



Burbank Housing and Safety Element Update

Draft Environmental Impact Report

prepared by

City of Burbank

Community Development Department

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January 2022

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Executive Summary

This document is an Environmental Impact Report (EIR) analyzing the environmental effects of the proposed Burbank Housing and Safety Element Update (“Housing and Safety Element Update” or “Project”). This section summarizes the characteristics of the Project, alternatives to the Project, and the environmental impacts and mitigation measures associated with the Project.

Project Synopsis

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Project Description

The proposed Project would involve an update to the Housing Element of the City’s Burbank2035 General Plan for the 2021-2029 planning period, along with minor updates to the Safety, Land Use, Open Space and Conservation, Air Quality and Climate Change, Noise, and Mobility Elements, and the incorporation of environmental justice goals, policies and objectives into the Burbank2035 General Plan. The proposed Housing and Safety Element Update establishes programs, policies and actions to further the goal of meeting the existing and projected housing needs of all household income levels of the community; provides evidence of the City’s ability to accommodate the Regional Housing Needs Assessment (RHNA) allocation through the year 2029, as established by the Southern California Association of Governments (SCAG), and identifies any rezoning program needed to reach the required housing capacity. The Safety Element update is triggered by various new provisions of state law, the Mobility Element update would incorporate VMT (vehicle miles traveled) metrics per SB 743, and the environmental justice policies would be added pursuant to the requirements of Senate Bill 1000 (SB 1000) which requires that revisions or adoption of two or more elements of a general plan on or after January 1, 2018 “adopt or review the Environmental Justice Element, or the environmental justice goals, policies, and objectives in other elements” to focus on the inclusion of disadvantaged communities (DACs) in decision making procedures as well as increasing protections for these communities.

Project Characteristics

The Housing and Safety Element Update would apply to the entire geographic area located within the boundaries of the City of Burbank, which encompasses 17.1 square miles. The Project would

Burbank Housing and Safety Element Update

involve an update to the Housing Element of the City’s 2035 General Plan for the 2021-2029 planning period, along with minor updates to the Safety, Land Use, Open Space and Conservation, Air Quality and Climate Change, Noise, and Mobility Elements, and the incorporation of environmental justice goals, policies and objectives into the 2035 General Plan. The proposed Housing Element Update establishes programs, policies and actions to further the goal of meeting the existing and projected housing needs of all household income levels of the community; provides evidence of the City’s ability to accommodate the Regional Housing Needs Assessment (RHNA) allocation through the year 2029, as established by the Southern California Association of Governments (SCAG); and identifies any rezoning program needed to reach the required housing capacity.

Housing Element

The Housing Element is comprised of the following major components:

- Review of effectiveness of existing Housing Element
- Assessment of existing and projected housing needs
- Identification of resources – financial, land, administrative
- Evaluation of constraints to the development of housing
- Housing Plan – goals, policies, and programs

The Housing Element Update would provide a framework for accommodating new housing at all levels of affordability that is within access to transit, Downtown jobs, services, and open spaces within the 8-year planning period of October 2021-October 2029. New housing units may occur anywhere in the City where residential uses are permitted, as well as in areas that may be rezoned in the future to allow for multi-family residential and mixed-use residential of adequate density to meet State-required housing production and affordability targets as discussed below.

RHNA Allocation

SCAG has allocated the region’s 1,341,827 housing unit growth needs to each city and county through a process called the Regional Housing Needs Allocation (RHNA). The RHNA represents the minimum number of housing units that the City is required to plan for in its housing element by providing “adequate sites” through the Burbank 2035 General Plan and zoning residential capacity. As shown in Table ES-1, Burbank’s RHNA allocation for the 2021-2029 planning period (6th RHNA cycle) is 8,772 units, which is distributed among four income categories (HCD 2020). Additionally, the City is required to provide a sufficient buffer beyond that required by the RHNA to ensure that adequate site capacity exists throughout the eight-year planning period.

Table ES-1 RHNA Percentage of Income Distribution

Income Level	Percent of Area Median Income (AMI)	Units	Percent
Very Low	0-50%	2,553	29%
Low	51-80%	1,418	16%
Moderate	81-120%	1,409	16%
Above Moderate	>120%	3,392	39%
Total	--	8,772	100%

Source: SCAG 2021

The RHNA represents the minimum number of housing units that the City is required to plan for in its housing element by providing “adequate sites” through the 2035 General Plan and zoning.

Table ES-2 shows the estimated number and affordability level of housing units to accommodate the City’s RHNA under the existing General Plan and zoning, including projects that are entitled and pending entitlement, specified housing opportunity sites, Accessory Dwelling Units (ADUs) expected to be developed over the course of the planning period, and the units produced through the City’s committed assistance program. As shown in Table ES-2, these sources total 7,673, which falls short of the RHNA allocation by 1,099 units.

Table ES-2 Estimated Net Housing Units for the City of Burbank

Sites/Projects	Total Net Units	Income Distribution			
		Very Low	Low	Moderate	Above Moderate
2021 – 2029 RHNA Targets	8,772	2,553	1,418	1,409	3,392
Entitled Projects	934	7	6	83	838
Pending Entitlement	1,489	227	31	0	1,202
Opportunity Sites (Zoning in place)	3,640	1,988	1,068	292	292
Accessory Dwelling Units (ADUs) ¹	1,600	384	704	32	480
Committed Assistance ²	10	10	0	0	0
Total Site Capacity	7,673	4,425		436	2,812
RHNA Surplus/(Shortfall)	(1,099)	+454		(973)	(580)

¹ ADUs are small backyard units that are either attached or detached from a single-family home.

² Committed Assistance units are units that the City has provided a legally enforceable agreement to provide. This is through an ongoing partnership with the Burbank Housing Corporation. See the Housing Element for further discussion.

To make up for this shortfall of 1,099 units, the Housing Element includes a housing program to rezone additional opportunity sites through adoption of two specific plan projects: the Downtown Transit-Oriented-Development Specific Plan (Downtown TOD) and the Golden State Specific Plan (GSSP) (see Figure 2-3 in the *Project Description* for the Specific Plan locations and opportunity sites). Adoption of these Specific Plans will provide the necessary zoning, development standards, and processing procedures to facilitate the production of the shortfall of housing units required to accommodate the City’s RHNA during the Housing Element planning period. The zone changes required by these Specific Plans will be adopted in 2022-2023, or within three years of the start of the planning period as required by State law.

Table ES-3 shows the number of units expected from the rezoning of the Specific Plan areas. With the additional rezone sites the City would exceed the RHNA requirement by 1,343 units with an additional 2,442 units accommodated. The State requires jurisdictions to create a sufficient buffer in the Housing Element sites inventory beyond that required by the RHNA to ensure that adequate site capacity exists throughout the eight-year planning period. The Notice of Preparation that was circulated on March 17, 2021 for the proposed Project included an estimated growth of 10,088 housing units based on the City’s RHNA allocation and 15 percent buffer. However, the estimated growth for the purpose of this analysis was changed to 10,456 housing units to account for the 2029 interpolated housing growth assumed under the two Specific Plans along with the City’s RHNA allocation.

Table ES-3 Projected Specific Plan Units

Specific Plan	Total Net Units
Downtown TOD sites	627
Golden State Specific Plan sites	1,815
Total	2,442
Existing GP Units (from Table ES-2)	7,673
New Total with Specific Plans	10,115
RHNA Surplus/(Shortfall)	1,343

Housing Opportunity Sites

The opportunity sites include 19 locations that have the greatest potential to accommodate the RHNA’s housing growth allocated for Burbank. Twelve of the opportunity sites are located in the proposed Downtown TOD Specific Plan area and seven sites are located in the proposed Golden State Specific Plan area. The locations of these sites of shown in Figure 3 of the *Project Description*.

Safety Element Update

The Safety Element Update will ensure consistency with the Housing Element Update and will comply with recent State legislation and guidelines (including Assembly Bill 162, Senate Bill 1241, Senate Bill 99, Assembly Bill 747, Senate Bill 1035 and Senate Bill 379). Amendments incorporate data and maps, address vulnerability to climate change; incorporate policies and programs from the City’s Hazard Mitigation Plan and the Greenhouse Gas Reduction Plan, as well as partial or full integration of other City documents and programs (including but not limited to: Ready Burbank and the Emergency Survival Program). Key areas of the Burbank Safety Element Update include updated flooding and fire hazard maps, emergency response and preparedness, especially as they relate to the City’s projected climate change exposure, and vulnerability. The Safety Element amendments will be submitted to the California State Board of Forestry and Fire Protection (CalFire) for review.

Environmental Justice Update

SB 1000 states that revisions or adoption of two or more elements of a general plan on or after January 1, 2018 trigger a requirement to “adopt or review the Environmental Justice Element, or the environmental justice goals, policies, and objectives in other elements.” Environmental justice goals, policies, and objectives must aim to reduce health risks to DACs, promote civil engagement, and prioritize the needs of these communities. Environmental justice goals, policies, and objectives must aim to reduce health risks to DACs, promote civic engagement, and prioritize the needs of these communities. Appendix B includes a list of the updates to policies and implementation measures for the Safety, Land Use, Open Space and Conservation, Air Quality and Climate Change, Noise, and Mobility Elements of the Burbank2035 General Plan. These updates focus on the inclusion of disadvantaged communities in decision making procedures as well as increasing protections for these communities.

Mobility Element Update

SB 743 requires the Governor’s Office of Planning and Research (OPR) to establish new metrics for determining the significance of transportation impacts of projects within transit priority areas (TPAs) and allows OPR to extend use of the metrics beyond TPAs. OPR selected VMT as the preferred transportation impact metric and applied their discretion to require its use statewide. In order to

comply with this requirement, the Mobility Element would be updated to require the use of VMT analysis according to OPR guidelines.

Project Objectives

- Meet the City’s fair share, plus a reasonable buffer, of the regional housing need to accommodate projected population growth within the City and region consistent with the Regional Housing Needs Assessment (RHNA) allocation
- Conserve and enhance the quality of existing housing and neighborhoods
- Provide housing sites that accommodate a range of housing types to meet the diverse needs of existing and future residents
- Continue to facilitate the development of housing affordable to all economic segments of the community and make inroads in addressing the City’s jobs-to-housing imbalance
- Focus on removing governmental constraints to the maintenance, improvement, and development of housing
- Promote non-discrimination and fair and equal housing opportunities for all persons

Alternatives

As required by the California Environmental Quality Act (CEQA), this EIR examines alternatives to the Housing and Safety Element Update. Studied alternatives include the following two alternatives. Based on the alternatives analysis, Alternative 1 was determined to be the environmentally superior alternative.

- Alternative 1: No Project
- Alternative 2: City Build-Out

Alternative 1 (No Project) involves continued implementation of the existing 2013-2021 Housing Element and a continued growth rate predicted by SCAG to yield 3,591 units by 2029. The No Project Alternative assumes that the City’s existing plan and policies would continue to accommodate development in accordance with existing land use designations. Ultimately, this alternative would not fulfill the State requirements regarding updates to the Housing Element and SCAG’s RHNA allocation. Due to the limitation placed on development in the city under existing plans and policies, the No Project Alternative would not be consistent with Objective 1, which aims to accommodate employment, housing, and population growth projections forecasted through the planning horizon year of 2029 and Objective 4, which aims to facilitate affordable housing options throughout the city.

Alternative 2 (City Build-Out) involves the buildout of 18,600 units, which would bring the City residential units up to the limit established by Measure One. This would be 8,144 units over the proposed update to the Housing Element. These units would be placed in the Medium Density, High Density and Various Commercial zone districts. No units would be proposed in the Low Density Residential district. This alternative would increase density throughout the city and in order to accommodate this increase in density, housing would be located within the commercial corridors. Alternative 2 would not fulfill Objective 2 as it would change the character of existing neighborhoods by increasing the density.

Refer to Section 6, *Alternatives*, for the complete alternatives analysis.

Areas of Known Controversy

The EIR scoping process did not identify any areas of known controversy for the proposed project. Responses to the Notice of Preparation of a Draft EIR and input received at the EIR scoping meeting held by the City are summarized in Section 1, *Introduction*.

Issues to be Resolved

The proposed Project would require approval by the California Department of Housing and Community Development (HCD).

Issues Not Studied in Detail in the EIR

As indicated in the Initial Study, there is no substantial evidence that significant impacts would occur to the following issue areas: Aesthetics, Agricultural Resources, Energy, Land Use and Planning, Mineral Resources, and Wildfire. Impacts to Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use/Planning, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, Tribal Cultural Resources, and Hydrology/Utilities were found to be potentially significant and are addressed in this EIR.

Summary of Impacts and Mitigation Measures

Table ES-4 summarizes the environmental impacts of the Project, proposed mitigation measures, and residual impacts (the impact after application of mitigation, if required). Although distinct from mitigation measures, project design features (PDFs) are also listed because they will be included as conditions of approval by the City to avoid potential biological and geological impacts. Impacts are categorized as follows:

- **Significant and Unavoidable.** An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per §15093 of the CEQA Guidelines.
- **Less than Significant with Mitigation Incorporated.** An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under §15091 of the CEQA Guidelines.
- **Less than Significant.** An impact that may be adverse, but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **No Impact.** The proposed project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

Table ES-4 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

Impact	Mitigation Measure (s)	Residual Impact
Air Quality		
<p>Impact AQ-1. The Housing Element Update would not conflict with the growth assumptions or policies of applicable air quality plans such as SCAQMD's 2016 Air Quality Management Plan. Impacts would be less than significant.</p>	<p>None required.</p>	<p>Less than significant.</p>
<p>Impact AQ-2. Construction activities and operation of housing development under the Housing Element Update could not result in a cumulatively considerable net increase of any criteria pollutant for which the region is a non-attainment area under applicable federal or state ambient air quality standards. Air quality studies and project-specific emissions reduction measures would be required for large projects proposed under the Housing Element Update. Impacts would be less than significant with mitigation.</p>	<p>AQ-1 Construction Emissions Reduction. For projects that would include any of the following: demolition of more than 13,500 square feet of building area, greater than 5,000 cubic yards of soil cut/fill, greater than 5-acres of graded area, or use of more than ten pieces of heavy-duty construction equipment and 150 truck trips on any given day during demolition, site clearing, or grading, prior to issuance of a permit to construct and at the expense of the project applicant, the City shall retain a qualified air quality analyst to prepare an Air Quality Impact Analysis to analyze construction emissions. The air quality analysis shall demonstrate that project emissions are less than applicable SCAQMD regional and LST thresholds, and as applicable may include, but is not limited to, the following mitigations:</p> <ul style="list-style-type: none"> ▪ Off-road diesel-powered construction equipment greater than 50 horsepower shall meet the USEPA Tier 4 emission standards, where available. In the event that Tier 4 engines are not available for any off-road equipment larger than 100 horsepower, that equipment shall be equipped with a Tier 3 engine or an engine that is equipped with retrofit controls to reduce exhaust emissions of NO_x and DPM to no more than Tier 3 levels unless certified by engine manufacturers or the onsite air quality construction mitigation manager that the use of such devices is not practical for specific engine types. ▪ All construction equipment shall be outfitted with best available control technology (BACT) devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. ▪ Consistent with SCAQMD Rule 403, construction contractors shall identify and implement best available dust control measures during active construction operations capable of generating dust. <p>AQ-2 Operations Emissions Reduction. For any project that would include more than 553 single-family residential units, 710 multi-family residential units, or any equivalent combination thereof, prior to issuance of a permit to construct, and at the expense of the project applicant, the City shall retain a qualified air quality analyst to prepare</p>	<p>Less than significant with mitigation.</p>

Impact	Mitigation Measure (s)	Residual Impact
	<p>an Air Quality Impact Analysis to analyze operational emissions The air quality analysis shall demonstrate that project emissions are less than applicable SCAQMD regional and LST thresholds, and as applicable may include, but is not limited to, the following mitigation:</p> <ul style="list-style-type: none"> ▪ Implementation of a Transportation Demand Management Plan. <ul style="list-style-type: none"> ▫ Installation of additional electric vehicle charging stations ▫ Public infrastructure improvements (e.g., bus stop shelter improvements) ▫ Carpool or ridesharing programs ▫ Subsidized transit costs ▫ Unbundled parking costs ▫ Bicycle amenities (storage, showers, lockers, etc.) ▪ Use of all-electric appliances (i.e., elimination of natural gas service) ▪ Use solar or low emission water heaters that exceed Title 24 requirements ▪ Increased walls and attic insulation beyond Title 24 requirements ▪ Required use of electric lawnmowers, leaf-blowers, and chainsaws 	
<p>Impact AQ-3. The Project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.</p>	<p>None required.</p>	<p>Less than significant.</p>
Biological Resources		
<p>Impact BIO-1. The project could result in direct or indirect impacts to nesting birds through vegetation removal and construction during the nesting season. Impacts would be less than significant with mitigation incorporated.</p>	<p>BIO-1 Nesting Bird Avoidance. Prior to issuance of grading permits for individual housing developments that will include disturbance of vegetation, structures, or other areas where bird nests could be present, implement the following requirements for any construction activities that would occur during the bird breeding season (February 1 through August 31):</p> <ul style="list-style-type: none"> ▪ Applicant shall submit a pre-construction nesting bird survey shall be conducted no more than seven days prior to initiation of grading or construction activities. The nesting bird pre-construction survey shall be conducted on foot on the construction site, including a 100-foot buffer, and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in southern California and a copy of the study shall be submitted to the Community Development Department and Building and Safety Division. The cost to hire a qualified biologist shall be borne entirely by the developer/project applicant. ▪ If nests are found, an avoidance buffer shall be demarcated by a qualified biologist with bright orange 	<p>Less than significant with mitigation.</p>

Impact	Mitigation Measure (s)	Residual Impact
	<p>construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No parking, storage of materials, or construction activities shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.</p> <ul style="list-style-type: none"> ▪ A survey report shall be prepared by the qualified biologist documenting and verifying compliance with the above requirements and applicable State and Federal regulations protecting birds that shall be submitted to the City of Burbank. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests would occur. 	

Cultural Resources/Tribal Cultural Resources

<p>Impact CUL-1. Development accommodated by the Housing Element Update could adversely affect known and previously unidentified historic-period resources. Impacts to historic-period resources would be less than significant after mitigation.</p>	<p>CUL-1 Historic Resource Protection. The project proponent shall either:</p> <ol style="list-style-type: none"> a) Demonstrate to the satisfaction of the City of Burbank Community Development Department that the project does not contain any historic resources either due to the site being vacant, age of the structures on the site, or due to the result of the Program LU-4 Historic Preservation Plan determination; or b) For any structure determined to be eligible for listing on a federal, State, or local registry, or currently listed, as a historic resource (typically determined as a result of the Program LU-4 Historic Preservation Plan process), project activities shall comply with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i> (Standards). During the project planning phase (prior to any construction activities), input shall be sought from a qualified architectural historian or historic architect meeting the <i>Secretary of the Interior's Professional Qualifications Standards</i> to ensure project compliance with the Standards for Rehabilitation. The cost of this assessment shall be borne entirely by the project applicant. This input will ensure the avoidance of any direct/indirect physical changes to historical resources. The findings and recommendations of the architectural historian or historic architect shall be documented in a Standards Project Review Memorandum at the schematic design phase. This memorandum shall analyze all project components for compliance with the Standards for Rehabilitation. Project components to be analyzed shall include direct and indirect changes to historical resources and their 	<p>Less than significant with mitigation.</p>
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Impact	Mitigation Measure (s)	Residual Impact
	<p>setting. should design modifications be necessary to bring projects into compliance with the Standards for Rehabilitation, the memorandum will document those recommendations, which will then become conditions of project approval. The report will be submitted to the City for review and approval.</p>	
<p>Impact CUL-2. Development accommodated by the Housing Element Update could adversely affect identified and previously unidentified prehistoric cultural resources. Impacts would be less than significant with the implementation of mitigation, as well as the policies outlined in the Historic Resource Management Ordinance, Program LU-4: Historic Preservation Plan.</p>	<p>CUL-2(a) Unanticipated Discovery of Archaeological Resources. Prior to the commencement of any ground-disturbing activities, a qualified archaeologist shall be retained to conduct a Worker’s Environmental Awareness Program (WEAP) training on archaeological sensitivity for all construction personnel. The training shall be conducted by an archaeologist who meets or exceeds the Secretary of Interior’s Professional Qualification Standards for archaeology. Archaeological sensitivity training will include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.</p> <p>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.</p> <p>CUL-2(b) Archaeological and Native Monitors. During initial ground disturbing activities related to the proposed project, both a qualified archaeologist and a locally affiliated Native American monitor shall monitor</p>	<p>Less than significant with mitigation.</p>

Impact	Mitigation Measure (s)	Residual Impact
	<p>construction activities within the project site in accordance with City of Burbank Historic Resource Management Ordinance, Program LU-4: Historic Preservation Plan. Initial ground disturbance is defined as disturbance within previously undisturbed native soils. If, during initial ground disturbance, the qualified archaeologist determines that the construction activities have little or no potential to impact cultural resources (e.g., excavations are within previously disturbed, non-native soils, or within soil formation not expected to yield cultural resources deposits), the qualified archaeologist may recommend that monitoring be reduced or eliminated, in consultation with the Native American monitor.</p>	
<p>Impact CUL-3. Ground-disturbing activities associated with development under the Housing Element Update could result in damage to or destruction of human burials. Impacts would be less than significant with the implementation of mitigation, as well as the policies outlined in the Historic Resource Management Ordinance, Program LU-4: Historic Preservation Plan.</p>	<p>CUL-2(a) and CUL-2(b).</p>	<p>Less than significant with mitigation.</p>
<p>Impact CUL-4. Development accommodated by the Housing Element Update could adversely impact tribal cultural resources. Impacts would be less than significant with implementation of mitigation and through consultation conducted pursuant to the requirements of AB-52.</p>	<p>CUL-2(a) and CUL-2(b).</p>	<p>Less than significant with mitigation.</p>
<p>Geology/Soils</p>		
<p>Impact GEO-1. Development accommodated under the Housing Element Update could adversely affect previously unidentified paleontological resources. Impacts to paleontological resources would be less than significant with mitigation incorporated.</p>	<p>GEO-1(a) Paleontological Resources Management. Housing development projects that require ground disturbance (grading, trenching, foundation work, and other excavations) beyond five feet below ground surface (bgs) on a site located in an area mapped as Quaternary young (Holocene) alluvial fan deposits (Qyf, Qf) where it was not previously excavated beyond five feet bgs, shall comply with the following requirements prior to the commencement of any construction activities:</p> <ol style="list-style-type: none"> 1. The Developer shall retain a qualified professional paleontologist to review project plans to determine if underlying paleontologically sensitive units (i.e., early Holocene to Pleistocene age deposits [Qoa]) could be impacted. If potentially significant impacts are identified, the qualified professional paleontologist shall prepare and implement a Paleontological Resources Mitigation Plan (PRMP). The PRMP shall describe mitigation recommendations, including paleontological monitoring procedures; communication protocols to be followed in the event 	<p>Less than significant with mitigation.</p>

Impact	Mitigation Measure (s)	Residual Impact
	<p>that an unanticipated fossil discovery is made during project development; and preparation, curation, and reporting requirements.</p> <p>2. As part of a PRMP, require the Qualified Paleontologist or his or her designee to conduct Worker Environmental Awareness Program (WEAP) training for the general contractor, subcontractor(s), and all construction workers participating in earth disturbing activities, regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by on-site personnel. The WEAP shall be fulfilled at the time of a preconstruction meeting. A training acknowledgment form must be signed by all workers who receive the training and retained by the City. In the event a fossil is discovered by construction personnel, all work in the immediate vicinity of the find shall cease and the qualified paleontologist shall be contacted to evaluate the find before re-starting work in the area. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the mitigation outlined below (GEO-1[b]) to mitigate impacts to significant fossil resources.</p> <p>Conduct monitoring during ground construction activities (i.e., grading, trenching, foundation work, and other excavations). Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who meets the minimum qualifications per standards set forth by the SVP (2010), which includes a B.S. or B.A. degree in geology or paleontology with one year of monitoring experience and knowledge of collection and salvage of paleontological resources. The duration and timing of the monitoring 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 limited to periodic spot-checking or cease entirely.</p> <p>GEO-1(b) Fossil Discovery, Preparation and Curation. If a paleontological resource is discovered at any time during earthmoving activities, the construction contractor shall ensure that all construction activities in the immediate area of the find are halted and diverted, and the City is contacted. A qualified paleontologist shall be retained (if not done so already) to evaluate the discovery. The paleontologist shall have the authority to temporarily direct, divert or halt construction activity around the find until it is assessed for scientific significance and collected to ensure that the fossil(s) can be removed in a safe and timely manner.</p> <p>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</p>	

Impact	Mitigation Measure (s)	Residual Impact
<p>Natural History Museum of Los Angeles County [NHMLAC]) along with all pertinent field notes, photos, data, and maps.</p>		
<p>Greenhouse Gas Emissions</p>		
<p>Impact GHG-1. The Housing Element update is consistent with State plans to meet the GHG reduction target established by SB 32 (State Scoping Plan), the 2020-2045 RTP/SCS, and the Burbank2035 Greenhouse Gas Reduction Plan. As the Housing Element update is consistent with all State, regional, and local plans to reduce GHG emissions, impacts related to GHG emissions would be less than significant.</p>	<p>None required.</p>	<p>Less than significant.</p>
<p>Hazards and Hazardous Materials</p>		
<p>Impact HAZ-1. Demolition and construction activities associated with development accommodated by the Housing Element Update may result in the release of potentially hazardous materials and may occur within 0.25 mile of a school. However, compliance with regional and federal regulations related to hazardous materials and compliance with the Safety Element policies would minimize the risk of releases and exposure to these materials. Impacts would be less than significant.</p>	<p>None required.</p>	<p>Less than significant.</p>
<p>Impact HAZ-2. Implementation of the Housing and Safety Element Update would accommodate development on or near hazardous materials sites. However, compliance with applicable regulations relating to site cleanup would minimize hazards from development on contaminated sites. Impacts would be less than significant.</p>	<p>HAZ-2 Property Assessment – Phase I and II ESA’s. Prior to the start of construction (demolition or grading), the project applicant will retain a qualified environmental professional (EP), as defined by ASTM E-1527, to complete one of the following:</p> <p>If the project is not listed in Appendix F, DTSC (GeoTracker) or SWRCB (EnviroStor) resources, then the proponent will retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase I ESA. If the Phase I ESA identifies recognized environmental conditions or potential concern areas, a Phase II ESA will be prepared.</p> <p>If the project is listed in Appendix F, DTSC (GeoTracker) or SWRCB (EnviroStor) resources, then the project proponent will retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase II ESA to determine whether the soil, groundwater, and/or soil vapor has been impacted at concentrations exceeding regulatory screening levels for commercial/industrial land uses. Any and all recommended actions included in the Phase II ESA will be followed. This may include the</p>	<p>Less than significant with mitigation.</p>

Impact	Mitigation Measure (s)	Residual Impact
	<p>preparation of a Soil Management Plan (SMP) for Impacted Soils (see below) prior to project construction and/or completion of remediation at the proposed project prior to onsite construction.</p> <p>The completed ESAs will be submitted to the lead agency for review and approval prior to issuance of building or grading permits.</p> <p>Soil Management Plan Requirements: The SMP, or equivalent document, will be prepared to address on-site handling and management of impacted soils or other impacted wastes, and reduce hazards to construction workers and offsite receptors during construction. The plan will be submitted to the lead agency, and must establish remedial measures and/or soil management practices to ensure construction worker safety, the health of future workers and visitors, and the off-site migration of contaminants from the site. These measures and practices may include, but are not limited to:</p> <ul style="list-style-type: none"> ▪ Stockpile management including stormwater pollution prevention and the installation of BMPs ▪ Proper disposal procedures of contaminated materials ▪ Monitoring and reporting ▪ A health and safety plan for contractors working at the site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection ▪ The health and safety plan will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction. <p>The lead agency will review and approve the development site Soil Management Plan for Impacted Soils prior to demolition and grading (construction).</p> <p>Soil Remediation Requirements: If soil present within the construction envelope at the development site contains chemicals at concentrations exceeding hazardous waste screening thresholds for contaminants in soil (California Code of Regulations [CCR] Title 22, Section 66261.24), the project proponent will retain a qualified environmental consultant (PG or PE), to conduct additional analytical testing and recommend soil disposal recommendations, or consider other remedial engineering controls, as necessary.</p> <p>The qualified environmental consultant will utilize the development site analytical results for waste characterization purposes prior to offsite transportation or disposal of potentially impacted soils or other impacted wastes. The qualified environmental consultant will provide disposal recommendations and arrange for proper disposal of the waste soils or other impacted wastes (as necessary), and/or provide recommendations for remedial engineering controls, if appropriate.</p> <p>The project applicant will review and approve the disposal recommendations prior to transportation of waste soils</p>	

Impact	Mitigation Measure (s)	Residual Impact
	<p>offsite, and review and approve remedial engineering controls, prior to construction.</p> <p>Remediation of impacted soils and/or implementation of remedial engineering controls, may require additional delineation of impacts; additional analytical testing per landfill or recycling facility requirements; soil excavation; and offsite disposal or recycling.</p> <p>The lead agency will review and approve the development site disposal recommendations prior to transportation of waste soils offsite and review and approve remedial engineering controls, prior to construction.</p>	
<p>Impact HAZ-3. The Burbank2035 General Plan includes a Safety Element Update and policies for the Burbank Airport Influence Area that address excessive noise and safety for the vicinity. Therefore, the proposed project would not result in safety hazards or excessive noise for people residing or working in the project area and impacts would be less than significant.</p>	<p>None required.</p>	<p>Less than significant.</p>
<p>Impact HAZ-4. The Burbank2035 General Plan and Housing and Safety Element policy updates address maintaining a Local Hazard Mitigation Plan and coordination with adjacent jurisdictions. Additionally, traffic created by the proposed rezoning would not interfere with an evacuation plan or cause increased traffic congestion. Therefore, the proposed project would not result in interference with these types of adopted plans. Impacts would be less than significant.</p>	<p>None required</p>	<p>Less than significant.</p>
<p>Noise</p>		
<p>Impact NOI-1. Construction associated with housing development accommodated under the Housing Element Update would be required to comply with the allowed daytime construction hours regulated by the Burbank Municipal Code and, therefore, would not occur during nighttime hours when people are more sensitive to noise. While larger developments could involve construction with lengthy durations, substantial soil movement, use of large, heavy-duty equipment, and/or pile driving near noise-sensitive land uses that would exceed the applicable FTA daytime noise limits, implementation of Mitigation</p>	<p>NOI-1(a) Shielding and Silencing. Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and silencing devices consistent with manufacturer’s standards or the Best Available Control Technology. Equipment shall be properly maintained, and the project applicant or owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer’s specifications.</p> <p>NOI-1(b) Enclosures and Screening. All outdoor fixed mechanical equipment shall be enclosed or screened from off-site noise-sensitive uses. The equipment enclosure or screen shall be impermeable (i.e., solid material with minimum weight of 2 pounds per square feet) and break</p>	<p>Less than significant with mitigation.</p>

