaluate all potential impacts related to demolition of the Avion Burbank Project. The Notice of Preparation of the Draft EIR for the Avion Burbank Project had not been published at the time studies were initiated in 2015 for the Burbank to Los Angeles Project Section; therefore, the project was not considered reasonably foreseeable at that time. The Authority acknowledges that the Avion Burbank Project is now fully entitled and partially constructed. The Authority's goal is to integrate the Burbank Airport Station into the larger development in a mutually beneficial way, where the station enhances the development, even if some structures are displaced or changed. Any property that needs to be acquired from the Avion Burbank Project by the Authority will be done so in accordance with impact avoidance and minimization feature SOCIO-IAMF#2 which requires compliance with the Uniform Relocation and Real Property Acquisitions Policy Act.

696-784

Refer to Standard Response BLA-Response-Chapter 2 Alt-01: Alternatives.

The comment correctly identifies that the alternatives for the Burbank to Los Angeles project section were developed as part of a tiered environmental review, as described in Sections 1.1.2 and 1.1.4 of this EIR/EIS. This Tier 2 EIR/EIS builds on the Tier 1 decisions, including the selection of the MTA Metrolink corridor between Burbank and Los Angeles. Alternatives development for the Burbank to Los Angeles project section was part of a lengthy Tier 2 process that occurred with extensive public involvement opportunities. It commenced with public scoping in 2007 for the Palmdale to Los Angeles section, followed by development of publicly released alternatives analysis reports that were presented at public meetings of the Authority's Board. Additional public scoping occurred in 2014 for the re-defined Burbank to Los Angeles section, followed by further presentation of publicly released alternatives analysis reports that were presented at public meetings of the Authority's Board. Section 2.4 of this EIR/EIS describes this process.

As a part of the 2016 SAA, a surface option (Alignment Option A and Station Option A) was considered that would have partially avoided the Avion Burbank Project. In 2018, the Burbank Airport Station Option Screening Report withdrew Option A primarily due to community and potential environmental justice concerns. Option A had the greatest amount of residential and business displacements and noise/vibration and visual impacts, and it also had the worst intermodal connections. In July 2021, the Authority prepared an update to the Burbank Airport Station Options Screening Report, Draft (version) 2 (updated Report). The updated Report considers the Avion Burbank Project Final EIR and approval by the City of Burbank, its current construction schedule and projected opening date, any potential changes to the evaluation results provided in the Report analysis, and determination if the Report conclusion recommending studying Option B Refined as the Preferred Alternative in the Burbank to Los Angeles California High-Speed Rail Project Section EIR/EIS remains valid. Based on the screening analysis and results described in the updated Report, the Authority maintains its 2018 recommendation to proceed with Station Option B Refined for detailed study in the EIR/EIS. When compared with Option A, Option B Refined has a substantially lower impact on environmental justice populations, has fewer residential and business displacements, and better conforms with local land use plans. Compared to Option B,

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Option B Refined would tunnel beneath airport properties and would be approximately 50 feet below the surface, requiring less intensive soil excavation activities and removal/treatment of spoils for station construction than Option B, which would tunnel beneath residential neighborhoods and would therefore require platforms to be 150 feet below the surface. Therefore, this EIR/EIS evaluates one underground station near the Hollywood Burbank Airport (Burbank Airport Station).