Impact	Mitigation Measure (s)	Residual Impact
<p>Measures NOI-1(a) through NOI-1(j) would reduce construction noise levels to below thresholds. Therefore, impacts generated by temporary construction noise would be less than significant with mitigation.</p>	<p>the line-of-sight from the equipment and off-site noise-sensitive uses.</p> <p>NOI-1(c) Construction Staging Areas. Construction staging areas shall be located as far from noise-sensitive uses as reasonably possible and feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints.</p> <p>NOI-1(d) Smart Back-Up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.</p> <p>NOI-1(e) Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.</p> <p>NOI-1(f) Workers’ Radios. All noise from workers’ radios, including any on-site music, shall be controlled to a point that they are not audible at off-site noise-sensitive uses.</p> <p>NOI-1(g) Use of Driven Pile Systems. Driven (impact), sonic, or vibratory pile drivers shall not be used, except in locations where the underlying geology renders alternative methods infeasible, as determined by a soils or geotechnical engineer and documented in a soils report.</p> <p>NOI-1(h) Temporary Sound Barriers. Temporary sound barriers, such as walls or sound blankets, shall be positioned between construction activities and noise-sensitive uses when construction equipment are located within a line-of-sight to and within 500 feet of off-site noise-sensitive uses. Sound barriers shall break the line-of-sight between the construction noise source and the receiver where modeled levels exceed applicable standards. Placement, orientation, size, and density of acoustical barriers shall be specified by a qualified acoustical consultant.</p> <p>NOI-1(i) Noise Complaint Response. Project applicants shall designate an on-site construction project manager who shall be responsible for responding to any complaints about construction noise. This person shall be responsible for responding to concerns of neighboring properties about construction noise disturbance and shall be available for responding to any construction noise complaints during the hours that construction is to take place. They shall also responsible for determining the cause of the noise complaint (e.g., bad silencer) and shall require that reasonable measures be implemented to correct the problem. A toll-free telephone number and email address shall be posted in a highly visible manner on the construction site at all times and provided in all notices (mailed, online website, and construction site postings) for receiving questions or complaints during construction and shall also include procedures requiring that the on-site construction manager to respond to callers and email messages. The on-site construction</p>	

Impact	Mitigation Measure (s)	Residual Impact
	<p>project manager shall be required to track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction and shall notify the City’s Community Development Director of each complaint occurrence.</p> <p>NOI-1(j) Project-Specific Construction Noise Study. A Construction Noise Study, prepared by a qualified noise expert to meet the requirements herein, shall be required for housing development projects located within 500 feet of noise-sensitive land uses identified in the Burbank2036 General Plan Noise Element (i.e., residences, parks, motels, hotels, movies studios, school, and hospitals), and that have one or more of the following characteristics:</p> <ul style="list-style-type: none"> ▪ Two subterranean levels or more (generally more than 20,000 cubic yards of excavated soil material); ▪ Construction durations of 18 months or more (excluding interior finishing); ▪ Use of large, heavy-duty equipment rated 300 horsepower or greater; ▪ The potential for pile driving; or ▪ Located within 1,000 feet of other construction projects with overlapping construction schedules. <p>The Construction Noise Study shall characterize sources of construction noise, quantify noise levels at noise-sensitive uses (e.g., residences, parks, motels, hotels, movies studios, school, and hospitals) and identify measures to reduce noise exposure. The Construction Noise Study shall identify reasonably available noise reduction devices or techniques to reduce noise levels to acceptable levels and/or durations including through reliance on any relevant federal, state or local standards or guidelines or accepted industry practices. Noise reduction devices or techniques may include but not be limited to silencers, enclosures, sound barriers, and/or placement of restrictions on equipment or construction techniques (e.g., alternative installation methods to pile driving such as cast-in-place systems or pile cushioning). Each measure in the Construction Noise Study shall identify anticipated noise reductions at noise-sensitive land uses.</p> <p>Project applicants shall be required to comply with all requirements of Mitigation Measures NOI-1a through NOI-1f in addition to any additional requirements identified and recommended by the Construction Noise Study and shall maintain proof that notice of, as well as compliance with, the identified measures have been included in contractor agreements.</p>	
<p>Impact NOI-2. Housing development accommodated under the Housing Element Update could include mechanical equipment (i.e., HVAC), delivery and trash trucks, and other noise-generating activities. However, such activities would be typical of the urban environment. In addition, on-site activities would be required to</p>	<p>None required.</p>	<p>Less than significant.</p>

Impact	Mitigation Measure (s)	Residual Impact
<p>comply with applicable noise standards in the Burbank Municipal Code. Furthermore, while housing development would generate vehicle trips in the City, the increase in mobile noise would not result in a perceptible 3-dBA increase. Therefore, permanent noise increases due to operation of the Housing Element Update would be less than significant.</p>		
<p>Impact NOI-3. Housing development accommodated under the Housing Element Update is not anticipated to involve operational activities that would result in substantial vibration levels (e.g., use of heavy equipment). However, construction activities under the Housing Element Update, specifically pile driving, could potentially generate vibration exceeding thresholds for buildings or structures susceptible to damage (e.g., historic structures). However, temporary-construction related vibration impacts would be less than significant with mitigation.</p>	<p>NOI-3 Vibration Control Plan. For construction activities involving vibratory rollers within 50 feet of a structure or pile drivers (impact or sonic) within 140 feet of a structure, the applicant shall prepare a Vibration Control Plan prior to the commencement of construction activities. The Vibration Control Plan shall be prepared by a licensed structural engineer and shall include methods required to minimize vibration, including, but not limited to:</p> <ul style="list-style-type: none"> ▪ Alternative installation methods for pile driving (e.g., pile cushioning, drilled piles, cast-in-place systems) within 140 feet of a building to reduce impacts associated with seating the pile ▪ Vibration monitoring prior to and during pile driving operations occurring within 140 feet of a building ▪ Use of rubber-tired equipment rather than metal-tracked equipment ▪ Avoiding the use of vibrating equipment when allowed by best engineering practices <p>The Vibration Control Plan shall include a pre-construction survey letter establishing baseline conditions at potentially affected extremely fragile buildings/historical resources and/or residential structures. The survey letter shall determine conditions that exist prior to the commencement of construction activities for use in evaluating potential damages caused by construction. Fixtures and finishes susceptible to damage shall be documented photographically and in writing prior to construction. The survey letter shall provide a shoring design to protect such buildings and structures from potential damage. At the conclusion of vibration causing activities, the qualified structural engineer shall issue a follow-up letter describing damage, if any, to impacted buildings and structures. The letter shall include recommendations for any repair, as may be necessary, in conformance with the Secretary of the Interior Standards. Repairs shall be undertaken and completed by the contractor and monitored by a qualified structural engineer in conformance with all applicable codes including the California Historical Building Code (Part 8 of Title 24).</p> <p>A Statement of Compliance signed by the applicant and owner shall be submitted to the City' Building and Safety Division at plan check and prior to the issuance of any</p>	<p>Less than significant with mitigation.</p>

Impact	Mitigation Measure (s)	Residual Impact
	<p>permit. The Vibration Control Plan, prepared as outlined above shall be documented by a qualified structural engineer, and shall be provided to the City upon request.</p>	
<p>Impact NOI-4. Housing developments accommodated under the Housing Element Update could be exposed to intermittent noise levels from overhead flight patterns from several airports in the city or its vicinity. While the project would not emphasize building housing in the immediate vicinity of the airport, all residential development would, nonetheless, be required to incorporate noise insulation features per State and local standards to reduce interior noise levels to below 45 dBA. Therefore, the impact of airport or airstrip operations on new development would be less than significant.</p>	<p>None required.</p>	<p>Less than significant.</p>
<p>Cumulative Impacts.</p>	<p>NOI-C1 Construction Building Permits. The City’s Community Development Department shall review the locations and anticipated construction timing for housing development projects with respect to the locations of other pending development projects. The City shall stagger the issuance of building permits for development projects with overlapping construction schedules that meet both of the following criteria:</p> <ul style="list-style-type: none"> ▪ The development project is located within 1,000 feet of another separate development project; and ▪ The development project is located 500 feet or less from a sensitive receiver. <p>In these instances, the Community Development Department shall review the findings of any site-specific noise and vibration studies pertaining to future development projects to compare their locations to sensitive receivers identified therein.</p>	<p>Less than significant with mitigation.</p>
Population/Housing		
<p>Impact POP-1. Reasonably foreseeable development under the Housing Element Update would be consistent with the 2021-2029 RHNA and the 2035 General Plan but would exceed SCAG 2020 RTP/SCS population forecasts. The Housing Element Update would update the 2035 General Plan to be consistent with Burbank’s RHNA, and SCAG’s next RTP/SCS would incorporate the City’s General Plan updates. The City would have adequate housing capacity to facilitate the 10,456 new units assumed as part of the Housing</p>	<p>None required.</p>	<p>Less than significant.</p>

City of Burbank
Burbank Housing and Safety Element Update

Impact	Mitigation Measure (s)	Residual Impact
<p>Element Update and would not exceed the City’s current capacity of infrastructure. The Housing Element Update would not induce unplanned growth directly or indirectly, and impacts would be less than significant.</p>		
<p>Public Services</p>		
<p>Impact PS-1. Development accommodated by the Housing Element Update would result in an increase in population in the city, which would increase demand for fire protection services, resulting in the need for additional and/or expanded fire protection facilities. However, development impact fees and sales taxes would offset Housing Element update demand for new fire protection facilities, the need for which would be due to cumulative growth in the area. The locations of future new or expanded facilities is not known at this point in time and environmental impacts would be speculative. However, compliance with applicable codes and regulations and compliance with General Plan goals and policies would reduce potential impacts related to fire protection and emergency medical services to a less than significant impact.</p>	<p>None required.</p>	<p>Less than significant.</p>
<p>Impact PS-2. Development accommodated under the Housing Element Update would result in an increase in population in the city, which would increase demand for police protection services, resulting in the need for additional staff and equipment. However, conformance with General Plan policies and programs related to police protection would require the City to continue to provide funding and adequate staffing, facilities, equipment, and technology to meet existing and projected service demands and response times. Therefore, this impact would be less than significant.</p>	<p>None required.</p>	<p>Less than significant.</p>

Impact	Mitigation Measure (s)	Residual Impact
<p>Impact PS-3. Development accommodated by the Housing Element Update would result in an increase in population in the planning area, resulting in the need for additional and/or expanded school facilities. However, Government Code 65995 (b) would require funding for the provision or expansion of new school facilities to offset impacts from new residential. Additionally, accommodating growth pursuant to the RHNA may require adjustments to the rate of inter-district permits. This impact would be less than significant.</p>	<p>None required.</p>	<p>Less than significant.</p>
<p>Impact PS-4. Development accommodated under the Housing Element Update would result in an increase in population in the city, which would increase demand for parks and recreation services. However, conformance with General Plan policies and programs related to open space would require provision of new parks and recreation facilities and ongoing parkland maintenance to prevent deterioration. Therefore, this impact would be less than significant.</p>	<p>None required</p>	<p>Less than significant</p>
<p>Impact PS-5. Housing development accommodated under the Housing Element Update would result in an increase in population in the city, which would increase demand for other public facilities, resulting in the need for additional and/or expanded facilities. The Burbank Library would meet the City’s library needs projected under the Housing Element Update. Therefore, impacts related to the City’s library system would be less than significant.</p>	<p>None required.</p>	<p>Less than significant.</p>
<p>Recreation</p>		
<p>Impact REC-1. Development facilitated by the Housing and Safety Element Update may require the construction or expansion of additional parks and open space, but implementation of policies contained in the Burbank2035 General Plan and BMC would avoid or adequately mitigate adverse physical effects on the environment. This impact would be less than significant.</p>	<p>None required.</p>	<p>Less than significant.</p>

City of Burbank
Burbank Housing and Safety Element Update

Impact	Mitigation Measure (s)	Residual Impact
Transportation		
<p>Impact TRA-1. The Housing Element Update is consistent with all applicable program, plan, ordinance, and policy related to the transportation system. Therefore, impacts related to conflicts with applicable regulations would be less than significant.</p>	<p>None required.</p>	<p>Less than significant.</p>
<p>Impact TRA-2. The Housing Element Update would reduce VMT in the three target populations. However, it would not reduce VMT more than the required 15 percent. Therefore, impacts related to VMT would be significant and unavoidable.</p>	<p>Potential mitigation measures that would reduce the average total VMT per service population and average VMT per employee are generally project specific mitigation measures such as:</p> <ul style="list-style-type: none"> ▪ Provide bicycle parking at employer locations ▪ Provide parking cash-out programs ▪ Provide car-sharing, bike sharing, and ride-sharing programs at employer locations ▪ Provide transit passes to employees ▪ Improve or increase transit accessibility to employer locations ▪ Improve pedestrian or bicycle networks, or transit service ▪ Provide traffic calming features on City roadways <p>These mitigation measures can be applied at the project specific level but are not feasible at the program level for a housing element as they are beyond the scope of the document. Therefore, there is no feasible mitigation available to reduce the impacts.</p>	<p>Significant and unavoidable.</p>
<p>Impact TRA-3. The Housing Element Update does not include any development projects that could increase hazards due to design features. Therefore, impacts would be less than significant.</p>	<p>None required.</p>	<p>Less than significant.</p>
Utilities/Service Systems (includes Hydrology & Water Supply)		
<p>Impact UTIL-1. Reasonably foreseeable development under the proposed Project would require utility service and connections for water supply, wastewater conveyance, and stormwater conveyance, as well as telecommunications, electricity, and natural gas. Existing utility systems for water, electric power, natural gas, and telecommunications facilities in Burbank have sufficient capacity to serve reasonably foreseeable development. However, new connections to existing or expanded wastewater service systems would be required, and such connections could result in potentially significant</p>	<p>UTIL-1 Sewer Service Constraints Analysis.</p> <ul style="list-style-type: none"> ▪ The City will conduct an analysis to identify any sewer service constraints to determine if there are any sewer capacity issues and any constraints in the City’s wastewater system including assessment of system capacity relative to the locations of opportunity sites identified in the Housing Element Update. The analysis will identify upgrades necessary to mitigate the constraints in the system to ensure that individual housing development projects implemented under the Housing Element can be completed and that sufficient capacity and conveyance in the wastewater system exists. However, if a proposed development has a construction schedule that the City cannot accommodate, the developer may be responsible for performing the necessary sewer infrastructure upgrades per Burbank Municipal Code (BMC) 8-1-304. 	<p>Less than significant with mitigation.</p>

Impact	Mitigation Measure (s)	Residual Impact
<p>environmental effects. Nonetheless, impacts would be less than significant with mitigation.</p>	<ul style="list-style-type: none"> ▪ Based on the constraints identified in the analysis, the City’s Public Works Department will prepare a nexus fee study to develop a fair share requirement in the form of a wastewater connection or similar project impact fee, which helps to pay for implementation of upgrades necessary to accommodate future development, including development of the opportunity sites where deficiencies in the system are identified to exist. Through the fee study, subsequent cost recovery fees applied to individual housing development projects will be based on a rough proportionality related to demands on the system reasonably attributed to the development project. ▪ In the event it is determined that necessary upgrades to serve a project cannot be completed by the City prior to project completion, the City may require the developer to perform the necessary sewer infrastructure upgrades (Per BMC 8-1-304) at cost to the developer, or may choose to enter into a reimbursement agreement so that a developer may fund and construct the improvements within the necessary timeframe with subsequent partial reimbursement. If the City and Developer mutually agree to enter into reimbursement agreement (approved as to form by the City Attorney and approved by the City Council), it would be administered by the City’s Public Works Director on behalf of the City. 	
<p>Impact UTIL-2. Reasonably foreseeable development under the proposed Project would require a temporary recycled water supply during construction and a long-term water supply during operation and maintenance. Water supply would be provided by the City of Burbank, which purchases imported surface water from the Metropolitan Water District of Southern California and receives groundwater credits to supplement its purchased water supply with locally produced groundwater. Growth under the proposed Project is accounted for in the City of Burbank Urban Water Management Plan, as informed by the General Plan, and sufficient water supplies are available to serve reasonably foreseeable development. Potential impacts would be less than significant.</p>	<p>None required.</p>	<p>Less than significant.</p>

City of Burbank
Burbank Housing and Safety Element Update

Impact	Mitigation Measure (s)	Residual Impact
<p>Impact UTIL-3. Wastewater generated in the City of Burbank is conveyed to and treated at the Burbank Water Reclamation Plant. Reasonably foreseeable development under the proposed project would increase wastewater generation commensurate with the increased population. Significant treatment capacity is currently available at the VWRP to treat increased wastewater generated as a result of the Project. However, based on the sewer generation rates that were calculated for the proposed Project, along with constraints within the City’s treatment system, potentially significant impacts could result on a project-specific bases with no feasible mitigation at the current plan level. Therefore, impacts would be significant and unavoidable.</p>	<p>None feasible.</p>	<p>Significant and unavoidable.</p>
<p>Impact UTIL-4. Solid waste conveyance and disposal services in Burbank are provided by the Street and Solid Waste Division of Public Works, which transports solid waste to the City-owned and operated Burbank Landfill. Sufficient capacity is available at the Burbank Landfill to accommodate solid waste disposal volumes associated with reasonably foreseeable development under the proposed Project. Impacts would be less than significant.</p>	<p>None required.</p>	<p>Less than significant.</p>

1 Introduction

This document is an Environmental Impact Report (EIR) for the Burbank Housing and Safety Element Update (hereafter referred to as the “Housing and Safety Element Update” or “Project”), which would apply to the entire geographic area located within the boundaries of the City of Burbank, which encompasses 17.1 square miles. The proposed Project involves an update to the Housing Element for the 2021-2029 planning period, along with minor updates to the Safety, Land Use, Open Space and Conservation, Air Quality and Climate Change, Noise, and Mobility Elements, and the incorporation of environmental justice policies into the City’s Burbank2035 General Plan. The Housing and Safety Element Update establishes programs, policies and actions to further the goal of meeting the existing and projected housing needs of all household income levels of the community, provides evidence of the City’s ability to accommodate the Regional Housing Needs Assessment (RHNA) allocation through the year 2029, as established by the Southern California Association of Governments (SCAG), and identifies any rezoning program needed to reach the required housing capacity. The Project also includes necessary updates to the Safety Element triggered under State law by an update to the Housing Element.

The Housing Element Update would lay the foundation for achievement of the City’s fair share housing needs for approximately 10,456 additional units. Technical amendments would be made to the Safety Element to ensure consistency with the Housing Element Update and to achieve compliance with State, regional, and local policies and guidelines. The Safety Element Update includes measures to consider climate change, update hazard mitigation plans, updated flood hazard requirements. In addition, the Update to the Burbank2035 General Plan would consider environmental justice strategies to reduce pollution exposure, promote public facilities, promote food access, promote safe and sanitary homes, promote physical activity, reduce unique or compounded health risks, promote civic engagement, and prioritize the needs of disadvantaged communities.

This section discusses (1) the Project and EIR background; (2) the legal basis for preparing an EIR; (3) the scope and content of the EIR; (4) issue areas found not to be significant by the Initial Study; (5) the lead, responsible, and trustee agencies; and (6) the environmental review process required under the California Environmental Quality Act (CEQA). The proposed Project is described in detail in Section 2, *Project Description*.

1.1 Environmental Impact Report Background

The City of Burbank distributed a Notice of Preparation (NOP) of the EIR for a 30-day agency and public review period starting on February 22, 2021 and concluding on March 23, 2021. In addition, the City held an EIR Scoping Meeting on February 27, 2021. The meeting, held from 11:00 AM to 12:30 PM, was aimed at providing information about the proposed Project to members of public agencies, interested stakeholders and residents/community members. The meeting was conducted online via zoom.

In addition, the City of Burbank distributed a recirculated NOP of the EIR for an extended 30-day agency and public review period starting on February 22, 2021 and concluding on April 15, 2021. The original NOP stated that the EIR would analyze the addition of 8,800 units under the RHNA that was conducted for the Housing Element Update. However, it was determined that the EIR would

analyze 10,456 units to account for the 2029 interpolated housing growth assumed under the two Specific Plans along with the City’s RHNA allocation. Therefore, the NOP was recirculated on March 17, 2021, with the higher number. In addition, the City held a second EIR Scoping Meeting on March 31, 2021. The meeting, held from 6:00 PM to 7:00 PM, was aimed at providing information about the proposed Project to members of public agencies, interested stakeholders and residents/community members. The meeting was conducted online via zoom.

The City received letters from five agencies in response to the NOP and recirculated NOP during the public review period, as well as various verbal comments during the two EIR Scoping Meetings. The NOP and recirculated NOP are presented in Appendix A of this EIR, along with the NOP responses received for both notices, whereas the Initial Study that was prepared for the Project is included in Appendix B of this EIR. Table 1-1 on the following page summarizes the content of the letters and verbal comments and where the issues raised are addressed in the EIR.

1.2 Purpose and Legal Authority

The Housing and Safety Element Update requires the discretionary approval and adoption by the Burbank City Council; therefore, the Project is subject to the environmental review requirements of CEQA. In accordance with Section 15121 of the *CEQA Guidelines* (California Code of Regulations, Title 14), the purpose of this EIR is to serve as an informational document that:

“...will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.”

This EIR has been prepared as a program EIR pursuant to Section 15168 of the *CEQA Guidelines*. A program EIR is appropriate for a series of actions that can be characterized as one large project and are related in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program. As stated in Section 15146 of the *CEQA Guidelines*:

“An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.”

This EIR is to serve as an informational document for the public and City of Burbank decision makers. The process will include public hearings before the Planning Board and City Council to consider certification of a Final EIR and approval of the proposed Project.

Table 1-1 NOP Comments and EIR Response

Commenter	Comment/Request	How and Where It Was Addressed
Agency Comments		
California Department of Fish and Wildlife (CDFW)	Requests maps of areas including the City’s Significant Ecological Areas (SEA), wildlife corridors, and aquatic and riparian resources. Recommendations for biological impacts, mitigation measures, and alternatives.	Comments are addressed in Section 4.2, <i>Biological Resources</i> and in Appendix B, Initial Study

Commenter	Comment/Request	How and Where It Was Addressed
California Department of Transportation (Caltrans)	Recommendations for vehicle miles traveled (VMT) analysis.	Comments are addressed in Section 4.11, <i>Transportation</i> .
Native American Heritage Commission (NAHC)	Recommendations for tribal and cultural resource impacts, including Senate Bill 18 and Assembly Bill 52 requirements and mitigation measures.	Comments are addressed in Section 4.3, <i>Cultural Resources and Tribal Cultural Resources</i> .
Southern California Association of Governments (SCAG)	Requests environmental documentation, when available, and the full public comment period for review.	Notices are addressed in Section 1, <i>Introduction</i> .
	Recommends the use of informational resources, including the Connect SoCal Demographics and Growth Forecast Technical Report, to ensure the proposed Project is consistent with the adopted 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).	Comments are addressed in Section 4.8, <i>Population and Housing</i> .
South Coast Air Quality Management District (SCAQMD)	Recommends use of CEQA Air Quality Handbook and SCAQMD resources for guidance in preparing air quality and greenhouse gas analyses. Also recommends using the California Emissions Estimator Model (CalEEMod) for analysis.	Comments are addressed in Section 4.1, <i>Air Quality</i> .
	Recommendations for air quality impacts and mitigation measures.	
Organization Comments		
Southwest Regional Council of Carpenters	Requests any and all information referring or related to the Project.	All public records act requests are handled by the City of Burbank and do not constitute comments under CEQA.
	Requests notice of any and all issued notices under the CEQA and the Planning and Zoning Law.	Notices are addressed in Section 1, <i>Introduction</i> .

1.3 Scope and Content

This EIR addresses impacts identified by the Initial Study to be potentially significant. The following issues were found to include potentially significant impacts and have been studied in the EIR:

- Air Quality
- Biological Resources
- Cultural Resources/Tribal Cultural Resources
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Noise
- Population/Housing

- Public Services
- Recreation
- Transportation
- Utilities/Service Systems

The EIR was prepared using pertinent City policies and guidelines, certified EIRs and adopted CEQA documents, and other background documents. A full reference list is contained in Section 7, *References and Preparers*.

The alternatives section of the EIR (Section 6) was prepared in accordance with Section 15126.6 of the *CEQA Guidelines* and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the Project while feasibly attaining most of the basic Project objectives. In addition, the alternatives section identifies the “environmentally superior” alternative among the alternatives assessed. The alternatives evaluated include the CEQA-required “No Project” alternative and two alternative development scenarios for the Project area.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. Section 15151 of the *CEQA Guidelines* provides the standard of adequacy on which this document is based. The *Guidelines* state:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.

1.4 Issues Not Studied in Detail in the EIR

Table 1-2 summarizes issues from the environmental checklist that were addressed in the Initial Study (Appendix B). As indicated in the Initial Study, there is no substantial evidence that significant impacts would occur in any of these issue areas.

Table 1-2 Issues Not Studied in the EIR

Issue Area	Initial Study Findings
Aesthetics	<p>Compliance with Burbank2035 General Plan goals and policies intended to protect scenic vistas and visual resources would ensure that the Housing and Safety Element Update does not have a substantial adverse effect on scenic vistas, specifically, protection of the Verdugo Mountains. Furthermore, development under the proposed Project would primarily occur in already developed and urbanized areas of the City where scenic vistas are not present and would not be affected. Impacts would be less than significant.</p> <hr/> <p>No existing or proposed State scenic highways are located in Burbank and therefore, development under the Housing and Safety Element Update would not result in substantial damage to scenic resources in a State scenic highway. No impact would occur.</p> <hr/> <p>Compliance with the City’s development standards and transitional height requirements, and the objective design standards included in the multiple Specific Plans throughout Burbank would ensure that the Housing and Safety Element Update does not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant.</p>

Issue Area	Initial Study Findings
	Due to the urbanized nature of the City where high levels of light and glare are already present and compliance with applicable regulations in the BMC, impacts would be less than significant.
Agricultural and Forestry Resources	The Housing and Safety Element Update encompasses the entire geographic area located within the boundaries of the City of Burbank, which lacks agricultural lands or forests. No impact to these resources would occur.
Energy	<p>Compliance with Federal and State regulations regarding construction activities, and the requirements of the California Energy and California Green Building Standard Codes would prevent environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy. In addition, the Housing and Safety Element Update would prioritize development in areas that encourage the use of alternative modes of transportation, which would minimize the potential of the proposed Project to result in the wasteful or unnecessary consumption of vehicle fuels. Impacts would be less than significant.</p> <p>Compliance with applicable local and State energy efficiency regulations and standards would ensure that the Housing and Safety Element Update would not conflict with renewable energy and energy efficiency plans adopted by the City. Impacts would be less than significant.</p>
Hydrology/Water Quality	<p>Compliance with requirements in the Burbank Municipal Code (BMC) and regulations under the Federal Clean Water Act would ensure that the Housing and Safety Element Update does not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality. Impacts would be less than significant.</p> <p>Implementation of appropriate construction Best Management Practices (BMP) would minimize impacts on groundwater resources. In addition, the Housing and Safety Element Update would prioritize development on infill areas that are already urbanized and largely covered with impervious surfaces and therefore would not interfere substantially with groundwater recharge. Impacts would be less than significant.</p> <p>Development under the Housing and Safety Element Update would be prioritized on infill areas that are primarily paved and/or developed with structures. Therefore, development under the proposed Project would not be anticipated to substantially alter drainage patterns or alter drainage patterns to an extent that would result in substantial erosion, siltation, or flooding on- or off-site. In addition, BMPs and implementation of a Standard Urban Storm Water Mitigation Plan would be required for development to reduce polluted runoff. Impacts would be less than significant.</p> <p>Compliance with Section 1612 and Appendix G of the California Building Code (CBC) would ensure that the Housing and Safety Element Update does not substantially alter existing drainage patterns to an extent that would redirect or impede flood flows. In addition, the proposed Project would emphasize new development on infill sites in urbanized areas that are already primarily paved and/or developed with structures. Impacts would be less than significant.</p> <p>While there is the potential for flooding to impact portions of the City, future developments under the Housing and Safety Element Update would not involve the storage or use of significant quantities of hazardous materials, and construction of new structures would be required to comply with CBC regulations for flooding. Therefore, risks related to the release of hazardous materials due to inundation are minimal and impacts would be less than significant.</p>
Mineral Resources	Development under the Housing and Safety Element Update would primarily occur in existing commercial and residential areas, which are not compatible with or used for mineral extraction, and it is not anticipated that development under the Housing and Safety Element Update would occur on lands presently in use for mineral extraction. Furthermore, the proposed Project updates do not include any policies that relate to mineral resources or conflict with existing General Plan policies and City ordinances regulating the conservation and use of mineral resources. Therefore, the proposed Project would not result in a loss of availability of a known or locally important mineral resource. No impact would occur.

Issue Area	Initial Study Findings
Wildfire	<p>Future development plans under the Housing and Safety Element Update would be submitted for review and approval to the Burbank Fire Department to ensure that reasonably foreseeable development has adequate emergency access and escape routes in compliance with existing City regulations. Furthermore, the proposed Project would not introduce features or policies that would preclude implementation of or alter these policies or procedures or encourage development in Very High Fire Hazard Severity Zones (VHFHSZ). Impacts would be less than significant.</p> <hr/> <p>Since the Housing and Safety Element Update would generally direct development away from the hillside areas with fire hazards and reasonably foreseeable development would be required to comply with fire safety provisions established by the BMC, development under the proposed Project would not pose a substantial risk to people or structures due to wildland fires. Impacts would be less than significant.</p> <hr/> <p>The Housing and Safety Element Update would not encourage development in the residential areas subject to wildfire risk, and development would occur in areas that are well-served by existing roadways and utilities infrastructure. Therefore, development under the proposed Project would not require additional roads, fuel breaks, emergency water sources, power lines or other utilities that would exacerbate fire risk. Impacts would be less than significant.</p>

1.5 Lead, Responsible, and Trustee Agencies

The *CEQA Guidelines* define lead, responsible and trustee agencies. The City of Burbank is the lead agency for the Project because it holds principal responsibility for approving the Project.

A responsible agency refers to a public agency other than the lead agency that has discretionary approval over the Project. The California Department of Housing and Community Development (HCD) reviews and determines whether the proposed Housing Element Update complies with State law. Although no other agencies have direct approval authority over the Housing Element Update, several other agencies potentially have approval authority over individual developments that could be reasonably anticipated under the Housing and Safety Element Update. These agencies include, but are not limited to, California Department of Transportation, California Department of Fish and Wildlife (CDFW), the South Coast Air Quality Management District, and the Los Angeles Regional Water Quality Control Board. The EIR will also be submitted to these agencies for review and comment.

A trustee agency refers to a State agency having jurisdiction by law over natural resources affected by a project. CEQA Guidelines Section 15386 designates four agencies as trustee agencies: CDFW with regards to fish and wildlife, native plants designated as rare or endangered, game refuges, and ecological reserves; the State Lands Commission with regard to State-owned “sovereign” lands, such as the beds of navigable waters and State school lands; the California Department of Parks and Recreation with regard to units of the State park system; and, the University of California with regard to sites within the Natural Land and Water Reserves System. As a policy level document, implementation of the proposed Project would not directly propose development in areas where trustee agencies have jurisdiction. However, potential future development projects facilitated by the Housing and Safety Element Update could be located on lands under trustee agency jurisdiction, at which time subsequent environmental review would occur.

1.6 Environmental Review Process

The environmental impact review process, as required under CEQA, is summarized below and illustrated in Figure 1-1. The steps are presented in sequential order.

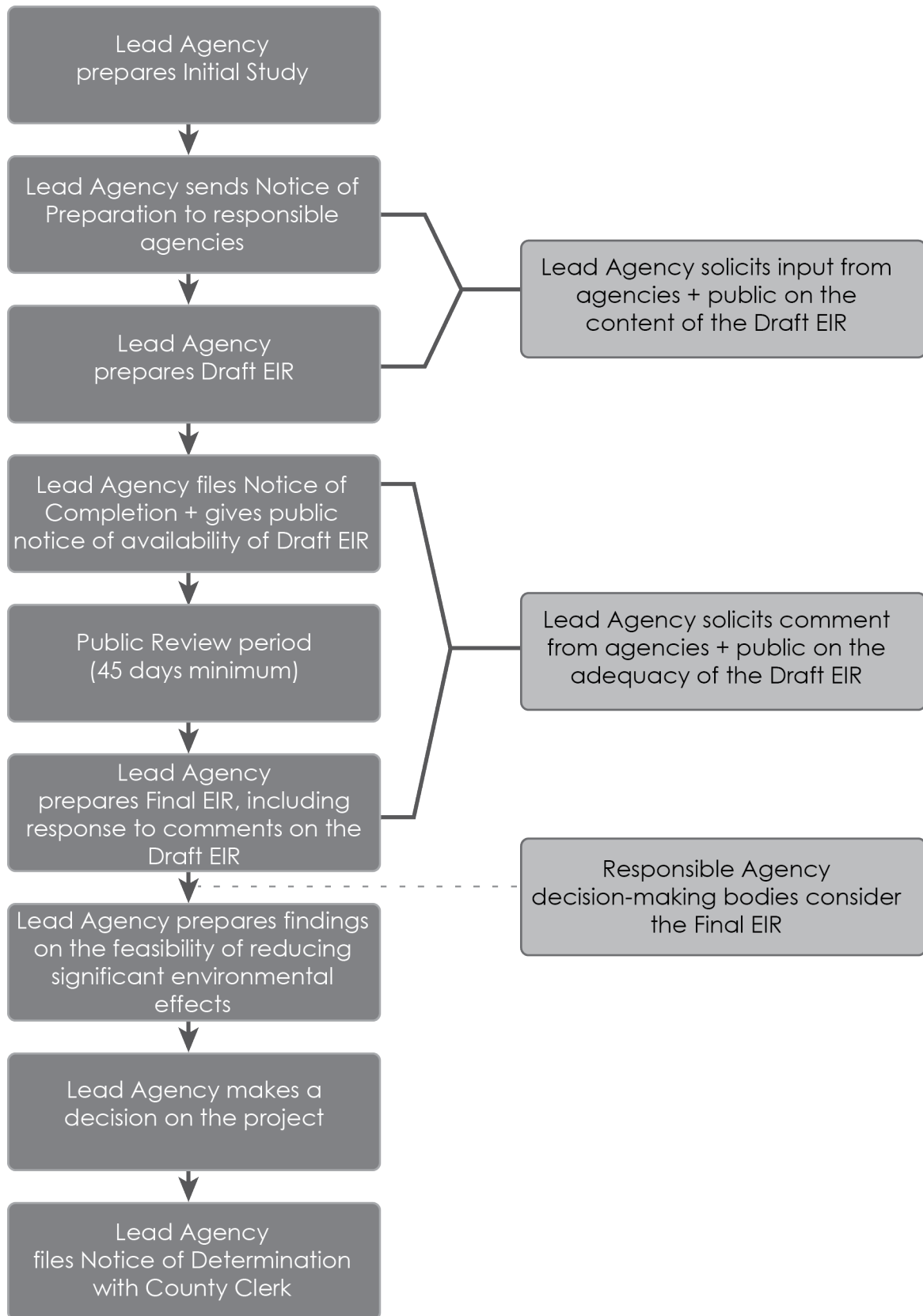
1. **Notice of Preparation (NOP) and Initial Study.** After deciding that an EIR is required, the lead agency (City of Burbank) must file a NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (*CEQA Guidelines* Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days. The NOP may be accompanied by an Initial Study that identifies the issue areas for which the project could create significant environmental impacts.
2. **Draft EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.
3. **Notice of Availability/Notice of Completion (NOA/NOC).** The lead agency must file a NOC with the State Clearinghouse when it completes a Draft EIR and prepare a Public NOA of a Draft EIR. The lead agency must place the NOA in the County Clerk's office for 30 days and send a copy of the NOA to anyone requesting it (*CEQA Guidelines* Section 15087; Public Resources Code Section 21092). Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public and respond in writing to all comments received (*CEQA Guidelines* Section 15087). The minimum public review period for a Draft EIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days unless the State Clearinghouse approves a shorter period (*CEQA Guidelines* Section 15105; Public Resources Code 21091).
4. **Final EIR.** Upon circulation and receipt of comments on the Draft EIR, the lead agency must prepare a Final EIR. A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments, including any revisions to the text in the body of the Draft EIR based on comments received, if applicable.
5. **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (*CEQA Guidelines* Section 15090).
6. **Lead Agency Project Decision.** The lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).
7. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should

Burbank Housing and Safety Element Update

be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.

8. **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
9. **Notice of Determination (NOD).** The lead agency must file a NOD after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). A local agency must file the NOD with the County Clerk. The NOD must be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).

Figure 1-1 Environmental Review Process



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2 Project Description

This section describes the proposed Burbank Housing and Safety Element Update¹ (hereafter referred to as “Housing and Safety Element Update” or “Project”), including the Project applicant, the Project area and existing land uses, major Project characteristics, Project objectives, and the discretionary actions needed for approval.

2.1 Project Proponent

City of Burbank - Community Development Department
150 North Third Street
Burbank, California 91502

2.2 Lead Agency Contact Person

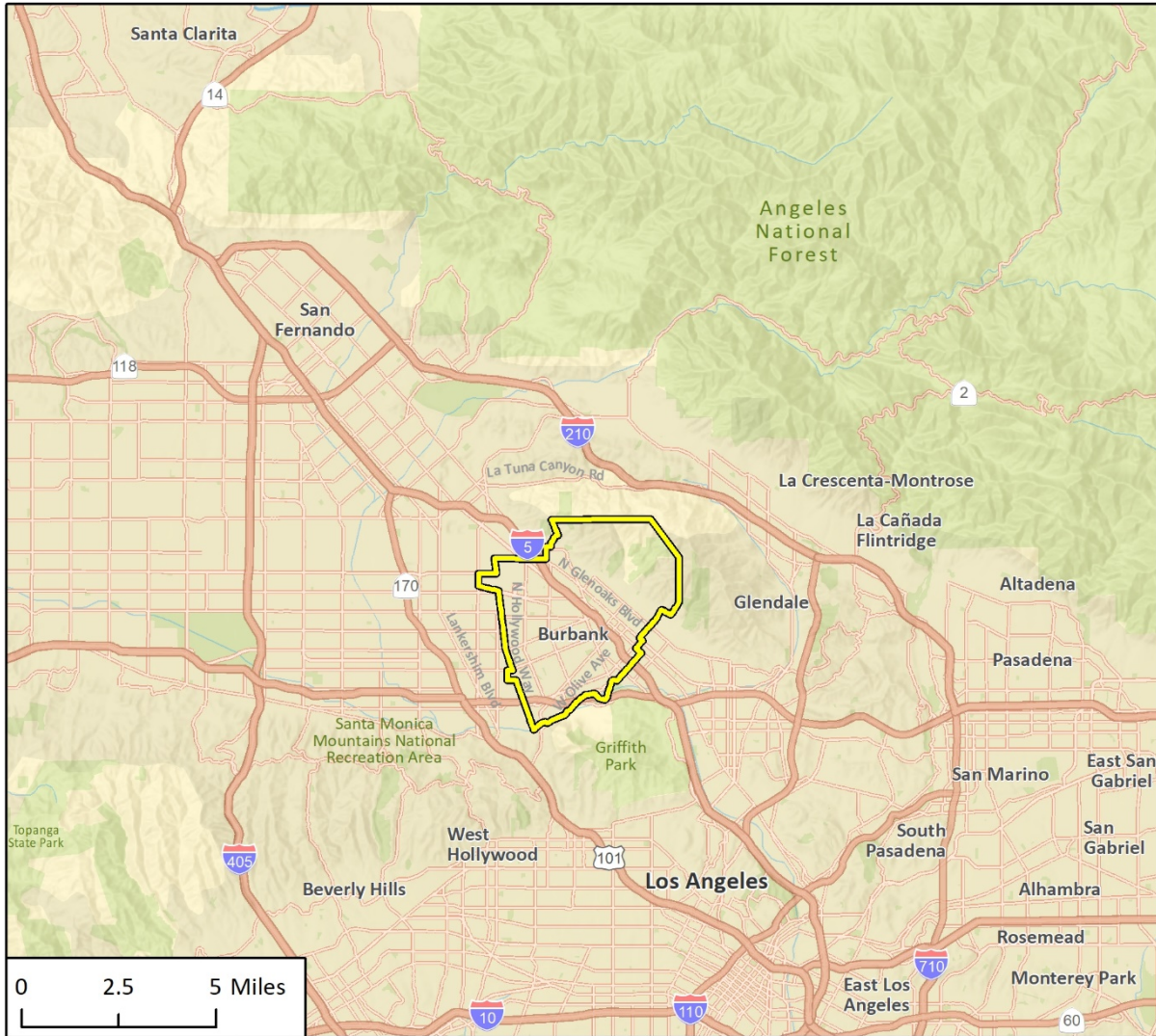
Shipra Rajesh, Associate Planner
City of Burbank
Community Development Department
150 North Third Street
Burbank, California 91502
(818) 238-5250

2.3 Project Location

The Housing and Safety Element Update would apply to the entire geographic area located within the boundaries of the City of Burbank, which encompasses 17.1 square miles. Burbank is located in the central portion of Los Angeles County, approximately 12 miles north of downtown Los Angeles. The City is generally bounded by the Verdugo Mountains to the northeast, the City of Glendale to the southeast, the City of Los Angeles to the south and west. The City is bisected by the Interstate 5 (I-5) Freeway and the Metrolink Commuter Rail. Figure 2-1 and Figure 2-2, below, illustrate the location of the City in a regional and local context.

¹ The proposed Project will also include updates to the Safety Element and the various other elements of the General Plan to incorporate the goals, policies and objectives related to Environmental Justice. These updates are required for compliance with State law and to ensure consistency with the updated Housing Element. The title of the proposed Project is “Burbank Housing and Safety Element Update.”

Figure 2-1 Regional Location



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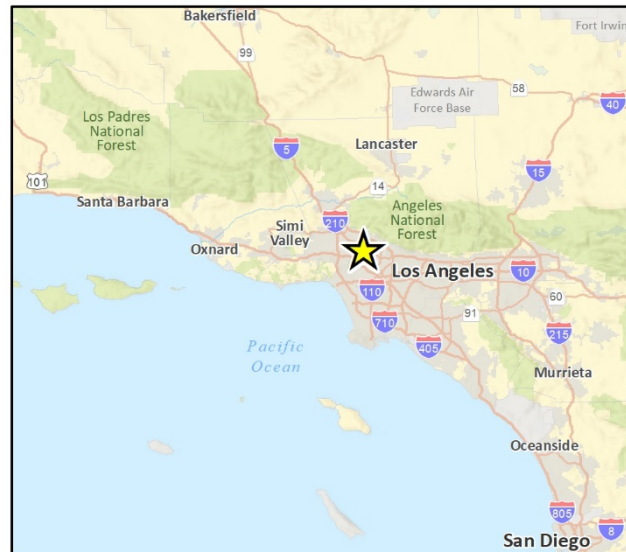
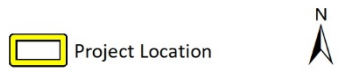
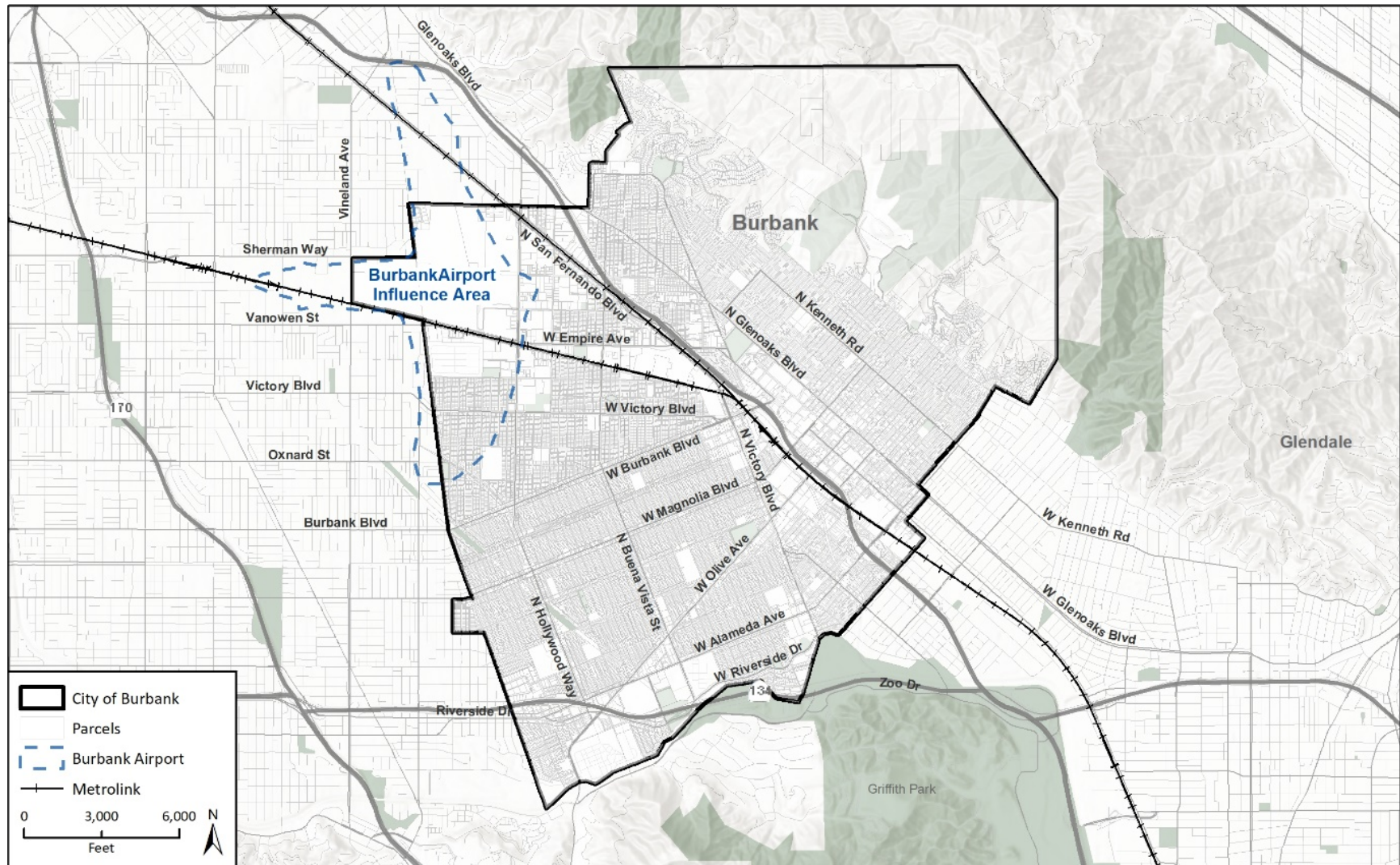


Fig 1 Regional Location

Figure 2-2 City of Burbank



Imagery provided by Microsoft Bing and its licensors © 2021.

FigX City of Burbank

2.4 Existing Area Characteristics

2.4.1 Current Land Use Designation and Zoning

The Burbank2035 General Plan includes a variety of land use designations, including Low, Medium, and High Density Residential; Corridor and Regional Commercial; four specific plan commercial areas and two commercial/industrial areas; Open Space; Institutional; and Airport. Land uses in Burbank’s various neighborhoods and commercial areas include single-family and multi-family residential housing, mixed-use development, public spaces like parks and playgrounds, and some industrial land uses. The Zoning Code includes various zones that correspond to the GP land uses, including residential, commercial, media district, business, auto dealership, industrial, airport, railroad, cemetery, and open space.

2.4.2 Land Uses in Surrounding Cities

The City is generally bounded by the Verdugo Mountains to the northeast, the City of Glendale to the southeast, the City of Los Angeles to the south and the west. The Verdugo Mountains consist of largely open space with parks and trails for recreational activities. The City of Glendale is a suburban city with large residential areas and regional commercial sites. Directly south in the City of Los Angeles is the neighborhood of Hollywood with residences, commercial areas, and recreational facilities such as Griffith Park, golf courses, and public parks. To the west is the San Fernando Valley area of the City of Los Angeles. This area consists of suburban neighborhoods with commercial areas and residences.

2.5 Project Characteristics

The Housing and Safety Element Update would apply to the entire geographic area located within the boundaries of the City of Burbank, which encompasses 17.1 square miles. The Project would involve an update to the Housing Element of the City’s Burbank2035 General Plan for the 2021-2029 planning period, along with minor updates to the Safety, Land Use, Open Space and Conservation, Air Quality and Climate Change, Noise, and Mobility Elements, and the incorporation of environmental justice policies into the Burbank2035 General Plan as required by State law. The proposed Housing Element Update establishes programs, policies and actions to further the goal of meeting the existing and projected housing needs of all household income levels of the community; provides evidence of the City’s ability to accommodate the Regional Housing Needs Assessment (RHNA) allocation through the year 2029, as established by the Southern California Association of Governments (SCAG); and identifies any rezoning program needed to reach the required housing capacity. The Safety Element update is triggered by various new provisions of State law, and the environmental justice policies would be added pursuant to the requirements of Senate Bill 1000 (SB 1000) which requires that revisions or adoption of two or more elements of a general plan on or after January 1, 2018 “adopt or review the Environmental Justice Element, or the environmental justice goals, policies, and objectives in other elements” to focus on the inclusion of disadvantaged communities (DACs) in decision making procedures as well as increasing protections for these communities.

2.5.1 Housing Element Update

The Housing Element is comprised of the following major components:

- Review of effectiveness of existing Housing Element
- Assessment of existing and projected housing needs
- Identification of resources – financial, land, administrative
- Evaluation of constraints to the development of housing
- Housing Plan – goals, policies, and programs

The Housing Element Update would provide a framework for accommodating new housing at all levels of affordability that is within access to transit, jobs, services, and open spaces within the 8-year planning period of October 2021-October 2029. New housing units may occur anywhere in the City where residential uses are permitted, as well as in areas that may be rezoned in the future to allow for multi-family residential and mixed-use residential of adequate density to meet State-required housing production and affordability targets as discussed below.

2.5.2 RHNA Allocation

SCAG has allocated the region’s 1,341,827 housing unit growth needs to each city and county through a process called the Regional Housing Needs Assessment (RHNA) allocation. The RHNA represents the minimum number of housing units that the City is required to plan for in its housing element by providing “adequate sites” through the Burbank2035 General Plan and zoning residential capacity. As shown in Table 2-1, Burbank’s RHNA allocation for the 2021-2029 planning period (6th RHNA cycle) is 8,772 units, which is distributed among four income categories (HCD 2020). Additionally, the City is required to provide a sufficient buffer beyond that required by the RHNA to ensure that adequate site capacity exists throughout the eight-year planning period.

Table 2-1 RHNA Percentage of Income Distribution

Income Level	Percent of Area Median Income (AMI)	Units	Percent
Very Low	0-50%	2,553	29%
Low	51-80%	1,418	16%
Moderate	81-120%	1,409	16%
Above Moderate	>120%	3,392	39%
Total	--	8,772	100%

Source: SCAG 2021

Table 2-2 shows the estimated number and affordability level of housing units to accommodate the City’s RHNA under the existing General Plan and zoning, including projects that are entitled and pending entitlement, specified housing opportunity sites, Accessory Dwelling Units (ADUs) expected to be developed over the course of the planning period, and units produced through the City’s committed assistance program. As shown in Table 2-2, these sources total 7,673, which falls short of the RHNA allocation by 1,099 units.

Table 2-2 Estimated Net Housing Units for the City of Burbank

Sites/Projects	Total Net Units	Income Distribution			
		Very Low	Low	Moderate	Above Moderate
2021 – 2029 RHNA Targets	8,772	2,553	1,418	1,409	3,392
Entitled Projects	934	7	6	83	838
Pending Entitlement	1,489	227	31	0	1,202
Opportunity Sites (Zoning in place)	3,640	1,988	1,068	292	292
Accessory Dwelling Units (ADUs) ¹	1,600	384	704	32	480
Committed Assistance ²	10	10	0	0	0
Total Site Capacity	7,673	4,425		436	2,812
RHNA Surplus/(Shortfall)	(1,099)	+454		(973)	(580)

¹ ADUs are small backyard units that are either attached or detached from a single-family home.

² Committed Assistance units are units that the City has provided a legally enforceable agreement to provide. This is through an ongoing partnership with the Burbank Housing Corporation. See the Housing Element for further discussion.

To make up for this shortfall of 1,099 units, the Housing Element includes a housing program to rezone additional opportunity sites through adoption of two specific plan projects: the Downtown Transit-Oriented-Development Specific Plan (Downtown TOD) and the Golden State Specific Plan (GSSP) (see Figure 2-3 for the Specific Plan locations and opportunity sites). Adoption of these Specific Plans will provide the necessary zoning, objective development standards, and processing procedures to facilitate the production of the shortfall of housing units required to accommodate the City’s RHNA during the Housing Element planning period. The zone changes required by these Specific Plans will be adopted in 2022-2023, or within three years of the start of the planning period as required by State law.

Table 2-3 shows the number of units expected from the rezoning of the Specific Plan areas. With the additional rezone sites the City would exceed the RHNA requirement by 1,343 units with an additional 2,442 units accommodated. The State requires jurisdictions to create a sufficient buffer in the Housing Element sites inventory beyond that required by the RHNA to ensure that adequate site capacity exists throughout the eight-year planning period. The Notice of Preparation that was circulated on March 17, 2021 for the proposed Project included an estimated growth of 10,088 housing units based on the City’s RHNA allocation and 15 percent buffer. However, the estimated growth for the purpose of this analysis was changed to 10,456 housing units to account for the 2029 interpolated housing growth assumed under the two Specific Plans along with the City’s RHNA allocation.

Table 2-3 Projected Specific Plan Units

Specific Plan	Total Net Units
Downtown TOD sites	627
Golden State Specific Plan sites	1,815
Total	2,442
Existing GP Units (from Table 2-2)	7,673
New Total with Specific Plans	10,115
RHNA Surplus/(Shortfall)	1,343

Housing Element Opportunity Sites

The opportunity sites summarized in Table 2-3 include 19 locations that have the greatest potential to accommodate the RHNA's housing growth allocated for Burbank. Twelve of the opportunity sites are located in the proposed Downtown TOD Specific Plan area and seven sites are located in the proposed Golden State Specific Plan area. The locations of these sites are shown in Figure 2-3. The zone changes where applicable are shown on Table 2-4.

Table 2-4 Rezoning in Housing Opportunity Sites

Project	APNs	Gross Acres	Current Zoning District	Current Residential Density Units/Acre	Proposed Zoning Uses	Rezoned?
TOD Plan Projects						
1	TOD-1 Carl's Jr	2460-010-010	NSFC (North San Fernando Commercial)	43	Residential (max. 43 du/acre)	No
		2460-010-011				
		2460-010-012				
		2460-010-013				
		2460-010-014	NSFC (North San Fernando Commercial)	27	Residential (max. 27 du/acre) Commercial (max. 1.0 FAR)	No
		2460-010-033				
		2460-010-036				
		Total	1.29			
2	TOD-2 Kmart	2460-006-045	NSFC (North San Fernando Commercial)	27	Residential (max. 27 du/acre) Commercial (max. 1.0 FAR)	No
		2460-007-036				
3	TOD-3 Caltrans/IHOP	2460-021-017	NSFC (North San Fernando Commercial)	27	Residential (max. 27 du/acre) Commercial (max. 1.0 FAR)	No
		2460-021-018				
		2460-021-019				
		2460-021-020				
		2460-021-027				
		2460-021-028				
4	TOD-4 Old Ikea	2460-023-044	PD (Planned Development)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No
		2460-023-045				
		2460-023-046				
		2460-023-047				
		2460-023-060				
		2460-031-008	BCC-2 (Burbank Center Commercial Limited Business)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No
		2460-031-016				
		2460-031-018				
		2460-031-019				
		2460-031-029				
2460-031-044						
2460-031-045						
		Total	13.61			
5	TOD-5 Ashley Home/El Pollo	2460-023-056	PD (Planned Development)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No
		2460-023-057				

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	Project	APNs	Gross Acres	Current Zoning District	Current Residential Density Units/Acre	Proposed Zoning Uses	Rezone?				
6	TOD-6 Burbank Town Center	2460-023-048	16.75	PD (Planned Development)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No				
		2460-023-049									
		2460-023-050									
		2460-023-052									
		2460-023-054									
		2460-023-063									
		2460-023-064									
2460-023-996											
7	TOD-7 Civic Center	2453-008-900	4.68	PD (Planned Development)	0	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	Yes				
		2453-009-902									
		2453-008-903									
		2453-008-905									
		2453-008-908									
		2453-008-910									
		2453-008-911									
		2453-008-912									
		Total		6.24							
		8	TOD-8 Olive/ Glenoaks	2453-014-002	0.50	BCC-3 (Burbank Center Commercial General Business)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No		
				2453-014-003							
				2453-014-008							
				2453-014-024							
				2453-014-025							
Total				1.55							
9	TOD-9 Fosters Freeze/ Boys and Girls Club			2453-021-026	0.74	BCC-3 (Burbank Center Commercial General Business)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No		
				2453-021-027							
				2453-021-029							
				2453-021-030							
				2453-021-032							
				Total		1.94					
						2453-021-033	1.20	BCC-2 (Burbank Center Commercial Limited Business)	43	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	Yes
						2453-021-035					
		2453-021-041									
		2453-021-046									
		2453-021-062									
		Total				1.94					

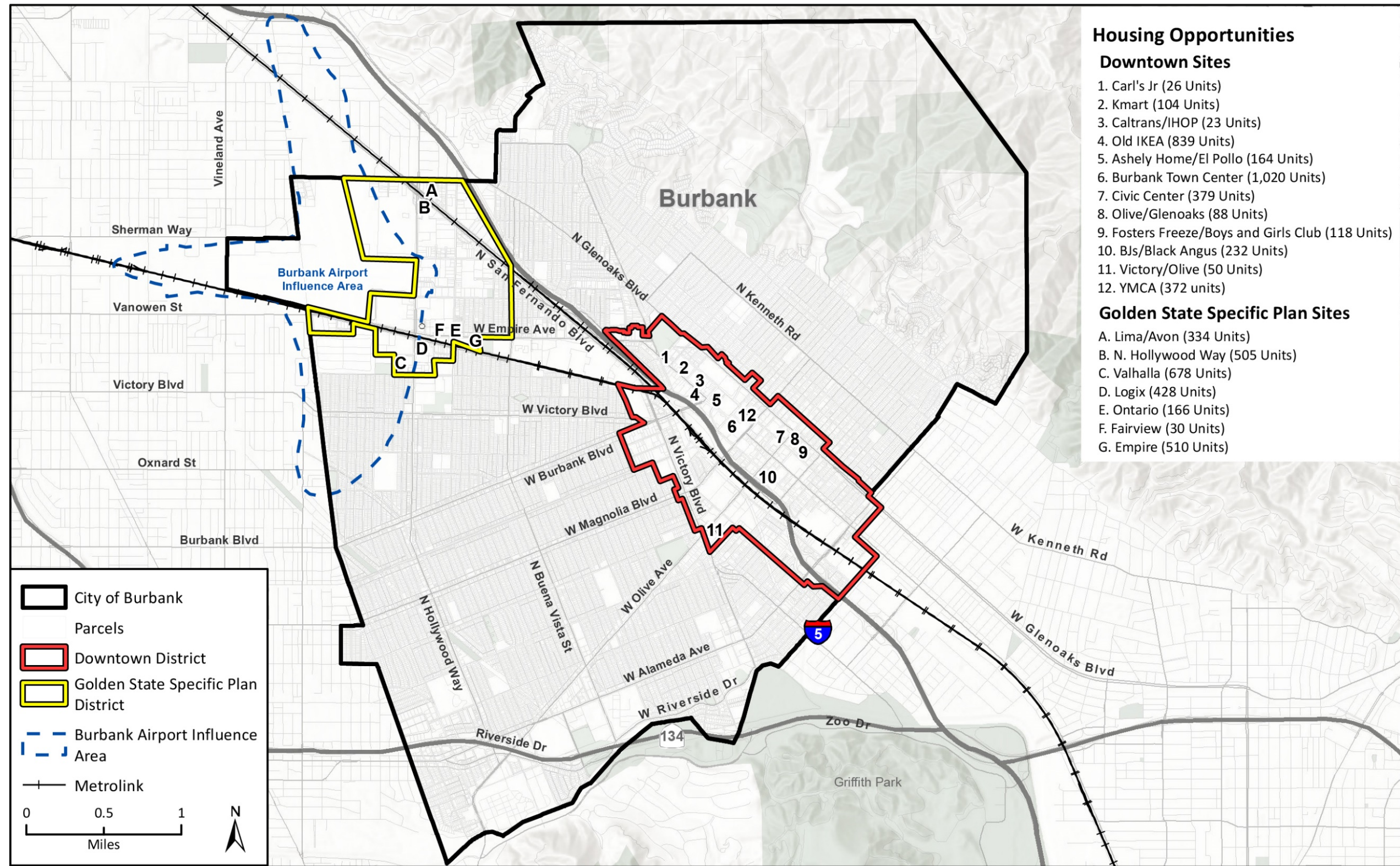
	Project	APNs	Gross Acres	Current Zoning District	Current Residential Density Units/Acre	Proposed Zoning Uses	Rezone?
10	TOD-10 BJs/Black Angus	2453-011-029 2453-018-017	3.83	BCC-2 (Burbank Center Commercial Limited Business)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No
11	TOD-11 Victory/Olive	2451-016-004 2451-016-011 2451-016-012 2451-016-013 2451-016-014	4.30	BCCM (Burbank Center Commercial Manufacturing)	27	Residential (max. 27 du/acre) Commercial (max. 1.0 FAR)	No
12	TOD-12 YMCA	2460-034-021 2460-035-005 2460-035-007 2460-035-008	0.88	BCC-2 (Burbank Center Commercial Limited Business)	87		Yes
		2460-035-001 2460-035-003	1.07	BCC-3 (Burbank Center Commercial General Business)	87		Yes
		2460-035-014 2460-035-016 2460-035-017 2460-035-018	1.50	PD (Planned Development)	87		Yes
		Total	2.66				
GSSP Projects							
A	GSSP-1 Lima/Avon	2466-001-015 2466-001-016 2466-001-022 2466-001 023 2466-001-024 2466-001-025 2466-001-026 2466-001-029 2466-001-030 2466-001 045 2466-001-046 2466-001-063 2466-001-064 2466-001-077 2466-001-081	4.00	M-2 (Manufacturing General Industries)	27 1.25 FAR	Residential (max. 120 du/acre) Commercial (2.0 FAR)	Yes

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					Current Residential Density Units/Acre	Proposed Zoning Uses	Rezone?
B	GSSP-2 North Hollywood Way	2466-005-003	5.28	M-2 (Manufacturing General Industries)	27	Residential (max. 120 du/acre) Commercial (4.5 FAR)	Yes
		2466-005 013			1.25 FAR		
		2466-005 017					
		2466-005 018					
		2466-005-024					
		2466-005-025					
		2466-006-002					
		2466-006-003					
		2466-006-004					
		2466-006-005					
		2466-006-006					
		2466-006-007					
		2466-006-008					
2466-006-009							
2466-006-010							
2466-006-011							
C	GSSP-3 Valhalla	2463-001-005	8.10	M-1 (Manufacturing Limited Industries)	27	Residential (max. 120 du/acre) Commercial (2.0 FAR)	Yes
		2463-001-006			1.25 FAR		
		2463-001-007					
		2463-001-008					
		2463-001-011					
2463-001-012							
D	GSSP-4 Logix	2463-010-001	4.46	M-2 (Manufacturing General Industries)	27 1.25 FAR	Residential (max. 120 du/acre) Commercial (2.0 FAR)	Yes
E	GSSP-5 Ontario	2464-004-036	1.73	PD (Planned Development)	58 1.25 FAR	Residential (max. 120 du/acre) Commercial (3.0 FAR)	Yes
F	GSSP-6 Fairview	2464-006-045	0.65	M-2 (Manufacturing General Industries)	58 1.25 FAR	Residential (max. 58 du/acre) Commercial (max. xx FAR))	No
G	GSSP-7 Empire	2464-001-002	6.40	M-2 (Manufacturing General Industries)	58	Residential (max. 58 du/acre) Commercial (2.0 FAR)	Yes
		2464-001-003			1.25 FAR		
		2464-001-007					
		2464-001-015					
		2464-001-019					
		2464-001-020					
		2464-001-021					
2464-001-906	0.06	RR (Railroad)	0	Residential (max. 100 du/acre) Commercial (2.0 FAR))	Yes		
Total			7.28				

Note: As part of the rezoning and resulting 3,561 units, the City included a projection of 1.4 million square feet of new commercial space.

Figure 2-3 Specific Plan and Housing Opportunity Locations



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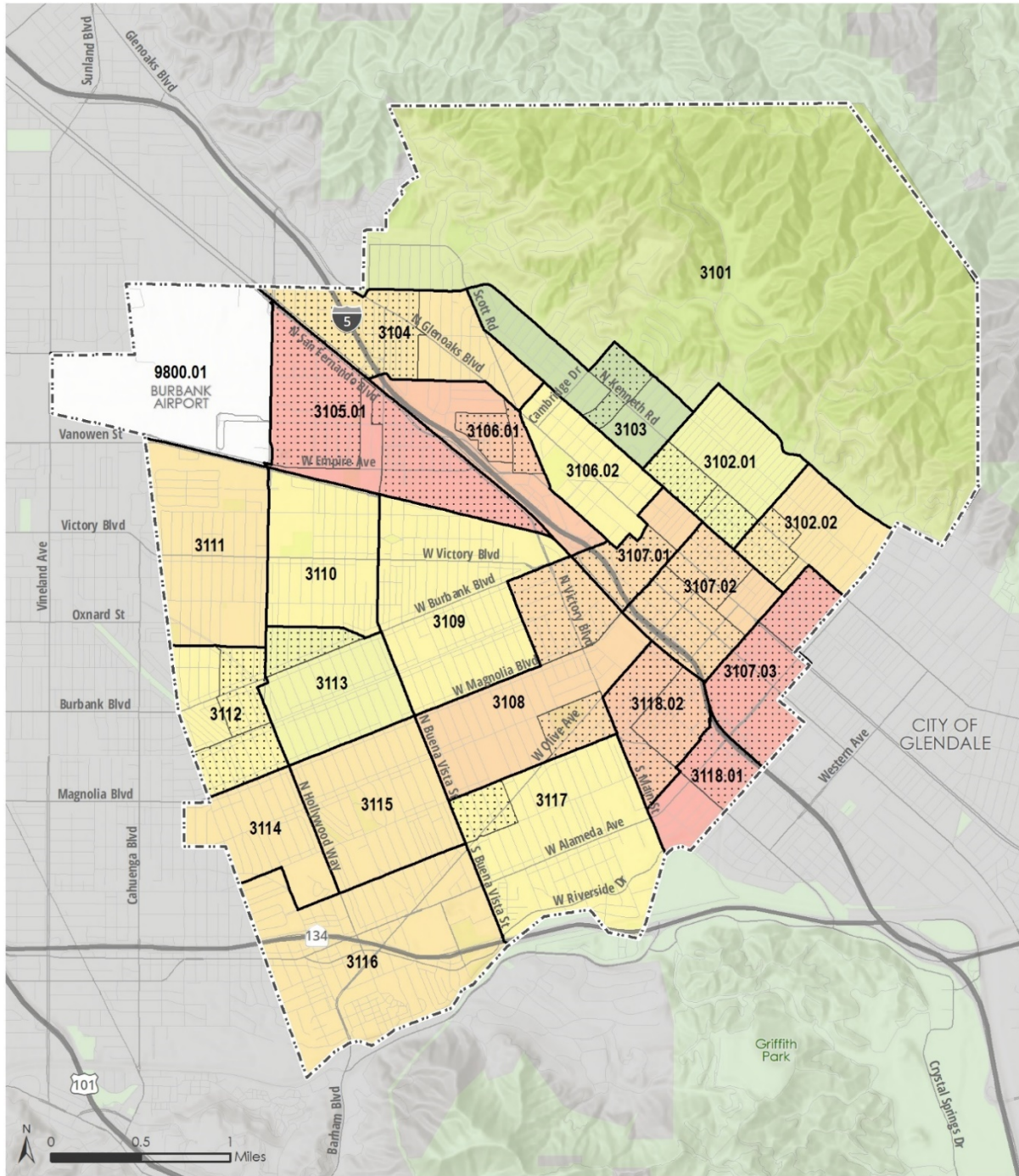
2.5.3 Safety Element Update

The Safety Element Update will ensure consistency with the Housing Element Update and will comply with recent State legislation and guidelines (including Assembly Bill 162, Senate Bill 1241, Senate Bill 99, Assembly Bill 747, Senate Bill 1035 and Senate Bill 379). Amendments incorporate data and maps, address vulnerability to climate change, incorporate policies and programs from the City's Hazard Mitigation Plan and the Greenhouse Gas Reduction Plan, as well as partial or full integration of other City documents and programs (including but not limited to: Ready Burbank and the Emergency Survival Program). Key areas of the Burbank Safety Element Update include updated flooding and fire hazard maps, emergency response and preparedness, especially as they relate to the City's projected climate change exposure, and vulnerability. The Safety Element amendments will be submitted to the California State Board of Forestry and Fire Protection (CalFire) for review.

2.5.4 Environmental Justice Update

SB 1000 states that revisions to or adoption of two or more elements of a general plan on or after January 1, 2018 trigger a requirement to "adopt or review the Environmental Justice Element, or the environmental justice goals, policies, and objectives in other elements." Environmental justice goals, policies, and objectives must aim to reduce health risks to DACs, promote civic engagement, and prioritize the needs of these communities. The Project also includes minor updates to policies and implementation measures for the Safety, Land Use, Open Space and Conservation, Air Quality and Climate Change, Noise, and Mobility Elements of the Burbank2035 General Plan. These updates focus on the inclusion of disadvantaged communities in decision making procedures as well as increasing protections for these communities. Figure 2-4, provided below, displays CalEnviroScreen results for Burbank. There are several designated DACs identified in central, northwest, and southeast Burbank. These seven census tracts have overall scores that meet or exceed the minimum criteria for DAC designation based on pollution burden and population characteristics.

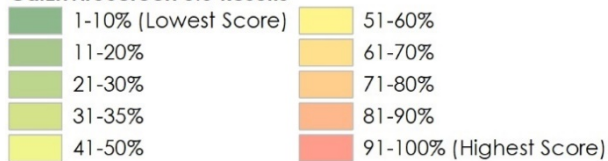
Figure 2-4 CalEnviroScreen – Disadvantaged Communities



Burbank City Boundary

3114 Census Tract

CalEnviroScreen 3.0 Results



Sources: Los Angeles County;
 US Census Bureau;
 California OEHHA

Burbank_CensusTracts_CES

2.6 Project Objectives

- Meet the City's fair share, plus a reasonable buffer, of the regional housing need to accommodate projected population growth within the City and region consistent with the Regional Housing Needs Assessment (RHNA) allocation
- Conserve and enhance the quality of existing housing and neighborhoods
- Provide housing sites that accommodate a range of housing types to meet the diverse needs of existing and future residents
- Continue to facilitate the development of housing affordable for all economic segments of the community and make inroads in addressing the City's jobs-to-housing imbalance
- Focus on removing governmental constraints to the maintenance, improvement, and development of housing
- Promote non-discrimination and fair and equal housing opportunities for all persons

2.7 Required Approvals

The Project would require the following discretionary approvals:

- Certification of this EIR prepared for the proposed Project
- Adoption of the Housing Element Update for the 2021-2029 planning period
- Adoption of updates to the Safety Element
- Adoption of updates to other Burbank2035 General Plan elements to incorporate environmental justice policies
- Rezoning of opportunity sites within the Specific Plan areas

After adoption by the City Council, the updated Housing Element will be submitted to the California Department of Housing and Community Development for certification. The Safety Element updates will be submitted to CalFire for their review and approval.

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3 Environmental Setting

This section provides a general overview of the environmental setting for the proposed Project. More detailed descriptions of the environmental setting for each environmental issue area can be found in Section 4, *Environmental Impact Analysis*.

3.1 Regional Setting

The Housing and Safety Element Update would apply to the entire geographic area located within the boundaries of the City of Burbank (City) (i.e., 17.1 square miles). The Project is generally bounded by the Verdugo Mountains to the northeast, the City of Glendale to the southeast, the City of Los Angeles to the south, and the San Fernando Valley area of the City of Los Angeles to the west. In addition, the Project is bisected by the Interstate 5 (I-5) Freeway and the Metrolink Commuter Rail. Figure 2-1 in Section 2, *Project Description*, shows the location of the City in a regional context and Figure 2-2 shows the location of the proposed Project in relationship to surrounding cities.

A grid system of east-west and north-south roadways, including arterials, collectors, and local streets, provide vehicular access throughout the City. The major roadways include West Burbank Boulevard, Victory Boulevard, West Olive Avenue, North Buena Vista Street, North San Fernando Boulevard, and Glenoaks Boulevard. The closest freeways are the I-5 and Ventura Freeway (US Route 101).

The regional climate is considered semi-arid and is characterized by warm summers, mild winters, infrequent seasonal rainfall, moderate daytime onshore breezes, and moderate humidity. Although air quality in the area has steadily improved in recent years, the Los Angeles region remains a nonattainment area for ozone (urban smog). The City is located approximately 13 miles inland from the coastline of the Pacific Ocean.

3.2 Project Site Setting

The Housing and Safety Element Update area consists of a variety of land use designations including Low, Medium, and High Density Residential; Corridor and Regional Commercial; four specific commercial areas and two commercial/industrial areas; Open Space; Institutional; and Airport. In addition, the City consists of various zones including residential, commercial, media district, business, auto dealership, industrial, airport, railroad, cemetery, and open space.

3.3 Cumulative Impacts

Cumulative impacts are the changes in the environment that result from the incremental impact of development of the Project and other projects with related impacts. CEQA Guidelines Section 15130 allows for two approaches to study cumulative impacts: using a list of past, current and probable future projects or relying on a summary of projections (growth forecasts) from adopted local, regional or statewide plans. Cumulative impact analysis allows the EIR to provide a reasonable forecast of future environmental conditions and can more accurately gauge the effects of a series of projects.

Burbank Housing and Safety Element Update

Because the proposed Project is the Housing and Safety Element Update encompassing the entire area within the City limits, the cumulative impacts analysis in this EIR relies on the City's growth projections utilizing data available from the Southern California Association of Government's (SCAG) 2020 Regional Transportation Plan/Sustainable Communities Strategy (2020 RTP/SCS), SCAG's 2016 RTP/SCS travel demand model for the vehicle miles traveled (VMT) analysis in Section 4.11, *Transportation*; and the California Department of Finance's (DOF) 2020 E-5 Population and Housing Estimates for Cities, Counties, and the State. The City currently has a population of approximately 104,969 persons and 45,069 households (DOF 2021). Based on SCAG's 2020 RTP/SCS growth forecasts, the population of the City is expected to increase to 115,400 persons and 48,600 households by 2045 (SCAG 2020). In general, the cumulative environmental analysis in this EIR is based on horizon conditions of the City's General Plan, however, due to the eight-year update cycle of the Housing Element, 2029 conditions have been identified and included in the discussion. Based on the citywide average household size of 2.45, the increase of 10,456 residential units under the proposed Project would generate a population increase of approximately 25,617 residents over the eight-year horizon year of the Housing Element Update.

4 Environmental Impact Analysis

This section discusses the possible environmental effects of the Burbank Housing and Safety Element Update for the specific issue areas that were identified through the scoping process as having the potential to experience significant effects. A “significant effect” as defined by the *CEQA Guidelines* §15382:

means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

The assessment of each issue area begins with a discussion of the environmental setting related to the issue, which is followed by the impact analysis. In the impact analysis, the first subsection identifies the methodologies used and the “significance thresholds,” which are those criteria adopted by the City of Burbank and other agencies, universally recognized, or developed specifically for this analysis to determine whether potential effects are significant. The next subsection describes each impact of the proposed Project, mitigation measures for significant impacts, and the level of significance after mitigation. Each effect under consideration for an issue area is separately listed in bold text with the discussion of the effect and its significance. Each bolded impact statement also contains a statement of the significance determination for the environmental impact as follows:

- **Significant and Unavoidable.** An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the Project is approved per §15093 of the CEQA Guidelines.
- **Less than Significant with Mitigation Incorporated.** An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under §15091 of the CEQA Guidelines.
- **Less than Significant.** An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **No Impact.** The proposed Project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

Following each environmental impact discussion is a list of mitigation measures (if required) and the residual effects or level of significance remaining after implementation of the measure(s). In cases where the mitigation measure for an impact could have a significant environmental impact in another issue area, this impact is discussed and evaluated as a secondary impact. The impact analysis concludes with a discussion of cumulative effects, which evaluates the impacts associated with the proposed Project in conjunction with other planned and pending developments in the area listed in Section 3, *Environmental Setting*.

City of Burbank

Burbank Housing and Safety Element Update

The Executive Summary of this EIR summarizes all impacts and mitigation measures that apply to the proposed Project.

4.1 Air Quality

This section analyzes the effects of the project on air quality. This section analyzes both temporary impacts relating to construction activity and possible long-term impacts associated with project operation. Greenhouse gas and global climate change impacts are discussed in Section 4.5, *Greenhouse Gas Emissions*.

4.1.1 Environmental Setting

a. Local Climate and Meteorology

The City of Burbank (City) is in the South Coast Air Basin (SCAB or Basin), which is bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east, and the San Diego County line to the south. The regional climate in the SCAB is semi-arid and is characterized by warm summers, mild winters, infrequent seasonal rainfall, moderate daytime onshore breezes, and moderate humidity. The air quality in the SCAB is primarily influenced by a wide range of emissions sources – such as dense population centers, heavy vehicular traffic, and industry – and weather.

The general region lies in the semi-permanent high-pressure zone of the eastern Pacific Ocean, resulting in a mild climate tempered by cool sea breezes with light average wind speeds. The SCAB experiences warm summers, mild winters, infrequent rainfalls, light winds, and moderate humidity. This usually mild climatological pattern is interrupted infrequently by periods of extremely hot weather, winter storms, or Santa Ana winds. The SCAB is a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean to the west and high mountains around the rest of its perimeter.

The SCAB experiences a persistent temperature inversion (increasing temperature with increasing altitude) because of the Pacific high. This inversion limits the vertical dispersion of air contaminants, holding them relatively near the ground. As the sun warms the ground and the lower air layer, the temperature of the lower air layer approaches the temperature of the base of the inversion (upper) layer until the inversion layer finally breaks, allowing vertical mixing with the lower layer. This phenomenon is observed in mid to late afternoons on hot summer days. Winter inversions frequently break by midmorning.

The combination of stagnant wind conditions and low inversions produces the greatest pollutant concentrations in the SCAB. On days of no inversion or high wind speeds, ambient air pollutant concentrations are lowest. During periods of low inversions and low wind speeds, air pollutants generated in urbanized areas are transported predominantly onshore into Riverside and San Bernardino counties.

b. Air Pollutants of Primary Concern

The Federal Clean Air Act (CAA) requires the United States Environmental Protection Agency (USEPA) to set National Ambient Air Quality Standards (NAAQS) for maximum allowable concentrations of six "criteria" pollutants in outdoor air. The six pollutants are carbon monoxide (CO), lead (Pb), ground-level ozone, nitrogen dioxide (NO₂), particulate matter (respirable particulate matter [PM₁₀] and fine particulate matter [PM_{2.5}]), and sulfur dioxide (SO₂). The standards are set at a level that protects public health with an adequate margin of safety for six

common air pollutants (also known as "criteria air pollutants"). The characteristics of each of these pollutants are briefly described below.

Ozone

Ozone is a highly reactive and unstable gas that is formed when reactive organic gases (ROG), sometimes referred to as volatile organic compounds (VOC), and nitrogen oxides (NO_x), byproducts of internal combustion engine exhaust, undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant. Short-term exposure (lasting for a few hours) to ozone at levels typically observed in southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue and some immunological changes.

Carbon Monoxide

Carbon monoxide is a colorless, odorless gas produced by the incomplete combustion of carbon-containing fuels, such as gasoline or wood. In urban areas, automobile exhaust accounts for the majority of CO emissions. CO concentrations tend to be the highest during the winter morning, when little to no wind and surface-based inversions trap the pollutant at ground levels. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections. The health effects of CO are related to its affinity for hemoglobin in the blood. At high concentrations, CO reduces the amount of oxygen in the blood, causing heart difficulty in people with chronic diseases, nausea, reduced lung capacity, and impaired mental abilities (USEPA 2020).

Nitrogen Dioxide

Nitrogen dioxide is a nitrogen oxide (NO_x) compound that is produced by the combustion of fossil fuels, such as in internal combustion engines (both gasoline and diesel powered), as well as point sources, especially power plants. Of the seven types of NO_x compounds, NO₂ is the most abundant in the atmosphere. As ambient concentrations of NO₂ are related to traffic density, commuters in heavy traffic areas, such as urban areas, may be exposed to higher concentrations of NO₂ than those indicated by regional monitors.

Particulate Matter

Respirable and fine particulate matter, PM₁₀ and PM_{2.5}, consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter, respectively. Some sources of particulate matter, like pollen and windstorms, are naturally occurring. However, in populated areas, most particulate matter is caused by road dust, diesel soot, combustion products, abrasion of tires and brakes, and construction activities.

Sulfur Dioxide

Sulfur dioxide is a colorless, pungent gas formed primarily by the combustion of high sulfur-content fuel oils and coal and from chemical processes occurring at chemical plants and refineries. When SO₂ oxidizes in the atmosphere, it forms sulfates (SO₄). Collectively, these pollutants are referred to as sulfur oxides (SO_x). Generally, the highest levels of SO₂ are found near large industrial complexes. In recent years, SO₂ concentrations have been reduced by the increasingly stringent controls placed on stationary source emissions of SO₂ and limits on the sulfur content of fuels.

Lead

Lead occurs in the atmosphere as particulate matter. The combustion of leaded gasoline is the primary source of airborne Pb in the SCAB. The use of leaded gasoline is no longer permitted for on road motor vehicles, so the majority of such combustion emissions are associated with off-road vehicles. However, because leaded gasoline was emitted in large amounts from vehicles when leaded gasoline was used for on-road motor vehicles, Pb is present in many urban soils and can be re-suspended in the air. Other sources of Pb include the manufacturing and recycling of batteries, paint, ink, ceramics, ammunition, and the use of secondary lead smelters.

Lead-based paint is also considered a health hazard for people, especially children. From the turn of the century through the 1940s, paint manufacturers used Pb as a primary ingredient in many oil-based paints. Use of Pb in paint decreased but was still used until 1978, when it was banned from residential use. Remodeling, renovations, or demolition activities in older buildings could disturb lead-based paint surfaces.

Toxic Air Contaminants

A toxic air contaminant (TAC) is an air pollutant that may cause or contribute to an increase in mortality or serious illness or which may pose a present or potential hazard to human health. TACs may result in long-term health effects such as cancer, birth defects, neurological damage, asthma, or genetic damage, or short-term acute effects such as eye watering, respiratory irritation, runny nose, throat pain, and headaches. TACs are considered either carcinogenic or non-carcinogenic based on the nature of the health effects associated with exposure. For carcinogenic TACs, potential health impacts are evaluated in terms of overall relative risk expressed as excess cancer cases per one million exposed individuals. Non-carcinogenic TACs differ in that there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur. These levels are determined on a pollutant-by-pollutant basis.

TACs are different than criteria pollutants because ambient air quality standards have not been established for TACs. TACs occurring at extremely low levels may still cause health effects and it is typically difficult to identify levels of exposure that do not produce adverse health effects. TAC impacts are described by carcinogenic risk and by chronic (i.e., long duration) and acute (i.e., severe but of short duration) adverse effects on human health.

One of the main sources of TACs in California is diesel engines that emit exhaust containing solid material known as diesel particulate matter (DPM); however, TACs may be emitted from a variety of common sources, including gasoline stations, motor vehicles, dry cleaners, industrial operations, painting operations, and research and teaching facilities.

Diesel Particulate Matter

Fine particulates are generally associated with combustion processes and form in the atmosphere as a secondary pollutant through chemical reactions. PM₁₀ (particulate matter measuring no more than 10 microns in diameter) is a by-product of fuel combustion and wind erosion of soil and unpaved roads, and it is directly emitted into the atmosphere through these processes. Chemical reactions in the atmosphere also create PM₁₀. Fine particulate matter poses a serious health threat to all groups, but particularly to the elderly, children, and those with respiratory problems. More than half of the fine particulate matter inhaled into the lungs remains there, which can cause permanent lung damage. These materials can damage health by interfering with the body's mechanisms for clearing the respiratory tract or by acting as carriers of an adsorbed toxic substance.

Diesel engine fuel combustion forms an important fraction of the particulate matter emission inventory, as particulates in diesel emissions are very small and readily respirable. The particles have hundreds of chemicals adsorbed onto their surfaces, including many known or suspected mutagens and carcinogens. The Office of Environmental Health Hazard Assessment (OEHHA) reviewed and evaluated the potential for diesel exhaust to affect human health, and the associated scientific uncertainties (CARB 1998). Based on the available scientific evidence, it was determined that a level of diesel PM exposure, below which no carcinogenic effects are anticipated, has not been identified. The Scientific Review Panel that approved the OEHHA report determined that, based on studies to date, 3×10^{-4} micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) is a reasonable estimate of the unit risk for diesel PM. This means that a person exposed to a diesel PM concentration of $1 \mu\text{g}/\text{m}^3$ continuously over the course of a lifetime has a 3 in 10,000 chance (or 300 in one million chance) of contracting cancer due to this exposure. Based on an estimated year 2000 statewide average concentration of $1.26 \mu\text{g}/\text{m}^3$ for indoor and outdoor ambient air, about 380 excess cancers per one million population could be expected if diesel PM concentrations remained the same (CARB 2000). Therefore, these particulate emissions have been determined by CARB to be a TAC.

Diesel PM emissions are estimated to be responsible for about 70 percent of the total ambient air toxics risk. In addition to these general risks, diesel PM can also be responsible for elevated localized or near-source exposures (“hot-spots”). Depending on the activity and nearness to receptors, these potential risks can range from small to 1,500 per million or more (CARB 2000).

CARB staff have conducted risk characterization scenarios to determine the potential excess cancer risks involved when individuals are near various sources of diesel engine emissions, ranging from school buses to high volume freeways. The purpose of the risk characterization was to estimate, through air dispersion modeling, the cancer risk associated with typical diesel-fueled engine or vehicle activities based on modeled PM concentration at the point of maximum impact. The study included various sources of diesel PM emissions, including idling school buses, truck stops, low- and high-volume freeways, and other sources. High-volume freeways (20,000 trucks per day) were estimated to cause 800 to 1,700 per million potential excess cases of cancers, while low-volume freeways (2,000 trucks per day) were estimated to cause about 100 to 200 per million potential excess cases of cancers (CARB 2000).

Other Mobile Source Contaminants

Besides DPM, several other pollutants that are a public health concern are emitted by vehicle exhausts. The USEPA has identified six pollutants of highest priority: DPM, acrolein, acetaldehyde, formaldehyde, benzene, and 1,3-butadiene. The latter five pollutants are part of the total organic gases emitted by diesel fueled vehicles. A brief description of each of these chemicals follows:

- **Acrolein** is the simplest unsaturated aldehyde. It is a widely produced substance with a piercing, disagreeable, acrid smell similar to that of burning fat. Acrolein is an unstable toxic substance that can burn the nose and throat and is a severe pulmonary irritant. It is a flammable and poisonous substance prepared industrially by the oxidation of propene. Small amounts of acrolein are formed and enter the air when trees, tobacco, other plants, gasoline, and oil are burned.
- **Acetaldehyde**, sometimes known as ethanol, is an organic chemical compound used as an intermediate in the production of acetic acid, certain esters, and a number of other chemicals. It is a flammable liquid with a fruity smell. Acetaldehyde is a toxic when applied externally for prolonged periods, an irritant, and a probable carcinogen.

- **Formaldehyde** is an organic chemical compound containing a terminal carbonyl group. It is produced in the atmosphere by the action of sunlight and oxygen on atmospheric methane and other hydrocarbons, becoming a part of smog. Additionally, formaldehyde is an intermediate in the oxidation (or combustion) of methane as well as other carbon compounds including automobile exhaust. Formaldehyde is a flammable substance that can be toxic, allergenic, and carcinogenic. It is naturally made in small amounts in human bodies and is found in small amounts in household sources, such as fiberglass, carpets, permanent press fabrics, paper products, and some household cleaners.
- **Benzene**, or benzol, is an organic chemical compound and a known carcinogen. It is a colorless and highly flammable liquid with a sweet smell and a relatively high melting point. Benzene is an important industrial solvent and precursor in the production of drugs, plastics, synthetic rubber, and dyes. Benzene is a natural constituent of crude oil and may be synthesized from other compounds present in petroleum. It is found in gasoline and cigarette smoke. Natural sources of benzene include emissions from volcanoes and forest fires.
- **1,3-Butadiene** is an important industrial chemical used in the production of synthetic rubber (about 75 percent of manufactured 1,3-butadiene), which is then used primarily in the production of automobile tires. It is a colorless gas with a mild gasoline-like odor. Gasoline contains small amounts that are exhausted into the air after the combustion process. It is a carcinogen, highly irritative, and flammable.

c. Sensitive Receptors

There is a strong connection between health risk and the proximity of the source of air pollution. Local jurisdictions have the responsibility for determining land use compatibility for sensitive receptors. A sensitive receptor is a person in the population who is particularly susceptible to health effects due to exposure to an air contaminant. Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. California Air Resources Board (CARB) has identified the following population groups that are most likely affected by air pollution: children less than 14 years of age, adults over 65 years of age, athletes, and people with cardiovascular and chronic respiratory diseases. Land uses where these population groups are likely to spend a substantial amount of time are considered sensitive receptors. According to South Coast Air Quality Management District (SCAQMD), land uses with sensitive receptors include the following (SCAQMD 2005):

- Schools, playgrounds and childcare centers
- Long-term health care facilities
- Rehabilitation centers
- Convalescent centers
- Hospitals
- Retirement homes
- Residences

d. Ambient Air Quality Measurements

The SCAQMD divides the SCAB into 38 source receptor areas (SRAs), wherein 38 monitoring stations operate to monitor the various concentrations of air pollutants in the region. The purpose of the monitoring stations is to measure ambient concentrations of pollutants and determine whether ambient air quality meets the California and federal standards. The monitoring station located

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closest to the Project site is the North Hollywood monitoring station at 10659 West Delano Street, which is approximately eight miles west of the city. The North Hollywood station monitors ozone, PM_{2.5}, and NO₂. However, this monitoring station had insufficient data for measurements in the years 2018 and 2019. Therefore, measurements from the Los Angeles-North Main Street station, which is approximately nine miles southeast of the city was used. The Los Angeles-North Main Street monitoring station measures ozone, NO₂, PM₁₀, and PM_{2.5}. Table 4.1-1 indicates the number of days that each of the standards has been exceeded at the Los Angeles-North Main Street station in 2018, 2019, and 2020.

As shown in Table 4.1-1, the ozone eight-hour ozone concentration exceeded both State and federal standards on four days in 2018, two days in 2019, and 22 days in 2020. The ozone concentration exceeded State one-hour standards on two days in 2018 and 14 days in 2020. The PM_{2.5} concentration exceeded standards on six days in 2018, one day in 2019, and 12 days in 2020. No exceedances of federal standards for NO₂ or PM₁₀ have occurred at the monitoring station in the last three years; however, the State PM₁₀ standard was exceeded 31 times in 2018, 15 times in 2019, and 34 days in 2020.

Table 4.1-1 Ambient Air Quality at the Monitoring Station

Pollutant	2018	2019	2020
8 Hour Ozone (ppm), 8-Hr Maximum ¹	0.073	0.080	0.118
Number of Days of State exceedances (>0.070)	4	2	22
Number of days of Federal exceedances (>0.070)	4	2	22
Ozone (ppm), Worst Hour ¹	0.098	0.093	0.185
Number of days of State exceedances (>0.09 ppm)	2	0	14
Number of days of Federal exceedances (>0.124 ppm)	0	0	1
Nitrogen Dioxide (ppm) – Worst Hour ¹	0.0701	0.0697	0.0616
Number of days of State exceedances (>0.18 ppm)	0	0	0
Number of days of Federal exceedances (0.10 ppm)	0	0	0
Particulate Matter 10 microns, µg/m ³ , Worst 24 Hours ¹	81.2	93.9	185.2
Number of days above Federal standard (>150 µg/m ³)	0	0	0
Number of days of State exceedances (>50 µg/m ³)	31	15	34
Particulate Matter <2.5 microns, µg/m ³ , Worst 24 Hours ¹	65.3	43.5	175.0
Number of days above Federal standard (>35 µg/m ³)	6	1	12

Source: CARB 2021a

4.1.2 Regulatory Setting

The Federal CAA governs air quality in the United States. In addition to being subject to the requirements of the CAA, air quality in California is also governed by more stringent regulations under the CCAA. At the federal level, the CAA is administered by the USEPA. In California, the CCAA is administered by CARB at the State level and by air quality management districts (AQMDs) at the regional and local levels.

Air quality in the SCAB, in which Burbank is located, is addressed through the efforts of various federal, State, regional, and local government agencies. These agencies work jointly, as well as individually, to improve air quality through legislation, regulations, planning, policymaking, education, and a variety of programs. The agencies responsible for improving air quality in the SCAB are discussed below.

a. Federal

U.S. Environmental Protection Agency

The CAA was enacted in 1970 and amended in 1977 and 1990 [42 United States Code (USC) 7401] for the purposes of protecting and enhancing the quality of the nation’s air resources to benefit public health, welfare, and productivity. In 1971, to achieve the purposes of Section 109 of the CAA [42 USC 7409], the USEPA developed Ambient Air Quality Standards which represent the maximum levels of background pollution considered safe, with an adequate margin of safety, to protect the public health and welfare. National Ambient Air Quality Standards (NAAQS) have been designated for the following criteria pollutants of primary concern: ozone, CO, NO₂, SO₂, PM₁₀, PM_{2.5}, and Pb.

The USEPA classifies specific geographic areas as either “attainment” or “non-attainment” areas for each pollutant based on the comparison of measured data with the NAAQS. States are required to adopt enforceable plans, known as a State Implementation Plan (SIP), to achieve and maintain air quality meeting the NAAQS. State plans also must control emissions that drift across state lines and harm air quality in downwind states. Table 4.1-2 lists the current federal standards for regulated pollutants.

Table 4.1-2 Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	Federal Primary Standards	California Standard
Ozone	1-Hour	N/A ¹	0.09 ppm ²
	8-Hour	0.070 ppm	0.070 ppm
Carbon Monoxide	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide	Annual	0.053 ppm	0.030 ppm
	1-Hour	0.100 ppm	0.18 ppm
Sulfur Dioxide	Annual	0.03 ppm	N/A
	24-Hour	0.14 ppm	0.04 ppm
	1-Hour	0.075 ppm	0.25 ppm
PM ₁₀	Annual	N/A	20 µg/m ³
	24-Hour	150 µg/m	50 µg/m

Pollutant	Averaging Time	Federal Primary Standards	California Standard
PM _{2.5}	Annual	12 µg/m	12 µg/m
	24-Hour	35 µg/m	N/A
Lead	30-Day Average	N/A	1.5 µg/m
	3-Month Average	0.15 µg/m	N/A

¹ N/A: Not applicable because no standard is currently established for California

² ppm = parts per million

³ µg/m = micrograms per cubic meter

Source: CARB 2016

SAFE Vehicle Rule

On September 27, 2019, the USEPA and the National Highway Safety Administration published the “Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program.” The Part One Rule revokes California’s authority to set its own GHG emissions standards and sets zero-emission vehicle mandates in California. To account for the effects of the Part One Rule, CARB released off-model adjustment factors on November 20, 2019 to adjust criteria air pollutant emissions outputs from the EMFAC model.

b. State

The California Clean Air Act (CCAA) was enacted in 1988 (California Health & Safety Code (H&SC) Section 39000 et seq.). Under the CCAA, the State has developed the California Ambient Air Quality Standards (CAAQS), which are generally more stringent than the NAAQS. Table 4.1-2 lists the current State standards for regulated pollutants. In addition to the federal criteria pollutants, the CAAQS also specify standards for visibility-reducing particles, sulfates, hydrogen sulfide, and vinyl chloride. Similar to the federal CAA, the CCAA classifies specific geographic areas as either “attainment” or “non-attainment” areas for each pollutant, based on the comparison of measured data within the CAAQS.

California is divided geographically into 15 air basins for managing the air resources of the State on a regional basis. Areas within each air basin are considered to share the same air masses and, therefore, are expected to have similar ambient air quality. If an air basin is not in either federal or state attainment for a particular pollutant, the basin is classified as a non-attainment area for that pollutant. Under the federal and State Clean Air Acts, once a non-attainment area has achieved the air quality standards for a particular pollutant, it may be redesignated to an attainment area for that pollutant. To be redesignated, the area must meet air quality standards and have a 10-year plan for continuing to meet and maintain air quality standards, as well as satisfy other requirements of the federal CAA. Areas that have been redesignated to attainment are called maintenance areas. SCAB is designated a non-attainment area for the state one-hour and eight-hour ozone standards, the State PM₁₀ standards, and the State annual PM_{2.5} standard. SCAB is classified as in attainment (or unclassifiable/attainment) for all other State and federal standards.

c. Regional

South Coast Air Quality Management District

SCAQMD is the agency principally responsible for comprehensive air pollution control in the SCAB. To that end, SCAQMD, a regional agency, works directly with the Southern California Association of

Governments (SCAG), county transportation commissions, and local governments, and cooperates actively with all State and federal government agencies. SCAQMD develops rules and regulations, establishes permitting requirements, inspects emissions sources, monitors air quality, and provides regulatory enforcement through such measures as educational programs, monitors or fines, when necessary.

SCAQMD is responsible for developing programs to reduce emissions from stationary, mobile, and indirect sources to meet national and State AAQS. It has responded to this requirement by preparing a series of Air Quality Management Plans (AQMP). The most recent plan, *2016 Air Quality Management Plan* (2016 AQMP), was adopted by the Governing Board of the SCAQMD on March 3, 2017. The 2016 AQMP was prepared to comply with the federal and State CAAs and amendments, to accommodate growth, to reduce the high levels of pollutants in the SCAB, to meet national and State AAQS, and to minimize the fiscal impact that pollution control measures have on the local economy (SCAQMD 2017). The 2016 AQMP identifies control measures that will be implemented over a 15-year horizon to reduce major sources of pollutants. Implementation of control measures established in the previous AQMPs has substantially decreased the population's exposure to unhealthful levels of pollutants, even while population growth has occurred in the SCAB.

Future air quality levels forecast in the 2016 AQMP are based on several assumptions. For example, SCAQMD assumes that new development in the SCAB will occur in accordance with population growth and transportation projections identified by SCAG in its previous *Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS), the 2016 RTP/SCS (SCAQMD 2017). The 2016 AQMP also assumes that development projects will include strategies (mitigation measures) to reduce emissions generated during construction and operation in accordance with SCAQMD and local jurisdiction regulations, which are designed to address air quality impacts and pollution control measures. The 2016 AQMP acknowledges that the most significant air quality challenge in the Basin is to reduce NO_x emissions sufficiently to meet the upcoming ozone standard deadlines (SCAQMD 2017). The upcoming 2022 AQMP will represent a comprehensive analysis of emissions, meteorology, regional air quality modeling, regional growth projections, and the impact of existing and proposed control measures (SCAQMD 2021).

SCAQMD has also developed programs to attain and maintain the NAAQS and CAAQS. These include air quality rules and regulations for stationary sources, area sources, point sources, and certain mobile source emissions. The SCAQMD is also responsible for establishing stationary source permitting requirements and for ensuring that new, modified, or relocated stationary sources do not create net emission increases. All projects within SCAQMD jurisdiction are subject to SCAQMD rules and regulations, including, but not limited to the following:

- **Rule 401 Visible Emissions** – This rule prohibits an air discharge that results in a plume that is as dark as or darker than what is designated as No. 1 Ringelmann Chart by the United States Bureau of Mines for an aggregate of three minutes in any one hour.
- **Rule 402 Nuisance** – This rule prohibits the discharge of “such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of people or the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.”
- **Rule 403 Fugitive Dust** – This rule requires that future projects reduce the amount of particulate matter entrained in the ambient air as a result of fugitive dust sources by requiring actions to prevent, reduce, or mitigate fugitive dust emissions from any active operation, open storage piles, or disturbed surface area.

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- **Rule 1113 Architectural Coatings** – This rule limits VOCs in architectural coatings used in the SCAQMD jurisdiction. These limits are application-specific and are updated as availability of low-VOC products expands.
- **Rule 1168 Adhesive and Sealant Applications** – This rule reduces emissions of VOCs and eliminates emissions of chloroform, ethylene dichloride, methylene chloride, perchloroethylene, and trichloroethylene from the application of adhesives, adhesive bonding primers, adhesive primers, sealants, sealant primers, or any other primers.
- **Regulation XIII New Source Review** – This regulation contains Rules 1300 through 1325, which set forth pre-construction review requirements for new, modified, or relocated facilities, to ensure that the operation of such facilities does not interfere with progress in attainment of the NAAQS, and that future growth within SCAQMD is not unnecessarily restricted. The specific air quality goal of this regulation is to achieve no net increases from new or modified permitted sources of non-attainment air contaminants or their precursors.

Southern California Association of Governments

SCAG is a council of governments for Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties. As a regional planning agency SCAG serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. Although SCAG is not an air quality management agency, it is responsible for developing transportation, land use, and energy conservation measures that improve air quality. The 2016 AQMP incorporates the population growth projections contained within SCAG’s 2016 RTP/SCS, which are used in the development of air quality-related land use and transportation control strategies developed by the SCAQMD. It should be noted that SCAG adopted an update to the RTP/SCS on May 7, 2020. The 2020-2045 RTP/SCS (2020 RTP/SCS) or *Connect SoCal* was developed through a four-year planning process to update population, housing and employment data as well as transportation strategies for the region through the horizon year of 2045 (SCAG 2020). Based on an evaluation of the 2016 RTP/SCS and the 2020 RTP/SCS demographic projections, the 2020 RTP/SCS projects fewer residents, jobs, and housing units. The 2020 RTP/SCS predicts approximately 290,000 fewer residents, 80,000 fewer houses, and 210,000 jobs in the region in 2040 than under the 2016 RTP/SCS, which would represent less activities and associated emissions than would have been predicted under the 2016 RTP/SCS. Therefore, evaluating again the 2016 RTP/SCS projections would be conservative as the 2016 AQMP assumed greater growth than is currently anticipated. The impact analysis throughout this EIR uses the demographic data provided in the 2020 RTP/SCS. The 2020 RTP/SCS is discussed in greater detail in Section 4.5, *Greenhouse Gas Emissions*.

d. Local

Burbank2035 General Plan

The Burbank2035 General Plan (Burbank2035) includes numerous goals, policies, and programs that would impact future air emissions generated by land uses within the city. These include Mobility Programs M-6 (Transit System), M-7 (Bicycle Master Plan and Pedestrian Master Plan), and M-10 (Transportation Demand Management). Burbank2035 also includes an Air Quality and Climate Change Element, which is an optional element (i.e., not required by State law), pursuant to California Government Code Section 65303. This Element is specifically designed to reduce the City’s air pollutant emissions and comply with Statewide goals. The Air Quality and Climate Change Element of Burbank2035, contains the following Policies that reduce potential air quality impacts:

Policy 1.1: Coordinate air quality planning efforts with local, regional, state, and federal agencies, and evaluate the air quality effects of proposed plans and development projects.

Policy 1.2: Seek to attain or exceed the more stringent of federal or state ambient air quality standards for each criteria air pollutant.

Policy 1.5: Require projects that generate potentially significant levels of air pollutants, such as landfill operations or large construction projects, to incorporate best available air quality and greenhouse gas mitigation in project design.

Policy 1.6: Require measures to control air pollutant emissions at construction sites and during soil disturbing or dust-generating activities (i.e., tilling, landscaping) for projects requiring such activities.

Policy 1.7: Require reduced idling, trip reduction, and efficiency routing of transportation for City departments, where appropriate.

Policy 1.9: Encourage the use of zero-emission vehicles, low-emission vehicles, bicycles, and other non-motorized vehicles, and car-sharing programs by requiring sufficient and convenient infrastructure and parking facilities in residential developments and employment centers to accommodate these vehicles.

Policy 1.10: Give preference to qualified contractors using reduced-emission equipment for City construction projects and contracts for services, as well as businesses that practice sustainable operations.

Policy 2.2: Separate sensitive uses such as residences, schools, parks, and day care facilities from sources of air pollution and toxic chemicals. Provide proper site planning and design features to buffer and protect when physical separation of these uses is not feasible.

Policy 2.3: Require businesses that cause air pollution to provide pollution control measures.

Policy 2.5: Require the use of recommendations from the California Air Resources Board's Air Quality and Land Use Handbook to guide decisions regarding location of sensitive land uses.

Policy 3.1: Develop and adopt a binding, enforceable reduction target and mitigation measures and actions to reduce community-wide greenhouse gas emissions within Burbank by at least 15 percent from current levels by 2020.

4.1.3 Impact Analysis

a. Thresholds of Significance

Thresholds of significance are based on the questions in Appendix G of the CEQA Guidelines. The Initial Study prepared for the proposed Project (Appendix B) determined that a potentially significant impact might occur under the following threshold and therefore will be analyzed in this section of the EIR.

1. Conflict with or obstruct implementation of the applicable air quality plan
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard
3. Expose sensitive receptors to substantial pollutant concentrations
4. Result in other emissions (such as those leading to odor) adversely affecting a substantial number of people

The Initial Study (Appendix B) determined that the proposed project could result in potentially significant impacts related to the applicable air quality plan (Threshold 1), criteria pollutants (Threshold 2), and sensitive receptors (Threshold 3). As such, an analysis of these issues is included in this section of the EIR. The Initial Study found no potentially significant impacts related to odors (Threshold 4); therefore, this issue is not studied further herein. Specific quantitative thresholds used to define the general CEQA thresholds are discussed below.

SCAQMD Thresholds

As stated in the CEQA Guidelines, the significance criteria established by the regional air quality management district or air pollution control district may be relied upon to make significance determinations. The SCAQMD has adopted guidelines for quantifying and determining the significance of air quality emissions in its *SCAQMD CEQA Air Quality Handbook* and supplemental updates (SCAQMD 1993, 2008, and 2019).

Regional Significance Thresholds

The SCAQMD recommends the use of quantitative regional significance thresholds to evaluate emissions generated by temporary construction activities and long-term project operation in the SCAB, which are shown in Table 4.1-3. Project-level significance thresholds established by local air districts set the level at which a project would cause or have a cumulatively considerable contribution to an exceedance of a federal or State ambient air quality standard. Therefore, if a project’s air pollutant emissions exceed the significance thresholds, the project could cause or contribute to the human health impacts described under Section 4.1.1, *Air Pollutants of Primary Concern*. For example, SCAQMD has set its operational significance threshold for VOCs based in part on the significance level for stationary sources of emissions established by Section 182(e) of the federal CAA. SCAQMD developed its other significance thresholds “based on scientific and factual data that is contained in the federal and state Clean Air Acts” (SCAQMD 1993).

Table 4.1-3 SCAQMD Regional Significance Thresholds

Construction Thresholds	Operational Thresholds
75 pounds per day of ROG	55 pounds per day of ROG
100 pounds per day of NO _x	55 pounds per day of NO _x
550 pounds per day of CO	550 pounds per day of CO
150 pounds per day of SO _x	150 pounds per day of SO _x
150 pounds per day of PM ₁₀	150 pounds per day of PM ₁₀
55 pounds per day of PM _{2.5}	55 pounds per day of PM _{2.5}

Source: SCAQMD 2019

The SCAQMD has also developed Localized Significance Thresholds (LST) in response to the Governing Board’s Environmental Justice Enhancement Initiative (1-4), which was prepared to update the *CEQA Air Quality Handbook* (1993). LSTs were devised in response to concern regarding exposure of individuals to criteria pollutants in local communities and have been developed for NO_x, CO, PM₁₀, and PM_{2.5}. LSTs represent the maximum emissions from a project that will not cause or contribute to an air quality exceedance of the most stringent applicable federal or State ambient air quality standard at the nearest sensitive receptor, taking into consideration ambient concentrations in each SRA, distance to the sensitive receptor, and project size. LSTs have been developed for emissions within construction areas up to five acres in size.

The city is located in SRA 7. SCAQMD sets LST values for construction and operation of projects with lot sizes from less than one acre up to five acres and at a distance of 25 meters to 500 meters (SCAQMD 2008). LSTs only apply to on-site emissions and are not applicable to off-site mobile sources, such as cars on a roadway (SCAQMD 2008). As such, LSTs for future housing development facilitated by the proposed project would only apply to construction emissions because the majority of operational emissions from residential uses are associated with project-generated vehicle trips, rather than stationary sources (SCAQMD 2008).

As appropriate, analysis of individual future projects facilitated by the Housing Element Update must address the applicable threshold based on the SRA, size of the project site, and the proximity of sensitive receptors. Table 4.1-4 presents the LST values for construction within 25 meters of sensitive receptors, the most conservative thresholds.

Table 4.1-4 SCAQMD LSTs for Construction Within 25 Meters of Sensitive Receptors (SRA-7)

Pollutant	Allowable Emissions (lbs/day)		
	1-Acre Site or less	2-Acre Site	5-Acre Site
NO _x	80	114	172
CO	498	786	1,434
PM ₁₀	4	7	14
PM _{2.5}	3	4	8

Source: SCAQMD 2009

Toxic Air Contaminants

The USEPA considers those pollutants that could cause cancer risks between one in 10,000 (1.0×10^{-4}) and one in one million (1.0×10^{-6}) for risk management. Proposition 65 (California Health and Safety Code Section 25249.6), enacted in 1986, prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning. For a chemical that is listed as a carcinogen, the “no significant risk” level under Proposition 65 is defined as the level that is calculated to result in not more than one excess case of cancer in 100,000 individuals (1.0×10^{-5}). The SCAQMD recommends the use of this risk level (also reportable as 10 in one million) as the significance threshold for TACs (SCAQMD 2019). The SCAQMD also recommends that the non-carcinogenic hazards of TACs should not exceed a hazard index (the summation of the hazard quotients for all chemicals to which an individual would be exposed) of 1.0 for either chronic or acute effects (SCAQMD 2019).

b. Methodology

The terminology and methodology used to evaluate the significance of potential impacts to air quality are described below. In accordance with CEQA requirements and the CEQA review process, the City assesses the air quality impacts of new development projects, requires mitigation of potentially significant air quality impacts by conditioning discretionary permits, and monitors and enforces implementation of such mitigation. The City uses SCAQMD’s *CEQA Air Quality Handbook* (1993) as the guidance document for the environmental review of plans and development proposals within its jurisdiction. The City relies upon the expertise of the SCAQMD, uses the *CEQA Air Quality Handbook*, and SCAQMD recommended thresholds of significance as the guidance for the environmental review of plans and development proposals. For purposes of this analysis, the CEQA

Guidelines Appendix G criteria are used, supplemented by the thresholds identified in current SCAQMD guidance.

Air quality impacts resulting from implementation of the Housing Element Update are assessed at a programmatic level because information on specific future housing developments reasonably anticipated under the Housing Element is not known at this time. The SCAQMD *CEQA Air Quality Handbook* states that the air quality assessment should be as comprehensive as possible at a programmatic level. In the absence of SCAQMD programmatic thresholds, this EIR analysis broadly examines temporary construction emissions, long-term operational emissions, and localized pollutant concentrations. Common sources of construction emissions include heavy-duty off-road construction equipment exhaust, fugitive dust, and architectural coatings. Sources of operational emissions include the use of consumer products, motor vehicle trips attracted to or generated by a land use, and on-site combustion of natural gas. A best-effort approach to disclose all reasonably foreseeable impacts based on available information is used consistent with the requirements of CEQA.

Emissions have been calculated based on forecast growth in the city from existing conditions (2021) through 2029, the life of the Housing Element Update. Interim year calculations have not been conducted because the anticipated timing of land use changes and new development during interim years would be speculative. In general, economic activity tends to vary substantially over the short term with recessions and booms substantially affecting short-term growth. Over the long-term planning horizon, such variations tend to balance out. The City cannot reasonably anticipate whether short-term growth would be linear or sporadic between 2021 and 2029. Given this uncertainty, interim year emissions analyses are unlikely to be a reasonably accurate portrayal of emissions prior to 2029. Furthermore, it is not anticipated that interim year calculations would produce substantially different emission estimates or conclusions regarding the significance of such emissions than presented herein. For these reasons, calculating emissions for interim year scenarios would not provide the public with any more valuable information than what is presented in this EIR.

Construction

Construction emissions were estimated for equipment exhaust emissions and truck trips using the California Emissions Estimator Model (CalEEMod), version 2020.4.0. Equipment emission factors in CalEEMod are based on CARB data. Equipment was assumed to operate for eight hours per day. Truck emission factors in CalEEMod are from EMFAC2017 and haul trucks were assumed to travel 20 miles per day. Fugitive dust and architectural coating emissions are qualitatively discussed because it would be speculative to quantify lot acreage and the size of buildings to be coated. To estimate construction emissions, example individual construction project scenarios were developed with varying equipment usage and hauling truck trip intensity. The scenarios were not associated with any specific land use and include generalized assumptions regarding construction scheduling and practices; excepting fugitive dust control through site watering twice a day to reflect compliance with SCAQMD Rule 403. The four scenarios are itemized below:

- Two pieces of heavy-duty equipment and 25 truck trips per day
- Four pieces of heavy-duty equipment and 50 truck trips per day
- Eight pieces of heavy-duty equipment and 100 truck trips per day
- Ten pieces of heavy-duty equipment and 150 truck trips per day

These equipment inventories and truck volumes are representative of a reasonable range of construction activity intensity for individual projects based on previous development in Burbank. Maximum daily regional and localized emissions were quantified for these construction scenarios and assessed in the context of the SCAQMD significance thresholds. The analysis of reasonably expected construction projects from the Housing Element Update and adoption of the rezone program assumes a baseline of zero for daily criteria pollutant emissions, which is a conservative assumption given that cities typically have several construction projects ongoing at any given time.

Operation

Reasonably anticipated development from the Housing Element Update would generate mobile source emissions, energy use emissions (natural gas combustion), and area source emissions.

Mobile Sources

Mobile source emissions were estimated using vehicle activity data presented in Section 4.11, *Transportation*, and vehicle emission rates from CARB’s EMFAC2017 model. All residential vehicle miles traveled (VMT) growth and employment VMT growth between the existing (2021) condition and the future (2029) condition were attributed to the Housing Element Update. As shown in Table 4.1-5, buildout of the existing land use designations would gradually increase vehicle trips and VMT. However, per capita and per employee VMT would each diminish due to reduced trip lengths.

Table 4.1-5 Vehicle Activity Data (Daily) for the Housing Element Update

Activity	Existing (2021)	With Project (2029)	Project (2029) vs. Existing (2021) ¹
Residential VMT	1,219,394	1,187,371	-32,023 (-2.6%)
Residential Vehicle Trips	4,911	788,283	+4,911 (+3.4%)
Residential Average Trip Length	8.5	8.0	-0.5 (-5.9%)
Residential VMT per capita	11.3	9.2	-2.1 (-18.5%)
Employment VMT	2,016,992	2,198,215	+181,223 (+9.0%)
Employment Vehicle Trips	128,750	142,510	+13,760 (+10.7%)
Employment Average Trip Length	15.7	15.4	-0.2 (-1.5%)
Employment VMT per Employee	16.9	16.7	-0.2 (-1.3%)

VMT = Vehicle Miles Traveled

¹ Quantities may not sum properly due to independent rounding.

Source: Fehr & Peers 2021

Energy Sources

Energy use emissions were calculated according to the methodology explained in Appendix A of the CalEEMod User Guide, Version 2020.4.0. The energy use estimates account for the 2019 Building Energy Efficiency Standards (Title 24). This is a conservative assumption since the energy use estimates do not account for potential energy efficiency measures required by subsequent Title 24 updates in 2022, 2025, and 2028.

Area Sources

Emissions associated with area sources, including consumer products, landscape maintenance, and architectural coating, were calculated in CalEEMod and utilize standard emission rates from CARB, USEPA, and emission factor values provided by the local air district (CAPCOA 2021).

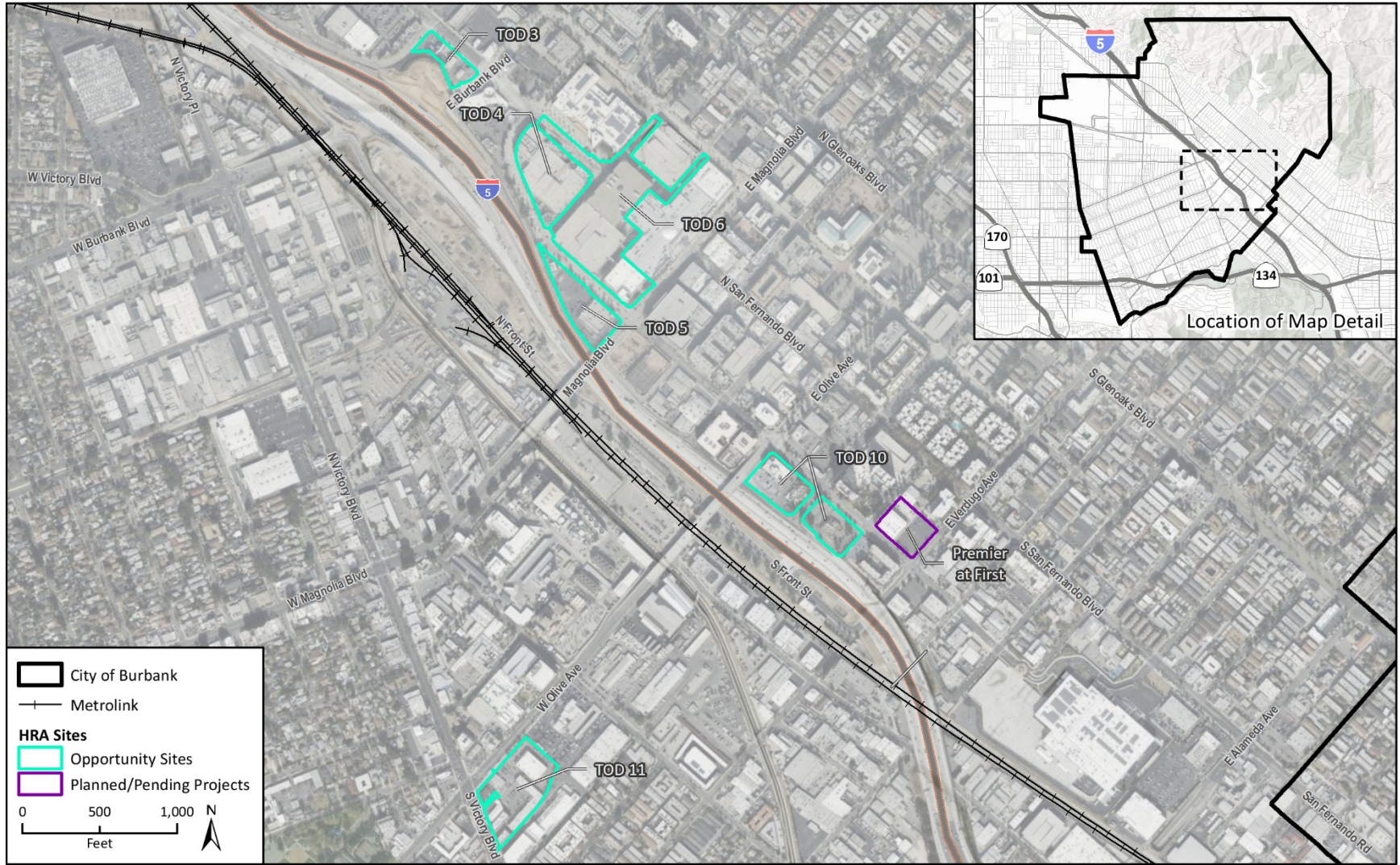
Toxic Air Contaminants

Rincon prepared a health risk assessment (HRA) to evaluate potential impacts associated with emissions of existing sources of TACs in proximity to the proposed residential developments under the Housing Element Update pursuant with Program AQCC-4, *Health Risk Assessments for Stationary and Mobile Sources*, from the Burbank 2035 General Plan. However, pursuant to the judicial decisions in the California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369,386, the impacts of the environment upon a project are excluded from CEQA unless the project itself “exacerbates” such impacts. Therefore, the results from the HRA are presented for informational purposes only. The HRA evaluated TAC emissions from Interstate 5 (I-5), State Route 134 (SR-134), and the Burbank Water and Power (BWP) facility. I-5 and SR-134 are mobile sources of TAC and the BWP facility is a stationary source of TAC.

Air dispersion modeling was completed using the American Meteorological Society/USEPA Regulatory Model (AERMOD). AERMOD provides X/Q ($CHI/Q = \chi/q = \chi/q$) values, which are the concentrations estimated by the air quality model based on an emission rate of one gram per second. The same AERMOD computations for area sources are used for line sources. To account for the urban heat island effect, the AERMOD urban option was used with the 2010 United States Census Bureau Los Angeles County population of 9,818,605 (SCAQMD 2017). Specific meteorology and terrain for the site were also included in the model using the nearest available meteorological data set for the Hollywood Burbank Airport (located approximately three miles northwest of the Project site) and United States Geological Survey Digital Elevation Model data for Burbank quadrangle (30 by 30-meter resolution) (CARB 2021b, 2021c). Additionally, the presence of buildings and other structures disturbs downwind air flow. Building downwash, which is a plume transport and dispersion phenomenon that accounts for the disturbance from building on downwind air flow, is only calculated for point sources. Therefore, the roadway HRAs for I-5 and SR-134 did not include building downwash, but the stationary source HRA for the BWP facility included building downwash to account for buildings onsite at the BWP facility.

Health risk calculations in CARB’s Hotspots Analysis and Reporting Program version 2 (HARP 2) were used to determine carcinogenic and non-carcinogenic health risks at the locations of residential developments proposed under the Housing Element Update within 500 feet of the sources analyzed. The sensitive receptors were assumed to all be individual residences. Receptors located farther away from these locations would have reduced health risk impacts, as concentrations would be further reduced with increasing distance (CARB 2005). Sensitive receptors associated with the housing development under the proposed Project were modeled for eight floors by adjusting the flagpole height (i.e., the height that a receptor is above the ground) by 11 feet or 3.35 meters for each floor above the base elevation of the project site. The first floor was assumed to be ground level at zero feet. Figure 4.1-1 and Figure 4.1-2 show the opportunity sites within 500 feet of I-5, BWP, and SR-134. These sites were included in the HRA.

Figure 4.1-1 Burbank Housing Element Development Sites within 500 feet of Interstate 5 and Burbank Water and Power Facility



Imagery provided by Microsoft Bing and its licensors © 2021.

FigX_HRA_Sites

Figure 4.1-2 Burbank Housing Element Development Sites within 500 Feet of State Route 134



Mobile Source Emissions

The traffic volume for I-5, SR-134, and associated the ramps were based on the California Department of Transportation (Caltrans) 2019 Traffic Volumes on California State Highways, 2019 Truck Traffic: Annual Average Daily Truck Traffic, and 2019 Ramp Volumes on the California State Freeway System District 4 (Caltrans 2021a, 2021b, 2021c). The year 2019 is the most recent year for which freeway traffic data is available from these sources. Based on the average of the ahead and behind 2019 traffic counts, the annual average daily traffic (AADT) volume along the nearest segment of I-5 is approximately 219,500 vehicles. The AADT on the nearest segment of SR-134 is 214,500 vehicles. A total of 11 ramps were identified for inclusion in the HRA, including nine associated with I-5 and two associated with SR-134. See Appendix C for a full list of the AADTs used on the ramps. The segments of I-5, SR-134 within half a mile and the ramps within 500 feet of the project site were modeled as a series of volume sources in AERMOD.

Mobile source TACs associated with vehicle traffic on I-5, SR-134, and associated on- and off-ramps within 500 feet of the Project sites were estimated based on the methodology developed by the University of California Davis (UC Davis)-California Department of Transportation (Caltrans) *Air Quality Project, Estimating Mobile Source Air Toxics Emissions [MSAT]: A Step-By-Step Project Analysis Methodology* (2006). This spreadsheet application was designed to generate the total amount of the six pollutants of concern discussed in Section 4.1.1, *Environmental Setting*, based on total organic gases emission factors and diesel particulate emission factors from CARB's Emission FACTors 2021 (EMFAC2021). For the SR-134 HRA, EMFAC2021 emissions factors for the year 2023 were used, while emission factors for the year 2029 were used for the I-5 HRA. The UC Davis-Caltrans spreadsheet contained speciation factors from the CARB, and the USEPA's Motor Vehicle Emission Simulator (MOVES; USEPA 2014) was used to supplement missing values for acrolein. These emission and speciation factors were then multiplied against traffic volumes for the mainline and ramp segments to obtain total emissions from I-5 and SR-134 mainlines within one-half mile of the Project sites and from associated freeway on- and off-ramps within 500 feet of the Project sites. Emission factors for this study were based on grams per mile. Spreadsheet outputs adapted from the UC Davis-Caltrans MSAT model and composite emission rates are included in Appendix C.

For mainline emissions, emission factors were reviewed for speeds between 50 and 65 miles per hour (mph) based on the posted speed limits. On I-5 and SR-134, the worst reasonable case speed for diesel PM emissions (i.e., highest emission levels) was 65 mph for heavy duty and light duty trucks. For total organic gases emissions (TOG), the worst reasonable speed was 50 mph for heavy-duty trucks traveling on I-5 and 65 mph for light duty trucks and passenger vehicles. For vehicles traveling on SR-134, the highest TOG emission factors were at 65 mph for heavy-duty trucks, light-duty trucks, and passenger vehicles. All entrance ramp segments were modeled using emissions factors based on a speed of 50 mph. Exit ramp segments were modeled based on the posted speed limits of 35 mph. Figure 4.1-3 and Figure 4.1-4 show the sources and receptors for SR-134 and I-5, respectively.

Figure 4.1-3 Sources and Receptors for State Route 134

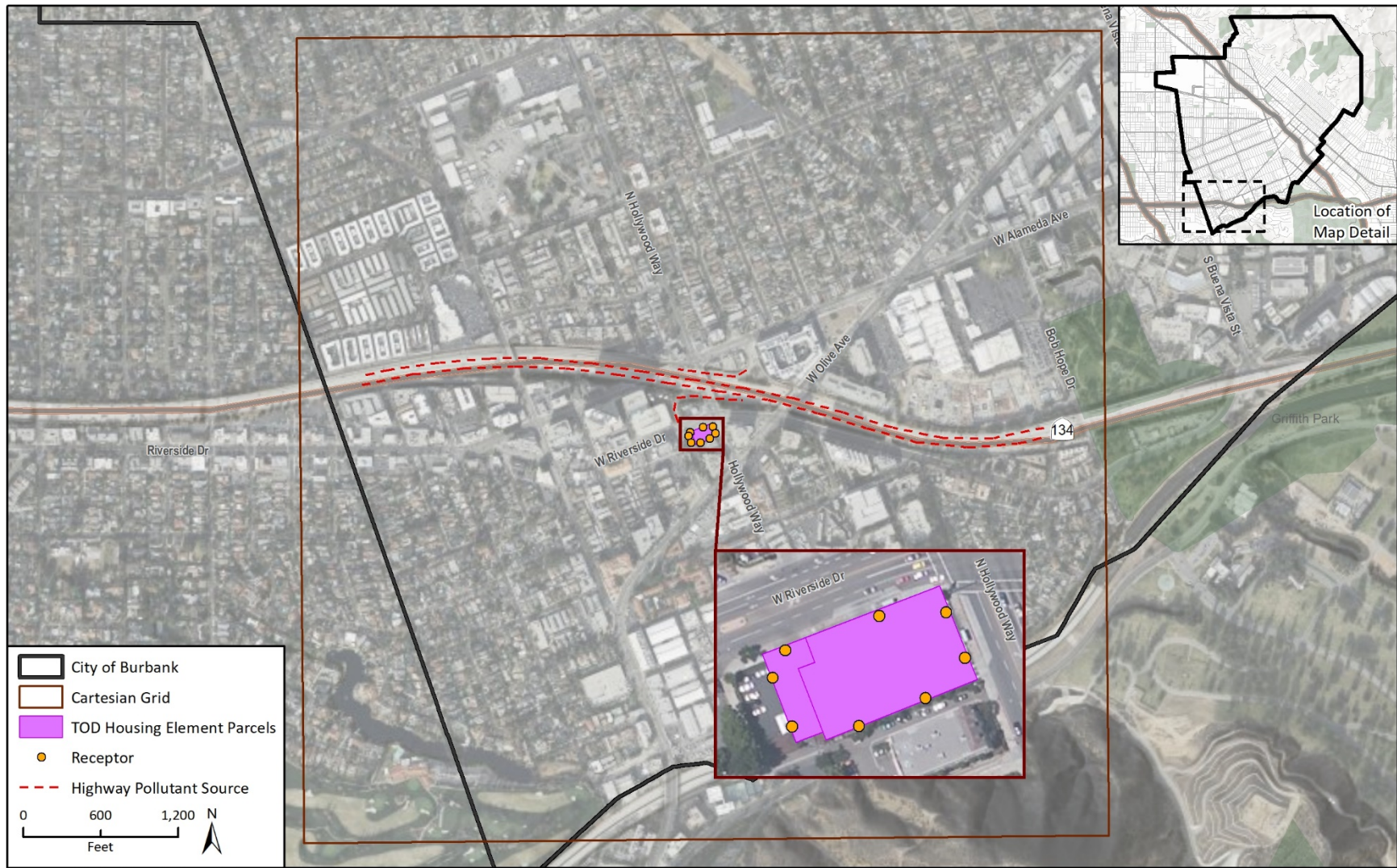


Figure 4.1-4 Sources and Receptors for Interstate 5

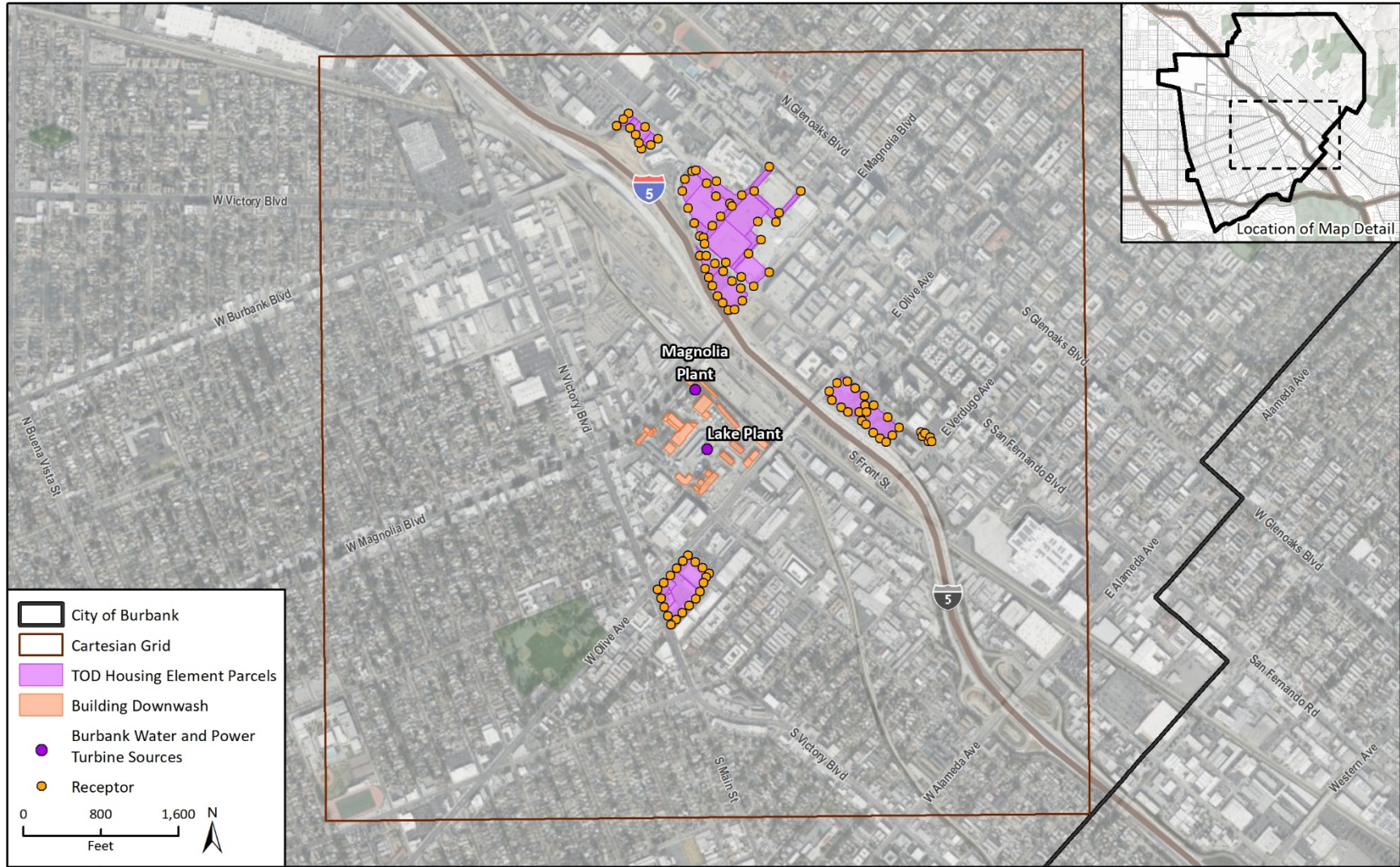


Stationary Source Emissions

BWP is the City's electricity provider with two active natural gas-fueled combined cycle power plants in the vicinity of development locations proposed under the Project. The Magnolia Power Plant (MPP), an approximately 310-megawatt (MW) natural gas-fueled combined cycle power plant, is located near the intersection of Magnolia Boulevard and Lake Street (BWP 2021a). Lake One is a natural gas-fired plant rated to produce 45 MWs by burning natural gas in a combustion turbine, which is adjacent to MPP at the intersection at North Lake Street and West Olive Avenue (BWP 2021b). Emissions from natural gas-fired stationary equipment include criteria pollutants as well as low levels of particulate matter, and total organic compounds (TOCs). TOCs are a health concern because trace amounts of toxic emissions, such as formaldehyde and benzene, may be emitted if not completely combusted. The following pollutants associated with the power plants' operations were analyzed: 1-3 butadiene, acetaldehyde, acrolein, benzene, ethylbenzene, formaldehyde, naphthalene, polycyclic aromatic hydrocarbons (PAH), propylene oxide, toluene, and xylenes.

The MPP and Lake One turbines were modeled as point sources. The stack height and stack diameter for both points were provided by the BWP. MPP has a stack height of 150 feet and a stack diameter of 19 feet. Lake One has a stack height of 80 feet and a stack diameter of 12 feet. For both plants, a stack temperature of 356.4 Kelvin and an exhaust velocity of 18.40 meters per second were assumed based on a HRA prepared by BWP in support of a petition to amend for the MPP (California Energy Commission [CEC] 2016). The emission rates for both plants were based on their annual and hourly fuel consumption (million standard cubic feet [mmscf]) multiplied by SCAQMD emission factors (pounds per mmscf) for the aforementioned pollutants (CEC 2021). The MPP and Lake One were modeled together to represent the BWP facility, thus, both sources will herein be referred to as the BWP facility in this analysis. Figure 4.1-5 shows the sources and receptors modeled for the BWP facility HRA.

Figure 4.1-5 Sources and Receptors for Burbank Water and Power Facility



HEALTH RISK MODELING

Version 21081 of the HARP 2 program was used to calculate the potential risk values associated with the worst case one-hour and average annual toxic emission concentrations at surrounding receptors. The SCAQMD mandatory minimum pathways were used. Table 4.1-6 lists the inputs for the risk scenario and for specific pathways, which are consistent with SCAQMD guidance.

Table 4.1-6 HARP 2 Risk Inputs for Carcinogenic and Non-carcinogenic Risks

HARP 2 Inputs	Setting
Carcinogenic Risk	Individual residents, 30-year exposure duration, Risk Management Policy using the Derived Method
Non-Carcinogenic Risk: Chronic Risk	Individual resident, OEHHA Derived Method
Deposition Velocity	0.02 meters per second
Fraction of Time at Residences	Fraction of time applied for age bins greater than 16 years
Dermal	Warm Climate

Source: SCAQMD 2017

In addition, the reasonably foreseeable development under the proposed Project would be required to include minimum efficiency reporting value (MERV) 13 filters in the building ventilation systems, pursuant to the 2019 California Energy Code Subchapter 7, Section 150(m). The analysis accounts for the inclusion of MERV-13 filters, which remove approximately 90 percent of diesel PM from the intake air (Singer *et al.* 2016). The calculated risk using air dispersion modeling is based on the USEPA’s *Exposure Factors Handbook* recommended daily activity pattern, which includes 16.9 hours per day spent inside and 2.3 hours per day spent outside (USEPA 2011). The cancer risks from all three sources were adjusted post-model to account for the reduction from MERV-13 filters.

c. Project Impacts

Threshold 1: Conflict with or obstruct implementation of the applicable air quality plan?

Impact AQ-1 THE HOUSING ELEMENT UPDATE WOULD NOT CONFLICT WITH THE GROWTH ASSUMPTIONS OR POLICIES OF APPLICABLE AIR QUALITY PLANS SUCH AS SCAQMD’S 2016 AIR QUALITY MANAGEMENT PLAN. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

As discussed in Section 4.1.2, *Regional Air Quality Regulations*, SCAB is designated a non-attainment area for the federal and state one-hour and eight-hour ozone standards, the State PM₁₀ standards, and the federal and State annual PM_{2.5} standard. The SCAQMD adopted its latest AQMP, the 2016 AQMP, on March 3, 2017.

A project may be inconsistent with the AQMP if it would generate substantial population, housing, or employment growth that exceeds forecasts used in the development of the AQMP or if the project is inconsistent with applicable AQMP control measures. The 2016 AQMP, the most recent AQMP adopted by the SCAQMD, incorporates local general plans and the SCAG 2016-2040 RTP/SCS socioeconomic forecast projections of regional population, housing and employment growth.¹ The upcoming 2022 AQMP will incorporate socioeconomic forecast projections of regional population,

¹ On September 3, 2020, SCAG’s Regional Council formally adopted the 2020-2045 RTP/SCS (titled Connect SoCal). However, the 2016 AQMP was adopted prior to this date and relies on the demographic and growth forecasts of the 2016-2040 RTP/SCS.

housing and employment growth from the recently adopted 2020-2045 RTP/SCS (titled Connect SoCal).

Safety Element Update and Environmental Justice Policies

Updates to the Safety Element as well as the addition of environmental justice policies would not result in additional development that would generate long-term emissions of criteria air pollutants. Therefore, these updates would result in no impact related to consistency with the 2016 AQMP or long-term criteria air pollutant emissions would occur.

Housing Element Update

Operation of the residential developments facilitated by the proposed General Plan Update would generate criteria air pollutant emissions associated with area sources (e.g., fireplaces, architectural coatings, consumer products, and landscaping equipment), energy sources (i.e., use of natural gas for space and water heating and cooking), and mobile sources (i.e., vehicle trips to and from the project site). Emissions associated with reasonably foreseeable development, depending on project type and size, could exceed project-specific thresholds established by the SCAQMD. However, such projects will be required to undergo independent, project-level CEQA review and include mitigation measures, if necessary, to address potentially significant impacts. Therefore, the following analysis focuses on the consistency of the proposed General Plan Update with the growth and emissions forecasts upon which the AQMP is based and with applicable AQMP control measures.

Consistency with AQMP Growth Forecasts

Consistent with State housing element law, the purpose of the Housing Element Update is to accommodate the development of adequate housing to meet housing needs associated with most recent SCAG forecasts of regional growth. The Housing Element Update does not encourage or promote growth beyond the existing growth forecasts. Therefore, although the Housing Element Update would result in the development of 10,456 additional housing units, this increase in housing is consistent with SCAG forecasts of regional growth and the Housing Element would not conflict with the growth assumptions used in the development of the AQMP.²

Consistency with AQMP Control Measures

Consistency with the 2016 AQMP is also a function of consistency with applicable AQMP control measures. The AQMP includes specific control measures to reduce air pollutant emissions in order to meet federal and State air quality standards. One of the most important methods the AQMP relies on to achieve its goals is the use of Transportation Control Measures (TCM). TCMs are defined in the 2016 AQMP as “measures for the purpose of reducing emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions.” The TCMs included in the 2016 AQMP are described in SCAG’s Final 2016 RTP/SCS. TCMs identified for Burbank include traffic signal upgrades for arterial intersections within one mile of Interstate 5 or along the State Route 234 Corridor (LAOG1211, LAOG914, LAOG916); construction of a 12-mile bikeway along San Fernando Boulevard, Victory Place, and Burbank Western Channel (LAF1502); and replacement of traffic signal controllers on Glen Oak Boulevard

² As compared to growth forecasts from the 2016-2040 RTP/SCS, growth forecasts from the 2020-2045 RTP/SCS assume a lesser rate of population and housing growth in the city. The 2016-2040 RTP/SCS forecasts population will increase to 118,700 persons and 48,400 households in 2040; the 2020-2045 RTP/SCS forecasts population will only increase to 115,430 persons and 48,640 households in 2045.

Burbank Housing and Safety Element Update

and San Fernando Boulevard (LAF3313). These TCMs were scheduled for initiation and completed between 2014 and 2019.

The Housing Element Update would not conflict with implementation of TCMs from the AQMP, or otherwise lessen emissions reductions associated with these measures. Additionally, the following policies in the Housing Element would help reduce air pollutant emissions through promoting transportation and land use design factors, such as intensification and reuse of already developed lands in proximity to transit and commercial areas, that would result in VMT reductions:

- Policy 2.1:* Direct the majority of new residential development into Downtown Burbank, the Media District and the Golden State/Airport Area to support the building of neighborhoods where people can live, work, shop, and benefit from access to a Metrolink station or other public transit.

- Policy 2.2:* Update land use regulations that facilitate new opportunities for developing a variety of housing types that include but are not limited to small lot development, condominiums, townhomes, live-work units, micro-units and accessory dwelling units, to accommodate the City's diverse housing needs.

- Policy 2.4:* Allow residential units in traditionally non-residential areas including mixed-use areas, and support adaptive reuse of non-residential buildings for residential and live-work units.

- Policy 2.5:* Continue to facilitate the provision of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in all residential districts as a means of creating new opportunities for appropriated scaled and affordable units throughout the community.

- Policy 3.8:* Encourage use of sustainable and green building design in new and existing housing.

The Housing Element Update would help reduce reliance on the automobile and increase use of alternative transportation modes. By increasing the overall population density of the community and encouraging mixed land uses, implementation of the Housing Element Update would largely reduce per capita automobile trips and travel distances as compared to existing conditions or lower density development more widely distributed throughout the community. This would generally reduce per capita air pollutant emissions associated with vehicle use.

As the Housing Element Update would not conflict with the implementation of TCMs from the AQMP and would include policies to further reduce air pollutant emissions through promoting transportation and land use design factors, the Housing Element Update would be consistent with the AQMP control measures. Impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Threshold 2: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Impact AQ-2 CONSTRUCTION ACTIVITIES AND OPERATION OF HOUSING DEVELOPMENT UNDER THE HOUSING ELEMENT UPDATE COULD NOT RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE REGION IS A NON-ATTAINMENT AREA UNDER APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARDS. AIR QUALITY STUDIES AND PROJECT-SPECIFIC EMISSIONS REDUCTION MEASURES WOULD BE REQUIRED FOR LARGE PROJECTS PROPOSED UNDER THE HOUSING ELEMENT UPDATE. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

As discussed under Section 4.1.2, *Regional Regulatory Setting*, criteria pollutants include ozone, carbon monoxide, nitrogen dioxide, PM₁₀, PM_{2.5}, sulfur dioxide, and lead. The SCAB is a non-attainment area for the federal standards for ozone and PM_{2.5} and the state standards for ozone, PM₁₀, and PM_{2.5}. The Los Angeles County portion of the SCAB is also designated non-attainment for lead (SCAQMD 2016). The SCAB is designated unclassifiable or in attainment for all other federal and state standards.

Safety Element Update and Environmental Justice Policies

Updates to the Safety Element as well as the addition of environmental justice policies would not result in additional development that would generate construction or operational air pollutant emissions. Therefore, these updates would result in no impact related to temporary criteria air pollutant emissions during construction activities would occur.

Housing and Land Use Element Updates

Residential and commercial development facilitated by the proposed zones changes included in the Housing Element Update would generate short-term air pollutant emissions associated with use of heavy-duty construction equipment; truck trips hauling debris, soils, and construction materials; and fugitive dust from demolition and grading. Additionally, long-term air pollutant emissions would result from mobile sources (motor vehicle exhaust), energy use (natural gas combustion), and area sources, such as hearths, landscaping equipment, consumer products, and architectural coatings.

Construction Emissions

The extent of daily emissions, particularly NO_x emissions, generated by construction equipment, would depend on the equipment used and the hours of operation for each project. The extent of PM_{2.5} and PM₁₀ emissions would depend upon the following factors: 1) the amount of disturbed soils; 2) the length of disturbance time; 3) whether existing structures are demolished; 4) whether excavation is involved; and 5) whether transporting excavated materials off site is necessary. The extent of VOC emissions would primarily depend on the square footage of buildings being painted and asphalt surfaces being paved each day.

As discussed in Section 4.1.3, *Thresholds of Significance*, the SCAQMD has not established plan-level significance thresholds for construction air pollutant emissions. Given the programmatic nature of the plan, sufficient detail (e.g., construction schedule, amount of soil export, specific buildout parameters) of the development facilitated by the proposed zones changes is not available to perform project-level analysis and thus it would be speculative to analyze project-level impacts. Therefore, a more qualitative approach to characterizing construction-related air emissions has been employed for this analysis.

SAMPLE CONSTRUCTION EMISSIONS SCENARIOS

Table 4.1-7 shows the estimated average daily construction emissions associated with the four sample construction activity scenarios described under Methodology. These scenarios are representative of construction activity intensities for housing development projects under the Housing Element Update.

Results of the emissions modeling demonstrate that daily emissions of NO_x from heavy-duty diesel equipment and trucks during construction activities would approach but not exceed the SCAQMD regional thresholds under reasonably expected circumstances for projects that involve the use of 10 pieces of equipment and 150 heavy truck trips per day. However, projects with large amounts of soil import/export or smaller projects with a large number of workers may have potential to exceed SCAQMD regional thresholds. Therefore, construction activity accommodated under the Housing Element would result in a significant impact related to regional construction emissions of NO_x. The impact includes potential exposure of sensitive receptors to high concentrations of NO₂, which may result in adverse health effects such as breathing difficulties.

Table 4.1-7 Construction Scenarios – Daily Emissions

Example Scenarios – Daily Activity ¹	Pounds per Day					
	VOC ²	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
2 Heavy-Duty Equipment, 25 Truck Trips	2	27	16	<1	8	4
4 Heavy-Duty Equipment, 50 Truck Trips	4	53	25	<1	10	5
8 Heavy-Duty Equipment, 100 Truck Trips	6	71	39	<1	17	9
10 Heavy-Duty Equipment, 150 Truck Trips	7	94	46	<1	21	12
Regional Significance Threshold	75	100	550	150	150	55
Threshold Exceedance?	No	No	No	No	No	No

¹ Equipment exhaust was estimated using CalEEMod and 8 hours of operation per day. Truck emissions were estimated using CalEEMod and a trip length of 20 miles.

² Does not account for application of architectural coatings. Maximum daily VOC emissions may vary greatly depending on the area of coatings applied in a given day.

Source: See Appendix D for modeling results and assumptions.

Although not reflected in Table 4.1-7, maximum daily VOC emissions may vary greatly depending on the area of coatings applied in a given day; and as such, even smaller projects may have potential to exceed SCAQMD regional thresholds. Health effects of VOCs may include eye, nose, throat irritation, headaches, loss of coordination, nausea, damage to liver, kidney, and central nervous system. The SCAQMD has also published Rules 1113 and 1186 that limit VOC content in architectural coating applications. VOC content limits for architectural coatings substantially reduces the likelihood that off-gassing emissions from painting, finishing, and paving activities would exceed applicable SCAQMD air quality significance thresholds.

DEVELOPMENT UNDER HOUSING ELEMENT UPDATE

Development under the Housing Element would result in the development of 10,456 residential units. The sites for these units are all located in urbanized areas in the city and are clustered within one mile of Interstate 5.

Reasonably foreseeable development would be subject to compliance with applicable SCAQMD rules, including Rule 401 (Visible Emissions), Rule 402 (Nuisance), Rule 403 (Fugitive Dust), and Rule

1113 (Architectural Coatings). Specifically, Rule 403 requires the use of best available control measures for all construction activities to reduce fugitive dust emissions. The major construction elements addressed by Rule 403 include earth moving, disturbed surface areas, unpaved roads, open storage piles, demolition, and other various construction activities. Rule 403 compliance by individual property owners, developers, and/or contractors would reduce temporary construction-related air pollutant emissions of fugitive dust. In addition, Rule 1113 limits the VOC content of architectural coatings to minimize VOC emissions from the off-gassing of exterior and interior paints. Furthermore, the following policies from the General Plan Air Quality and Climate Change Element aim for reduce air quality impacts associated with construction activities:

Policy 2.1: Require projects that generate potentially significant levels of air pollutants, such as landfill operations or large construction projects, to incorporate best available air quality and greenhouse gas mitigation in project design.

Policy 1.6: Require measures to control air pollutant emissions at construction sites and during soil-disturbing or dust-generating activities (i.e., tilling, landscaping) for projects requiring such activities.

Policy 1.7: Require reduced idling, trip reduction, and efficiency routing of transportation for City departments, where appropriate.

Policy 1.10: Give preference to qualified contractors using reduced-emission equipment for City construction projects and contracts for services, as well as businesses that practice sustainable operations.

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

Operational

As discussed in the Chapter 2, *Project Description*, the City's housing goal is to ensure that sufficient capacity exists in the Housing Element Update to accommodate the RHNA with a buffer (10,456 housing units) throughout the eight-year planning period. Consistent with the existing housing types in Burbank, this analysis conservatively assumes that 48.5 percent of new development would be single-family residential (5,071 units) and 51.5 percent would be multi-family residential (5,385 units). Table 4.1-8 shows the estimated average daily operational emissions associated with the housing development accommodated under Housing Element Update.

Table 4.1-8 Operational Emissions under the Housing Element Update

Scenario	Daily Emissions (Pounds/Day)					
	VOC	NOX	CO	SO _x	PM ₁₀	PM _{2.5}
Mobile Sources	669	199	3,487	9	435	435
Energy Sources	6	50	22	0	4	4
Area Sources	46	44	432	1	115	31
Total	721	294	3,941	11	554	470
<i>SCAQMD Regional Significance Threshold</i>	<i>55</i>	<i>55</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
Threshold Exceeded?	Yes	Yes	Yes	No	Yes	Yes

Source: See Appendix D for modeling results and assumptions.

As shown in Table 4.1-8, the build out of the RHNA accommodated under Housing Element would generate criteria pollutants that exceed the SCAQMD operational daily emission thresholds. Comparison of criteria emissions from build out of all the RHNA accommodated under the Housing Element is conservative as the SCAQMD Regional Significance Thresholds are intended for assessment of individual development projects. The scenario of 10,456 residential units is also conservative as it does not attempt to quantify the difference between reasonably foreseeable development without adoption of the Housing Element Update. Instead, it accounts for all new activity from build out of all RHNA, much of which would occur without adoption of the Housing Element Update. Nonetheless, this comparison illustrates the magnitude of potential emissions and demonstrates how a low-emissions-intensity land use such as residential development may, without proper mitigation, result in potentially significant air quality emissions.

Additional modeling was performed to determine the largest individual project sizes that would typically be anticipated to result in emissions that do not exceed SCAQMD thresholds. Through iterative modeling it was determined that operation of a 553 single-family unit project or a 710 multi-family unit project (multi-family or mixed use) would typically result in emissions that approach but remain less than SCAQMD thresholds (Appendix D).

Mitigation Measures

The following mitigation measures would address construction and operational emissions associated with subsequent development projects.

AQ-1 Construction Emissions Reduction

For projects that would include any of the following: demolition of more 13,500 square feet of building area, greater than 5,000 cubic yards of soil cut/fill, greater than 5-acres of graded area, or use of more than ten pieces of heavy-duty construction equipment and 150 truck trips on any given day during demolition, site clearing, or grading, prior to issuance of a permit to construct and at the expense of the project applicant, the City shall retain a qualified air quality analyst to prepare an Air Quality Impact Analysis to analyze construction emissions. The air quality analysis shall demonstrate that project emissions are less than applicable SCAQMD regional and LST thresholds, and as applicable may include, but is not limited to, the following mitigations:

- Off-road diesel-powered construction equipment greater than 50 horsepower shall meet the USEPA Tier 4 emission standards, where available. In the event that Tier 4 engines are not available for any off-road equipment larger than 100 horsepower, that equipment shall be equipped with a Tier 3 engine or an engine that is equipped with retrofit controls to reduce

exhaust emissions of NO_x and DPM to no more than Tier 3 levels unless certified by engine manufacturers or the onsite air quality construction mitigation manager that the use of such devices is not practical for specific engine types.

- All construction equipment shall be outfitted with best available control technology (BACT) devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- Consistent with SCAQMD Rule 403, construction contractors shall identify and implement best available dust control measures during active construction operations capable of generating dust.

AQ-2 Operations Emissions Reduction

For any project that would include more than 553 single-family residential units, 710 multi-family residential units, or any equivalent combination thereof, prior to issuance of a permit to construct, and at the expense of the project applicant, the City shall retain a qualified air quality analyst to prepare an Air Quality Impact Analysis to analyze operational emissions. The air quality analysis shall demonstrate that project emissions are less than applicable SCAQMD regional and LST thresholds, and as applicable may include, but is not limited to, the following mitigation:

- Implementation of a Transportation Demand Management Plan.
 - Installation of additional electric vehicle charging stations
 - Public infrastructure improvements (e.g., bus stop shelter improvements)
 - Carpool or ridesharing programs
 - Subsidized transit costs
 - Unbundled parking costs
 - Bicycle amenities (storage, showers, lockers, etc.)
- Use of all-electric appliances (i.e., elimination of natural gas service)
- Use solar or low emission water heaters that exceed Title 24 requirements
- Increased walls and attic insulation beyond Title 24 requirements
- Required use of electric lawnmowers, leaf-blowers, and chainsaws

Significance After Mitigation

Mitigation Measure AQ-1 would require air quality analysis and appropriate air pollutant emissions reduction measures for projects with construction that exceeds screening criteria for projects with large grading or demolition quantities or large areas of soil disturbance are generally based on SCAQMD Rule 403. Additionally, projects with large amounts of heavy-duty construction equipment would air quality analysis and appropriate mitigation. As shown in Table 4.1-7, the criterion for the maximum number of pieces of heavy-duty construction equipment conservatively correlates to the applicable SCAQMD threshold. As subsequent analysis and mitigation would be required for any project with reasonable potential to generate criteria pollutant emissions that exceed SCAQMD thresholds, impacts from construction emissions would be reduced to less than significant.

Mitigation Measure AQ-2 would require air quality analysis and appropriate air pollutant emissions reduction measures for projects that exceed screening criteria for operational emissions. With implementation of Mitigation Measure AQ-2, air emissions associated with housing development accommodated under Housing Element Update would be reduced to less than SCAQMD significance thresholds. Therefore, impacts from construction emissions would be reduced to less than significant.

Threshold 3: Expose sensitive receptors to substantial pollutant concentrations?

Impact AQ-3 THE PROJECT WOULD NOT EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Safety Element Update and Environmental Justice Policies

Updates to the Safety Element as well as the addition of environmental justice policies would not result in additional development that would contribute to carbon monoxide hotspots or generate TAC emissions. Therefore, no impact related to the exposure of sensitive receptors to substantial concentrations of carbon monoxide or TACs would occur.

Housing Element Update

Carbon Monoxide Hotspots

A CO hotspot is a localized concentration of carbon monoxide that is above a carbon monoxide ambient air quality standard; elevated CO levels can occur at roadway intersections that experience high traffic volumes and severe vehicle congestion. Historically, mobile source-related CO concentrations at high-volume (e.g., congested) intersections have been linked to health concerns according to USEPA and SCAQMD.

CO attainment was also demonstrated in the 2003 AQMP and the region has remained in attainment of CO standards ever since. According to the 2004 Revision to the California State Implementation Plan for Carbon Monoxide, requirements for cleaner vehicles, equipment, and fuels have cut peak CO levels in half since 1980 despite growth (CARB 2004). With cleaner technologies, automobile emissions of CO have steadily declined over the years.

A detailed carbon monoxide analysis was conducted during the preparation of SCAQMD's 2003 AQMP. The locations selected for microscale modeling in the 2003 AQMP included high average daily traffic (ADT) intersections in the SCAB, those which would be expected to experience the highest CO concentrations. The highest CO concentration observed was at the intersection of Wilshire Boulevard and Veteran Avenue on the west side of the city and near the I-405 Freeway. The concentration of CO at this intersection was 4.6 ppm, which is well below the state and federal standards. The Wilshire Boulevard/Veteran Avenue intersection has an ADT of approximately 100,000 vehicles per day (SCAQMD 2003). The 2003 1-hour concentration for this intersection was 4.6 ppm, which indicates that the most stringent 1-hour CO standard (20.0 ppm) would likely not be exceeded until the daily traffic at the intersection exceeded more than 400,000 vehicles per day (Los Angeles 2016).

Based on traffic volumes documented in the Transportation Assessment (Appendix E), the highest volume intersection is Victory Boulevard/Victory Place and Burbank Boulevard with a future ADT estimated to be 67,500, which is based on a standard approach of ten times the PM peak hour to get to ADT. The city does not have any intersections that would foreseeably experience daily

volumes exceeding 400,000 vehicles per day. Therefore, the Housing Element Update would not have potential to contribute to localized CO concentrations at intersections that exceed state CO standards.

Toxic Air Contaminants

TACs are defined by California law as air pollutants that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health. The following subsections discuss the project's potential to result in impacts related to TAC emissions during construction and operation.

CONSTRUCTION

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

The specific locations, amount of heavy-equipment use, and duration of construction activity resulting from the Housing Element Update are not currently known. Health risks associated with construction-related diesel exhaust emissions would only have potential to result in significant health risks for large projects with substantial heavy equipment use for a period of several years in close proximity to sensitive receptors.

Based on a review of project environmental documents for development projects recently analyzed in the city, only extremely large projects would have potential to result in impacts. For example, the for the Replacement Airline Passenger Terminal at Burbank Bob Hope Airport Project involved approximately 42-months of intensive construction, 327.5 acres of grading, and the hauling export of 130,000 cubic yards of soil. Nonetheless, the Environmental Impact Report determined that potential exposure at the maximally exposed residential receptor would be 4.6 in one million and would not exceed the threshold of 10 in one million (Burbank-Glendale-Pasadena Airport Authority 2016). Typical housing development projects accommodated under Housing Element Update would be less intense than this example project.

Future development projects would be required to implement compliance measures for California Off-Road Diesel-Fueled Fleet Regulations and idling limits for diesel-fueled vehicles, which would reduce potential diesel exhaust emissions from construction. Entitlements for large projects are typically subject to discretionary approvals and subsequent air quality analysis is required pursuant to CEQA to demonstrate that projects would not result in air quality impacts at nearby receptors. Mitigation Measure AQ-1 would require air quality analysis and appropriate air pollutant emissions reduction measures for projects with potential for construction to include activities that generate substantial diesel exhaust such as demolition, grading, hauling, of heavy-duty equipment use. For these reasons, construction-related impacts associated with TAC emissions would be less than significant.

OPERATION

Residential land uses are not considered land uses that generate substantial TAC emissions based on review of the air toxic sources listed in SCAQMD's and CARB's guidelines. It is expected that quantities of hazardous TACs generated on-site (e.g., cleaning solvents, paints, landscape pesticides, etc.) for the types of proposed residential land uses would be below thresholds warranting further study under the California Accidental Release Program. Because the project would not include substantial TAC sources and is consistent with CARB and SCAQMD guidelines, it would not result in the exposure of off-site sensitive receptors to significant amounts of carcinogenic or toxic air contaminants. Impacts would be less than significant.

ON-SITE SENSITIVE RECEPTORS

Reasonably foreseeable development under the proposed Project would add new sensitive receptors in Burbank. Although new residences would not exacerbate health risks related to TACs, they could be exposed to such health risks. Such exposure does not constitute a potential significant impact under CEQA, but the potential risks are provided for informational purposes.

A HRA was prepared to assess the potential health effects associated with TAC emissions from I-5, SR-134, associated ramps, and the BWP facility. For the roadways the primary concern is the effect of diesel PM on the on-site sensitive receptors combined with the other vehicle exhaust pollutants described in Section 4.1.1b, *Air Pollutants of Primary Concern*. For the BWP facility, the air toxic emissions emitted by the turbines (i.e., MPP and Lake One) during the electricity generation process are the primary concern.

Cancer risk is expressed as the maximum number of new cases of cancer projected to occur in a population of one million people due to exposure to the cancer-causing substance, typically over a specific exposure duration, such as the high-end residency (95th percentile) of 30 years (SCAQMD 2017). For example, a cancer risk of one in one million means that in a population of one million people, not more than one additional person would be expected to develop cancer as the result of the exposure to the substance causing that risk.

An analysis using the USEPA's AERMOD dispersion model and CARB's Hotspots Analysis and Reporting Program (HARP) risk analysis tool was used to determine the maximally exposed individual receptors (MEIR) for SR-134, I-5, and the BWP facility. The 30-year excess cancer risk, potential acute and chronic (such as lung inflammation, immune suppression, and immune sensitization) health risks for on-site residential units were calculated. A singular MEIR was not identified since the receptors in proximity to SR-134 are approximately two miles southwest of I-5 and the BWP facility. Due to the large distance between the sources, the TAC and TOC concentrations from I-5 and the BWP facility would be negligible at the location of the receptors near SR-134 since concentrations lessen with distance and vice-versa. Furthermore, the MEIRs for each source were identified at different floor levels. Thus, three separate MEIRS were identified for each of the three sources. However, since I-5 and BWP are adjacent, a cumulative cancer risk impact was summed and identified at the location of one receptor. There is no separate SCAQMD cumulative health risk threshold; thus, the cumulative cancer risk is compared to the singular-source SCAQMD threshold of 10 in one million.

State Route 134

The MEIR for SR-134 is located at the at the 3700 Riverside residential building directly south of SR-134 (376484 meters East and 3779902 meters North)³. Refer to Figure 4.1-2 for the location of the residential development within the Plan Area. Based on the modeling results, the maximum cancer risk and chronic risk were identified on the ground-level (0 feet), while the maximum acute risk was located on the third floor (22 feet). The cancer and hazard quotient values (chronic and acute hazard risk) do not exceed the SCAQMD thresholds of 10 in one million and 1.0, respectively, as shown in Table 4.1-9. See Figure 4.1-3 for the location of sensitive receptors in relation to SR-134.

Table 4.1-9 Potential Health Risks from State Route 134 at the MEIR

Maximum Exposed Individual Resident (MEIR) ¹	
Cancer Risk	
Incremental Excess Cancer Risk ²	4.3 in one million
<i>Threshold</i>	<i>10 in one million</i>
Threshold Exceeded?	No
Chronic Risk	
Chronic Hazard Index ²	<0.1
<i>Threshold</i>	<i>1.0</i>
Threshold Exceeded?	No
Acute Risk	
Acute Hazard Index ³	0.1
<i>Threshold</i>	<i>1.0</i>
Threshold Exceeded?	No

¹ Based on 30-year resident exposure.

² The MEIR for cancer and chronic risk is located at on the ground-level (0 feet) at 3700 Riverside and south of SR-134 (at 376484 meters East and 3779902 meters North).

³ For acute risk, the MEIR is located at North on the third floor (22 feet) in 3700 Riverside and south of SR-134 (at 376484 meters East and 3779902 meters).

Note: Coordinates for the MEIR location are provided in Universal Transverse Mercator coordinates and are in meters. See Appendix C for the HRA modeling outputs.

Interstate 5

The MEIR for I-5 is located at the at the Transit Oriented Development (TOD) 5 residential building directly east of I-5 (378900 meters East and 3783073 meters North). Refer to Figure 4.1-1 for the location of the TOD development within the Plan Area. Based on the modeling results, the maximum cancer risk, chronic risk, and acute risk were identified on the ground-level (0 feet). The cancer and hazard quotient values (chronic and acute hazard risk) do not exceed the SCAQMD thresholds of 10 in one million and 1.0, respectively, as shown in Table 4.1-10. See Figure 4.1-4 for the location of sensitive receptors in relation to I-5.

³ The exact coordinates of the MEIR are provided in Universal Transverse Mercator (UTM) coordinate system. The coordinates are in meters.

Table 4.1-10 Potential Health Risks from Interstate 5 at the MEIR

Maximum Exposed Individual Resident (MEIR) ¹	
Cancer Risk	
Incremental Excess Cancer Risk ²	5.7 in one million
<i>Threshold</i>	<i>10 in one million</i>
Threshold Exceeded?	No
Chronic Risk	
Chronic Hazard Index ²	<0.1
<i>Threshold</i>	<i>1.0</i>
Threshold Exceeded?	No
Acute Risk	
Acute Hazard Index ³	<0.1
<i>Threshold</i>	<i>1.0</i>
Threshold Exceeded?	No

¹ Based on 30-year resident exposure.

² The MEIR for cancer and chronic risk is located on the ground-level (0 feet) in TOD 5 and east of I-5 (at 378900 meters East and 3783073 meters North).

³ For acute risk, the MEIR is located on the ground-level in TOD and east of I-5 (at 378813 meters East and 3783325 meters North).

Note: Coordinates for the MEIR location are provided in Universal Transverse Mercator coordinates and are in meters. See Appendix C for the HRA modeling outputs.

Burbank Water and Power

The MEIR for the BWP facility is located at the TOD 5 residential building approximately 1,220 feet northeast of the BWP facility (378,829 meters east and 3,783,223 meters north). Based on the modeling results, the maximum cancer risk and chronic risk were identified on the ground-level (0 feet). The maximum acute risk associated with BWP facility emissions was located on ground-level in the TOD 11 residential building approximately 480 feet southeast of the BWP facility (378783 meters East and 3782281 meters North). Refer to Figure 4.1-1 for the location of the TOD developments within the Plan Area. The cancer and hazard quotient values (chronic and acute hazard risk) do not exceed the SCAQMD thresholds of 10 in one million and 1.0, as shown in Table 4.1-11. See Figure 4.1-5 for the location of sensitive receptors in relation to the BWP facility.

Cumulative Cancer Risk from Interstate 5 and Burbank Water and Power Facility

As described above, the cumulative cancer risk from I-5 and BWP was based on the maximum summed cancer risk for all sensitive receptors in proximity to both sources. The cumulative summed maximum cancer risk would be located on the ground-level of the TOD 5 residential building (378,856 meters east and 3,783,154 meters north). The cumulative summed cancer risk would be 6.8 in one million, which does not exceed the SCAQMD threshold of 10 in one million. Note that the chronic and acute risk are not summed values and are based on the maximum annual value computed. The chronic and acute risk would then be less than 0.1, which is below the hazard quotient threshold of 1.0.

Table 4.1-11 Potential Health Risks from the Burbank Power and Water at the MEIR

Maximum Exposed Individual Resident (MEIR) ¹	
Cancer Risk	
Incremental Excess Cancer Risk ²	1.6 in one million
<i>Threshold</i>	<i>10 in one million</i>
Threshold Exceeded?	No
Chronic Risk	
Chronic Hazard Index ²	<0.1
<i>Threshold</i>	<i>1.0</i>
Threshold Exceeded?	No
Acute Risk	
Acute Hazard Index ³	<0.1
<i>Threshold</i>	<i>1.0</i>
Threshold Exceeded?	No

¹ Based on 30-year resident exposure.

² The MEIR for cancer and chronic risk is located on the ground-level (0 feet) in TOD 5 approximately 1,220 feet northeast of BWP (at 378829 meters East and 3783223 meters North).

³ For acute risk, the MEIR is located on the ground-level in TOD 11 approximately 480 feet southeast of BWP (at 378783 meters East and 3782281 meters North).

Note: Coordinates for the MEIR location are provided in Universal Transverse Mercator coordinates and are in meters. See Appendix C for the HRA modeling outputs.

4.1.4 Cumulative Impacts

As discussed in *Environmental Setting*, the SCAB is named so because its geographical formation is that of a basin, with the surrounding mountains trapping the air and its pollutants in the valleys below. The SCAB encompasses all of Orange County and the non-desert portions of Los Angeles, San Bernardino, and Riverside Counties. Cumulative projects would include any reasonably anticipated development in SCAB for regional air quality impacts, as well as housing development accommodated under the Housing Element Update for localized air quality impacts.

Conflict with Applicable Air Quality Plan

The Housing Element Update does not encourage or promote growth beyond the SCAG forecasts of regional growth; therefore, the Housing Element Update would not conflict with the growth assumptions used in the development of the AQMP. The Housing Element Update would include policies that help reduce air pollutant emissions through promoting transportation and land use design factors, such as intensification and reuse of already developed lands in proximity to transit and commercial areas, that would result in VMT reductions and would not conflict with implementation of TCM from the AQMP. Similar to direct air quality impacts, cumulative air quality impacts would be less than significant.

National and State Air Quality Standards

In order to assess cumulative impacts of emissions, the SCAQMD recommends that projects be evaluated to determine whether they would be consistent with AQMP performance standards and project-specific emissions thresholds. In the case of the Housing Element Update, air pollutant

emissions would be considered to be cumulatively considerable if the new sources of emissions exceed SCAQMD project-specific emissions thresholds. The cumulative context for consideration of most air quality impacts is the SCAB. The context for localized significance thresholds is within 1,500 feet of the project site per SCAQMD LST guidance, as health risks generally decrease by about 90 percent at 1,500 feet from the emission source (SCAQMD 2017).

As discussed under Impact 4.1-2, construction activities and operation of development accommodated under Housing Element could result in significant impacts related to criteria emissions. Without a specific construction schedule, timing and emission levels cannot be accurately estimated; it is possible that multiple construction projects will occur concurrently and immediately adjacent to one another. Similarly, without specific land use details, it is possible that the Housing Element may accommodate operation of large projects in proximity (e.g., residential or mixed-use high-rises) and thereby result in cumulative operations emissions that exceed SCAQMD thresholds. Therefore, reasonably expected construction and operation from the Housing Element Update has the potential to be cumulatively considerable. However, implementation of Mitigation Measures AQ-1 and AQ-2 would reduce emissions generated by various construction activities, including equipment operation, truck trips, and painting and operational sources including vehicle use, natural gas use, and other area sources. Furthermore, housing development accommodated under the Housing Element Update would include development that is substantially similar to existing residential projects and continued enforcement of existing regulations would reduce potential for multiple adjacent development projects to contribute to deterioration of air quality. Cumulative air quality impacts would be less than significant.

Toxic Air Contaminants

The Housing Element would not directly exacerbate existing conditions related to TAC concentrations as operation of residential development is not associated with substantial TAC emissions. Each individual future project would be responsible for demonstrating compliance with the SCAQMD thresholds of 10 in one million for carcinogenic risks and a hazard index of 1.0 for non-carcinogenic chronic and acute health risks; These thresholds are designed to protect public health and prevent exposures to substantial pollutant concentrations. For these reasons, cumulative impacts related to operational emissions of toxic air contaminants would not be cumulatively considerable. Cumulative impacts would be less than significant.

4.2 Biological Resources

This section assesses potential impacts to biological resources. The urbanized environment in the City of Burbank (City) limits the amount of biological resources that are present and those that may be affected by the proposed project. As such, the biological resources addressed in this section are limited to nesting birds and their habitat. Moreover, the Initial Study (Appendix B) concludes that reasonably foreseeable development under the Housing and Safety Element Update (proposed Project) would not have the potential to result in significant effects related to other biological resource topics, such as special status species; wetlands, streams, rivers, and riparian habitat; wildlife movement; Habitat Conservation Plans (HCPs); and other applicable plans, policies, and ordinances intended to preserve and/or protect biological resources. Thus, these topics are not further addressed herein.

4.2.1 Environmental Setting

a. Regional Setting

The City of Burbank, where development resulting from the Housing and Safety Element Update would occur, lies in Los Angeles County, which encompasses approximately 4,084 square miles. The County borders 70 miles of coast on the Pacific Ocean and extends west to the Mojave Desert. The County is divided west-to-east by the San Gabriel Mountains, which are part of the Transverse Ranges of southern California. The region's climate is characteristic of a Mediterranean climate system with hot, dry summers and cooler, wetter winters.

b. Project Setting

The Housing Element and Safety Update would apply to the entire geographic area located within the boundaries of the City of Burbank, which encompasses 17.1 square miles. Burbank is located in the central portion of Los Angeles County, approximately 12 miles north of downtown Los Angeles. The northeastern part of the City is located along the foothills of the Verdugo Mountains and the western edge of the City is located near the eastern part of the San Fernando Valley. The City is bisected by the Interstate 5 (I-5) and is adjacent to the developed areas of the cities of Los Angeles and Glendale.

Burbank is comprised mainly of residential and commercial land uses, but also contains various patches of open space. Three types of open space totaling approximately 2,700 acres occur throughout the City: public parks, public and private open space areas, and cemeteries. Multiple public parks are located throughout the City. Private open spaces areas include the Lakeside Country Club at the south end and the Valhalla Cemetery south of Hollywood Burbank Airport. The Verdugo Mountains provide important habitat connectivity for many plant and animal species. Open space areas in the City are meant to be preserved, with only minimal structures and improvements that are necessary and complementary to the open space use. Per Policy 8.1 of the Open Space and Conservation Element of the City's Burbank2035 General Plan, development that diminishes sensitive or protected plant and animal communities is prohibited (City of Burbank 2013a). Of the 732 acres of parks in Burbank, approximately 603 acres are on the edge of the City, near the Verdugo Mountains. Urbanization in the City has substantially reduced the abundance and diversity of biological resources, though landscape areas such as street medians, parkways, and other green areas are located throughout the City and provide habitat for nesting birds and potentially other wildlife (City of Burbank 2013a).

4.2.2 Regulatory Setting

a. Federal Regulations

Federal Endangered Species Act

Under the Federal Endangered Species Act (ESA), authorization is required to “take” a listed species. Take is defined under Section 3 of the ESA as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Under federal regulation (50 Code of Federal Regulations [CFR] Sections 17.3, 222.102); “harm” is further defined to include habitat modification or degradation where it would be expected to result in death or injury to listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Critical habitat is a specific geographic area(s) that is essential for the conservation of a threatened or endangered species and that may require special management and protection. Critical habitat may include an area that is not currently occupied by the species but that will be needed for its recovery. Section 7 of the Federal ESA outlines procedures for federal interagency cooperation to conserve federally listed species and designated critical habitat.

Section 7(a)(2) of the ESA and its implementing regulations require federal agencies to consult with US Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS) to ensure that they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species, or result in the destruction or adverse modification of critical habitat. For projects where federal action is not involved and take of a listed species may occur, the project proponent may seek to obtain an incidental take permit under Section 10(a) of the ESA. Section 10(a) allows USFWS to permit the incidental take of listed species if such take is accompanied by a Habitat Conservation Plan (HCP) that includes components to minimize and mitigate impacts associated with the take.

The USFWS and NMFS share responsibility and regulatory authority for implementing the ESA (7 United States Code [USC] Section 136, 16 USC Section 1531 et seq.).

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) makes it unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, or kill migratory birds, and prohibits the removal of nests occupied by migratory birds. The USFWS administers the MBTA.

Bald and Golden Eagle Protection Act (16 USC §§ 668 – 668d)

The Bald and Golden Eagle Protection Act makes it illegal to possess, sell, or hunt bald and golden eagles, including their feathers, nests, eggs, or body parts.

b. State Regulations

California Endangered Species Act

The California Department of Fish and Wildlife (CDFW) is responsible for administration of the California Endangered Species Act (CESA). For projects that may affect both a State and federal listed species, compliance with the FESA will satisfy the CESA, provided the CDFW determines that the federal incidental take authorization is consistent with the CESA.

Take is defined in the California Fish and Game Code (CFGC) Section 86 as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” The CESA allows for take incidental to otherwise lawful activities under CFGC Section 2081. Project proponents wishing to obtain incidental take permits are able to do so through a permitting process outlined in California Code of Regulations (CCR) Section 783. Additionally, some sensitive mammals and birds are protected by the state as Fully Protected Mammals or Fully Protected Birds, as described in the CFGC, Sections 4700 and 3511, respectively.

Projects that may result in a take of a California listed species require a take permit under the CESA. The federal and State acts lend protection to species considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or den locations, communal roosts, and other essential habitat. Unlike the FESA, the CESA prohibits the take of not just listed endangered or threatened species, but also candidate species (species petitioned for listing).

The CESA defines an endangered species as:

...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.

A threatened species is defined as:

...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species.

Candidate species are defined as:

...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list.

Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike the FESA, CESA does not include listing provisions for invertebrate species. Article 3, Sections 2080 through 2085, of the CESA addresses the taking of threatened or endangered species by stating:

...no person shall import into this State, export out of this State, or take, possess, purchase, or sell within this State, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided.

Natural Communities Conservation Planning Act

The Natural Communities Conservation Planning Act was established by the California Legislature, is directed by the CDFW, and is implemented by the State, as well as public and private partnerships to protect habitat in California. The Natural Communities Conservation Planning Act takes a regional

approach to preserving habitat. A Natural Communities Conservation Plan (NCCP) identifies and provides for the regional protection of plants, animals and their habitats, while allowing compatible and appropriate economic activity. Once an NCCP has been approved, CDFW may provide take authorization for all covered species, including fully protected species, Section 2835 of the CFGC.

Nesting Bird Protection (CFGC §§ 3503, 3503.5, 3513, 3800)

According to CFGC Section 3503 it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird [except English sparrows (*Passer domesticus*) and European starlings (*Sturnus vulgaris*)]. Sections 3503 and 3513 prohibit the taking of specific birds, their nests, eggs, or any portion thereof during the nesting season. Section 3503.5 specifically protects birds in the orders Falconiformes and Strigiformes (birds-of-prey). Section 3513 essentially overlaps with the federal MBTA, prohibiting the take or possession of any migratory nongame bird. Section 3800 states that all birds occurring naturally in California that are not resident game birds, migratory game birds, or fully protected birds are nongame birds.

Fully Protected Species (CFGC §§ 3511, 4700, 5050, 5515)

California Fully Protected Species designation protects wildlife species that are rare or face possible extinction. Fully Protected Species include designated birds (Section 3511), mammals (Section 4700), reptiles and amphibians (Section 5050), and fish (Section 5515).

c. Local Regulations

Burbank2035: General Plan Goal 8, Policies 8.1 and 8.2

Goal 6: Open Space Resources. Burbank’s open space areas and mountain ranges are protected spaces supporting important habitat, recreation, and resource conservation.

Policy 6.2: Protect the ecological integrity of open spaces and maintain and restore natural habitats and native plant communities.

Goal 8: Biological Resources. Burbank’s high-quality biological communities are sustained

Policy 8.1: Prohibit development that jeopardizes or diminishes the integrity of sensitive or protected plant and animal communities.

Policy 8.2: Improve ecological and biological conditions in urban and natural environments when reviewing proposals for site development, as well as when making public improvements.

4.2.3 Impact Analysis

a. Thresholds of Significance

Thresholds of significance are based on the questions in Appendix G of the CEQA Guidelines. The Initial Study prepared for the Project (Appendix B) determined that a potentially significant impact might occur under the following threshold and therefore will be analyzed in this section of the EIR.

1. Have a substantial 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 US Fish and Wildlife Service

The Initial Study (Appendix B) determined that the Project could result in potentially significant impacts related to nesting birds under Threshold 1. As such, an analysis of this issue is included in this section of the EIR. The Initial Study found no potentially significant impacts related to special status species (Threshold 1), riparian habitat or sensitive natural communities (Threshold 2), state or federally protected wetlands (Threshold 3), wildlife movement (Threshold 4), local biological resource policies or ordinances (Threshold 5), or habitat conservation plans (Threshold 6); therefore, these issues are not studied further herein.

1. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service
2. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means
3. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites
4. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
5. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan

b. Project Impacts

Threshold 1: Would the project have a substantial 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 US Fish and Wildlife Service?

Impact BIO-1 THE PROJECT COULD RESULT IN DIRECT OR INDIRECT IMPACTS TO NESTING BIRDS THROUGH VEGETATION REMOVAL AND CONSTRUCTION DURING THE NESTING SEASON. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.

Development would be prioritized on infill sites in urbanized areas of the City. Reasonably foreseeable development under the Housing Element Update would be primarily concentrated on underutilized sites that have been previously developed and disturbed, but that may still contain vegetation or structures suitable to support nesting birds. The Housing Element Update includes 19 rezoning sites, 12 of which are concentrated in the urban downtown region of Burbank and 7 of which are located in urban areas near the Hollywood Burbank Airport. Although these rezoning sites are urban and developed, the existing buildings and associated ornamental vegetation may provide suitable habitat for nesting birds and raptors. For example, the Downtown BJs/ Black Angus housing opportunity site has multiple trees surrounding the existing buildings that could support nests. As a result, development under the Housing Element Update could directly and indirectly affect nesting birds, which as described in the *Environmental Setting* are protected under CFGC Sections 3503, 3503.5, and 3513 as well as the MBTA. CFGC Sections 3503, 3503.5, and 3513 describe unlawful take, possession, or destruction of native birds, nests, and eggs. Section 3503.5 of the Code protects all birds-of-prey and their eggs and nests against take, possession, or destruction. Section 3515

makes it a State-level offense to take any bird in violation of the federal MBTA. Violation of these provisions would be considered a potentially significant impact.

Construction of reasonably foreseeable development under the proposed Project could potentially occur during the bird nesting season, which is generally from March 1 through August 31 and begins as early as February 1 for raptors. As such, potential construction impacts resulting in vegetation trimming or removal during the nesting season would have the potential to disturb active nests, either directly (e.g., injury, mortality, or disruption of normal nesting behaviors) or indirectly (e.g., construction noise, dust, and vibration from equipment). Therefore, construction activities have the potential to disturb nesting birds and raptors, which would be a potentially significant.

Mitigation Measure

The following mitigation measure requires a nesting bird survey for development activities during the nesting season.

BIO-1 Nesting Bird Avoidance

Prior to issuance of grading permits for individual housing developments that will include disturbance of vegetation, structures, or other areas where bird nests could be present, implement the following requirements for any construction activities that would occur during the bird breeding season (February 1 through August 31):

Applicant shall submit a pre-construction nesting bird survey shall be conducted no more than seven days prior to initiation of grading or construction activities. The nesting bird pre-construction survey shall be conducted on foot on the construction site, including a 100-foot buffer, and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in southern California and a copy of the study shall be submitted to the Community Development Department and Building and Safety Division. The cost to hire a qualified biologist shall be borne entirely by the developer/project applicant.

If nests are found, an avoidance buffer shall be demarcated by a qualified biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No parking, storage of materials, or construction activities shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

A survey report shall be prepared by the qualified biologist documenting and verifying compliance with the above requirements and applicable State and Federal regulations protecting birds that shall be submitted to the City of Burbank. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests would occur.

Significance After Mitigation

Implementation of Mitigation Measure BIO-1 would reduce potential impacts to nesting birds to a less than significant level by ensuring that active nests are identified and avoided, as necessary, which would avoid potential conflicts with the MBTA and CFGC.

4.2.4 Cumulative Impacts

The area to analyze cumulative biological resource impacts includes the City limits. As defined in Section 3.3, vegetation, including trees, located in the City could potentially support nesting migratory birds. As discussed previously, the CFGC and MBTA protect migratory avian species when they are nesting. Compliance with the CFGC and MBTA by all reasonably foreseeable development under the Housing and Safety Element Update would ensure that cumulative impacts to migratory birds would not be significant. Such regulatory compliance, including implementation of Mitigation Measure BIO-1, would ensure that the implementation of the proposed Project would not contribute to cumulatively considerable impacts related to nesting bird disturbance.

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4.3 Cultural Resources/Tribal Cultural Resources

This section assesses potential impacts to cultural resources. Rincon Consultants, Inc. (Rincon) conducted a cultural resources assessment for the 6th Cycle Housing and Safety Element Update to the Burbank2035 General Plan project through a desktop literature review. Impacts to prehistoric archaeological resources, historic-period resources, and Tribal cultural resources are addressed.

4.3.1 Environmental Setting

Cultural resources include prehistoric resources, historic-period resources, and Tribal cultural resources. Prehistoric resources represent the remains of human occupation prior to European settlement. Historic-period resources represent remains after European settlement and may be part of a "built environment," including man-made structures used for habitation, work, recreation, education and religious worship, and may also be represented by houses, factories, office buildings, schools, churches, museums, hospitals, bridges and other structural remains. Tribal cultural resources include ethnographic elements pertaining to Native American issues and values.

a. Prehistoric Context

During the twentieth century, many archaeologists developed chronological sequences to explain prehistoric cultural changes in all or portions of southern California (c.f., Moratto 1984; Jones and Klar 2007). Wallace (1955, 1978) devised a prehistoric chronology for the southern California coastal region based on early studies and focused on data synthesis that included four horizons: Early Man, Milling Stone, Intermediate, and Late Prehistoric. Though initially lacking the chronological precision of absolute dates (Moratto 1984), Wallace's (1955) synthesis has been modified and improved using thousands of radiocarbon dates obtained by southern California researchers over recent decades (Koerper and Drover 1983; Mason and Peterson 1994; Koerper et al. 2002; Byrd and Raab 2007). The prehistoric chronological sequence for southern California presented below is a composite based on Wallace (1955) and Warren (1968) as well as later studies, including Koerper and Drover (1983).

Early Man Horizon (10,000 – 6,000 B.C.)

Numerous pre-8,000 B.C. sites have been identified along the mainland coast and Channel Islands of southern California (c.f., Moratto 1984; Erlandson 1991; Rick et al. 2001; Johnson et al. 2002; Jones and Klar 2007). The Arlington Springs site on Santa Rosa Island produced human femurs dated to approximately 13,000 years ago (Johnson et al. 2002; Arnold et al. 2004). On nearby San Miguel Island, human occupation at Daisy Cave (CA-SMI-261) has been dated to nearly 13,000 years ago and included basketry greater than 12,000 years old, the earliest recorded on the Pacific Coast (Arnold et al. 2004).

Although few Clovis or Folsom style fluted points have been found in southern California (e.g., Erlandson et al. 1987; Dillon 2002), Early Man Horizon sites are generally associated with a greater emphasis on hunting than later horizons. Recent data indicate that the Early Man economy was a diverse mixture of hunting and gathering, including a significant focus on aquatic resources in coastal areas (e.g., Jones et al. 2002) and on inland Pleistocene lakeshores (Moratto 1984). A warm and dry 3,000-year period called the Altithermal began around 6,000 B.C. The conditions of the

Altithermal are likely responsible for the change in human subsistence patterns at this time, including a greater emphasis on plant foods and small game.

Millingstone Horizon (6,000 – 3,000 B.C.)

The Wallace (1955:219) defined the Milling Stone Horizon as “marked by extensive use of milling stones and mullers, a general lack of well-made projectile points, and burials with rock cairns.” The dominance of such artifact types indicate a subsistence strategy oriented around collecting plant foods and small animals. A broad spectrum of food resources was consumed, including small and large terrestrial mammals, sea mammals, birds, shellfish and other littoral and estuarine species, near-shore fishes, yucca, agave, and seeds and other plant products (Kowta 1969; Reinman 1964). Variability in artifact collections over time and from the coast to inland sites indicates that Milling Stone Horizon subsistence strategies adapted to environmental conditions (Byrd and Raab 2007). Lithic artifacts associated with Milling Stone Horizon sites are dominated by locally available tool stone and in addition to ground stone tools, such as manos and metates, chopping, scraping, and cutting tools, are very common. Kowta (1969) attributes the presence of numerous scraper-plane tools in Milling Stone Horizon collections to the processing of agave or yucca for food or fiber. The mortar and pestle, associated with acorns or other foods processed through pounding, were first used during the Milling Stone Horizon and increased dramatically in later periods (Wallace 1955, 1978; Warren 1968).

Two types of artifacts that are considered diagnostic of the Milling Stone period are the cogged stone and discoidal, most of which have been found within sites dating between 4,000 and 1,000 B.C. (Moratto 1984), though possibly as far back as 5,500 B.C. (Couch et al. 2009). The cogged stone is a ground stone object that has gear-like teeth on the perimeter and is produced from a variety of materials. The function of cogged stones is unknown, but many scholars have postulated ritualistic or ceremonial uses (c.f., Eberhart 1961; Dixon 1968). Similar to cogged stones, discoidals are found in the archaeological record subsequent to the introduction of the cogged stone. Cogged stones and discoidals were often purposefully buried, or “cached.” Cogged stones have been collected in Los Angeles County, though their distribution appears to center on the Santa Ana River basin (Eberhart 1961).

Intermediate Horizon (3,000 B.C. – A.D. 500)

Wallace’s Intermediate Horizon dates from approximately 3,000 B.C.-A.D. 500 and is characterized by a shift toward a hunting and maritime subsistence strategy, as well as greater use of plant foods. During the Intermediate Horizon, a noticeable trend occurred toward greater adaptation to local resources including a broad variety of fish, land mammal, and sea mammal remains along the coast. Tool kits for hunting, fishing, and processing food and materials reflect this increased diversity, with flake scrapers, drills, various projectile points, and shell fishhooks being manufactured.

Mortars and pestles became more common during this transitional period, gradually replacing manos and metates as the dominant milling equipment. Many archaeologists believe this change in milling stones signals a change from the processing and consuming of hard seed resources to the increasing reliance on acorn (e.g., Glassow et al. 1988; True 1993). Mortuary practices during the Intermediate typically included fully flexed burials oriented toward the north or west (Warren 1968).

Late Prehistoric Horizon (A.D. 500 – Historic Contact)

During Wallace's (1955, 1978) Late Prehistoric Horizon the diversity of plant food resources and land and sea mammal hunting increased even further than during the Intermediate Horizon. More classes of artifacts were observed during this period and high quality exotic lithic materials were used for small finely worked projectile points associated with the bow and arrow. Steatite containers were made for cooking and storage and an increased use of asphalt for waterproofing is noted. More artistic artifacts were recovered from Late Prehistoric sites and cremation became a common mortuary custom. Larger, more permanent villages supported an increased population size and social structure (Wallace 1955).

Warren (1968) attributes this dramatic change in material culture, burial practices, and subsistence focus to the westward migration of desert people he called the Takic, or Numic, Tradition in Los Angeles, Orange, and western Riverside counties. This Takic Tradition was formerly referred to as the "Shoshonean wedge" (Warren 1968). However, this nomenclature is no longer used to avoid confusion with ethnohistoric and modern Shoshonean groups (Shiple 1978).

b. Ethnographic and Historical Background

Ethnography

Burbank is located in the traditional territory of the Native American group known as the Gabrieleño. The name "Gabrieleño" denotes those people who were administered by the Spanish from the San Gabriel Mission. It includes people from the Gabrieleño area proper, as well as other social groups nearby (Kroeber 1925; Plate 57; Bean and Smith 1978:538). The term Gabrieleño was imposed upon the Tribe by Spanish Missionaries. Because of this, descendants have chosen to use their original name, Tongva (Welch 2006). This term is used in the remainder of this section to refer to the pre-contact inhabitants of the Los Angeles Basin and their descendants. Archaeological evidence points to the Tongva arriving in the Los Angeles Basin sometime around 500 BCE, but this has been a subject of debate. Tongva lands encompassed the greater Los Angeles Basin, three Channel Islands, and the present-day cities of San Clemente, San Nicolas, and Santa Catalina.

The Tongva language belongs to the Takic branch of the Uto-Aztecan language family, which can be traced to the Great Basin region (Mithun 2001). This language family includes dialects spoken by the nearby Juaneño and Luiseño to the southeast, the Serrano and Cahuilla to the northeast, and the Tataviam to the northwest. Yet, it is considerably different from those of the Chumash people living to the northwest and the Diegueño (including Ipai, Tipai, and Kumeyaay) people living to the south.

The Tongva established large, permanent villages in the fertile lowlands along rivers and streams, and in sheltered areas along the coast. A total Tribal population is estimated to have been at least 5,000 in 1770 (Bean and Smith 1978:540), but recent ethnohistoric work suggests a number closer to 10,000 (O'Neil 2002). Political organization followed a patrilocal and patrilineal pattern. Typically, the oldest son would lead a family. Chieftainship was also passed down patrilineally. A *Chari*, or chief of a village or political grouping was separated from any religious leadership (King 2011).

At the time of Spanish contact, the basis of Tongva religious life was the Chinigchinich cult, centered on the last of a series of heroic mythological figures. Chinigchinich gave instruction on laws and institutions, and taught people how to dance, the primary religious act for this society. He later withdrew into heaven, where he rewarded the faithful and punished those who disobeyed his laws (Kroeber 1925: 637–638). The Chinigchinich religion seems to have been relatively new when the Spanish arrived. It was spreading south into the Southern Takic groups even as Christian missions

were being built. Elements of Chinigchinich beliefs suggest it was a syncretic mixture of Christianity and native religious practices (McCawley 1996: 143-144).

Houses constructed by the Tongva were large, circular, domed structures made of willow poles, thatched with tule and could hold up to 50 people (Bean and Smith 1978). Other structures served as sweathouses, menstrual huts, ceremonial enclosures, and probable communal granaries. Cleared fields for races and games, such as lacrosse and pole throwing, were created adjacent to Tongva villages (McCawley 1996: 27).

The Tongva subsistence economy was centered on gathering and hunting. The surrounding environment was rich and varied, and the Tribe exploited mountains, foothills, valleys, deserts, riparian, estuarine, and open and rocky coastal eco-niches. Like most native Californians, acorns were the staple food. By the time of the early Intermediate Period, acorn processing was an established industry. Acorns were supplemented by the roots, leaves, seeds, and fruits of a wide variety of flora (e.g., islay, cactus, yucca, sages, and agave). Fresh water and saltwater fish, shellfish, birds, reptiles, insects, and large and small mammals were also consumed (Kroeber 1925:631–632; Bean and Smith 1978:546; McCawley 1996: 119–123, 128–131).

The Tongva used a wide variety of tools and implements to gather food resources. These included the bow and arrow, traps, digging sticks, nets, blinds, throwing sticks and slings, spears, harpoons, and hooks. The Tongva made oceangoing plank canoes (known as a ti'at) capable of holding six to 14 people used for fishing, travel, and trade between the mainland and the Channel Islands. Tule reed canoes were employed for near-shore fishing (McCawley 1996: 117-127). Tongva people processed food with a variety of tools, including hammerstones and anvils, mortars and pestles, manos and metates, strainers, leaching baskets and bowls, knives, bone saws, and wooden drying racks. Food was consumed from a variety of vessels. Catalina Island steatite was used to make ollas and cooking vessels (Kroeber 1925:629; McCawley 1996: 129–138).

Deceased Tongva were either buried or cremated. Inhumation was more common on the Channel Islands and the neighboring mainland coast, and cremation was more predominate on the remainder of the coast and in the interior (Harrington 1942; McCawley 1996:157). At the behest of the Spanish missionaries, cremation essentially ceased during the post-Contact period (McCawley 1996:157).

Historic Period

The post-contact history of California is generally divided into three time spans: the Spanish period (1769–1822), the Mexican period (1822–1848), and the American period (1848–present). Each of these periods is described below.

Spanish Period (1769 – 1822)

Spanish exploration of California began when Juan Rodriguez Cabrillo led the first European expedition into the region in 1542. For more than 200 years after his initial expedition, Spanish, Portuguese, British, and Russian explorers sailed the California coast and made limited inland expeditions, but they did not establish permanent settlements (Bean 1968; Rolle 2003). In 1769, Gaspar de Portolá and Franciscan Father Junipero Serra established the first Spanish settlement in what was then known as Alta (upper) California at Mission San Diego de Alcalá. This was the first of 21 missions erected by the Spanish between 1769 and 1823. It was during this time that initial Spanish settlement of the Project vicinity began. Mission San Fernando Rey de España, approximately 12 miles northwest of Burbank, was founded in 1797 as the 17th mission to be

established in California. Mission San Fernando Rey de España's location closed the gap between Mission San Buenaventura on the Ventura coast, and Mission San Gabriel Arcángel in the Los Angeles interior (California Missions Foundation, N.d.).

Mexican Period (1822 – 1848)

The Mexican Period commenced when news of the success of the Mexican War of Independence (1810-1821) against the Spanish crown reached California in 1822. This period saw the privatization of mission lands in California with the passage of the Secularization Act of 1833. This Act federalized mission lands and enabled Mexican governors in California to distribute former mission lands to individuals in the form of land grants. Successive Mexican governors made approximately 700 land grants between 1833 and 1846, putting most of the state's lands into private ownership for the first time (Shumway 2007).

The Mexican Period for the Los Angeles County region ended in early January 1847. Mexican forces fought and lost to combined U.S. Army and Navy forces in the Battle of the San Gabriel River on January 8 and in the Battle of La Mesa on January 9 (Nevin 1978). On January 10, leaders of the pueblo of Los Angeles surrendered peacefully after Mexican General Jose Maria Flores withdrew his forces. Shortly thereafter, newly appointed Mexican Military Commander of California Andrés Pico surrendered all of Alta California to U.S. Army Lieutenant Colonel John C. Fremont in the Treaty of Cahuenga (Nevin 1978).

American Period (1848 – Present)

The American Period officially began with the signing of the Treaty of Guadalupe Hidalgo in 1848, in which the United States agreed to pay Mexico \$15 million for conquered territory including California, Nevada, Utah, and parts of Colorado, Arizona, New Mexico, and Wyoming. Settlement of the Los Angeles region increased dramatically in the early American Period.

The discovery of gold in northern California in 1848 led to the California Gold Rush, though the first California gold found by settlers was previously discovered in Placerita Canyon in 1842 (Workman 1935; Guinn 1977). By 1853, the population of California exceeded 300,000. Thousands of settlers and immigrants continued to immigrate to the state, particularly after the completion of the First Transcontinental Railroad in 1869. The U.S. Congress in 1854 agreed to let San Pedro become an official port of entry. By the 1880s, the railroads had established networks from the port and throughout the county of Los Angeles, resulting in fast and affordable shipment of goods, as well as a means to transport new residents to the booming region (Dumke 1944). New residents included many health-seekers drawn to the area by the fabled Southern California climate in the 1870s–1880s.

Burbank

In 1867, New Hampshire dentist Dr. David Burbank purchased the land encompassing Rancho San Rafael and Rancho La Providencia, a portion of which eventually became the modern-day city of Burbank. Dr. Burbank combined the land into one large ranch and sold portions of his property to the Southern Pacific Railroad, land investors, and development companies. On May 1, 1887, the town of Burbank was officially founded and the town incorporated in 1911 (City of Burbank 2017).

Burbank experienced tremendous growth following World War II. Growth was induced further in 1962, when the National Broadcasting Company (NBC) moved its network television headquarters to the City; and in 1978, when the Bob Hope Airport (now Hollywood Burbank Airport) was

purchased from Lockheed. Today, Burbank is known as the “media capital of the world” in reference to its longstanding relationships with entertainment companies, such as Warner Brothers and Disney (City of Burbank 2017).

Geologic Setting

Burbank is in the eastern portion of the San Fernando Valley situated along the southwestern edge of the Verdugo Mountains within the east-west trending Transverse Ranges geomorphic province (California Geological Survey 2002; Yerkes and Campbell 2005). The San Fernando Valley is approximately 23 miles wide and 12 miles long and is underlain by a structural depression that contains a thick accumulation of more than 20,000 feet of Cenozoic alluvial, shallow marine, and deep shelf sedimentary deposits (McCulloh and Beyer 2004). The alluvium in the San Fernando Valley is mainly derived from the Santa Monica Mountains to the south, the Santa Susana Mountains to the north, the Simi Hills to the west, the San Gabriel Mountains to the northeast, and the Verdugo Mountains to the east. The San Fernando Valley is structurally complex and is transected by several faults, including the San Fernando fault, Sylmar fault zone, and Verdugo fault.

4.3.2 Regulatory Setting

This section discusses applicable Federal, State, and local laws, ordinances, regulations, and standards governing cultural resources.

a. Federal Regulations

National Register of Historic Places

The National Register of Historic Places (NRHP) was established by the National Historic Preservation Act of 1966 as “an authoritative guide to be used by Federal, state, and local governments, private groups and citizens to identify the Nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment” (36 Code of Federal Regulations 60.2). The NRHP recognizes properties that are significant at the national, state, and local levels. To be eligible for listing in the NRHP, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Districts, sites, buildings, structures, and objects of potential significance must also possess integrity of location, design, setting, materials, workmanship, feeling, and association. A property is eligible for the NRHP if it meets any one of the following criteria:

Criterion A: Are associated with events that have made a significant contribution to the broad patterns of our history

Criterion B: Are associated with the lives of persons significant in our past

Criterion C: Embody the distinctive characteristics of a type, period, or method of installation, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction

Criterion D: Have yielded, or may be likely to yield, information important in prehistory or history

In addition to meeting at least one of the above designation criteria, resources must also retain integrity. The National Park Service recognizes seven aspects or qualities that, considered together,

define historic integrity. To retain integrity, a property must possess several, if not all, of these seven qualities, defined in the following manner:

Location:	The place where the historic property was constructed or the place where the historic event occurred
Design:	The combination of elements that create the form, plan, space, structure, and style of a property
Setting:	The physical environment of a historic property
Materials:	The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property
Workmanship:	The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory
Feeling:	A property's expression of the aesthetic or historic sense of a particular period of time
Association:	The direct link between an important historic event or person and a historic property

b. State Regulations

California Environmental Quality Act

The California Environmental Quality Act (CEQA) requires that a lead agency determine whether a project could have a significant effect on historical resources (Public Resources Code [PRC], Section 21084.1), unique archaeological resources (PRC Section 21083.2 [g]), and tribal cultural resources (PRC Section 21074 [a][1][A]-[B]). A historical resource is a resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR) (Section 21084.1), a resource included in a local register of historical resources (Section 15064.5[a][2]), or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (Section 15064.5[a][3]).

PRC Section 5024.1 requires an evaluation of historical resources to determine their eligibility for listing in the CRHR. The purpose of the register is to maintain listings of the State's historical resources and to indicate which properties are to be protected from substantial adverse change. The criteria for listing resources in the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the NRHP, as enumerated according to CEQA and quoted below.

15064.5(a)(3) [...] Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (PRC, § 5024.1, Title 14 California Code of Regulations, Section 4852) including the following:

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage
- (2) Is associated with the lives of persons important in our past

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- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values
- (4) Has yielded, or may be likely to yield, information important in prehistory or history

15064.5(a)(4) The fact that a resource is not listed in or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the PRC), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the PRC) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC sections 5020.1(j) or 5024.1.

15064.5(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

In addition, if a project can be demonstrated to cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC, Section 21083.2[a], [b], and [c]).

PRC Section 21083.2(g) defines a unique archaeological resource as an artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it does one or more of the following:

- a. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information
- b. Has a special and particular quality such as being the oldest of its type or the best available example of its type
- c. Is directly associated with a scientifically recognized important prehistoric or historic event or person

Impacts to significant cultural resources that affect the characteristics of any resource that qualify it for the NRHP or adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment. These impacts could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired (State CEQA Guidelines Section 15064.5 [b][1]). Material impairment is defined as demolition or alteration in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion or eligibility for inclusion in the CRHR (State CEQA Guidelines Section 15064.5[b][2][A]).

Codes Governing Human Remains

The disposition of human remains is governed by Health and Safety Code Section 7050.5 and PRC Sections 5097.94 and 5097.98 and falls within the jurisdiction of the NAHC. If human remains are discovered, the County Coroner must be notified within 48 hours and there should be no further disturbance to the site where the remains were found. If the remains are determined by the coroner to be Native American, the coroner is responsible for contacting the NAHC within 24 hours. The NAHC, pursuant to PRC Section 5097.98, will immediately notify those persons it believes to be most likely descended from the deceased Native Americans so they can inspect the burial site and make recommendations for treatment or disposal.

Assembly Bill 52

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, “tribal cultural resources.” Assembly Bill 52 establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a Tribal cultural resource is a project that may have a significant effect on the environment” (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a Tribal cultural resource, when feasible (PRC Section 21084.3). PRC Section 20184.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to Tribal cultural resources.

PRC Section 21074 (a)(1)(A) and (B) defines Tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and meets either of the following criteria:

- a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC section 5020.1(k)
- b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

AB 52 also establishes a formal consultation process for California Native American Tribe regarding those resources. The formal consultation process must be completed before a CEQA document can be released if a California Native American Tribe traditionally and culturally affiliated with the geographic area of the proposed project requests consultation from the lead agency (PRC Section 21080.3.1). California Native American Tribes to be included in the process are those that have requested notice of any proposed projects within the jurisdiction of the lead agency.

Senate Bill 18

Enacted on March 1, 2005, Senate Bill 18 (SB18) (California Government Code Section 65352.3 and 65352.4) requires cities and counties to notify and consult with California Native American Tribal groups and individuals regarding proposed local land use planning decisions for the purpose of protecting traditional Tribal cultural places (sacred sites), prior to adopting or amending a general plan or designating land as open space. Tribal groups or individuals have 90 days to request consultation following the initial contact.

Senate Bill 35 and Assembly Bill 168

Enacted on September 29, 2017, Senate Bill 35 (SB 35) (California Government Code Section 65913.41) grants a ministerial approval process that expedites and facilitates construction of affordable housing projects without normal CEQA documentation. However, in May 2021, Assembly Bill 168 (AB 168), an act to amend Sections 65400, 65913.4, and 65941.1 of SB 35, was passed. AB 168 requires a pre-consultation process with Native American Tribes to identify and protect Tribal cultural resources prior to the submission of an SB 35 permit for a housing development.

c. Local Regulations

City of Burbank Historic Resource Management Ordinance

Division 6. Historic Preservation Regulations of Article 9. (Miscellaneous Uses and Standards) the Burbank Municipal Code’s zoning regulations, referred to as the “Historic Resource Management Ordinance”, provides criteria and procedures to designate, alter or remove historical resources within the City of Burbank. The intent of the Historic Resource Management Ordinance is “to recognize, preserve, and protect historic resources in the interest of the health, prosperity, social and cultural enrichment, and general welfare of the people” (City of Burbank 2018). The purpose of this Ordinance is to:

- A. Safeguard the heritage of the City by preserving resources that reflect elements of the City’s history;
- B. Encourage public understanding and involvement in the historic, cultural, architectural, archaeological, and social heritage of the City;
- C. Promote the private and public use and preservation of historic resources for the education, appreciation and general welfare of the people;
- D. Promote the conservation, preservation and enhancement of historic resources;
- E. Promote the conservation of energy and natural resources through the preservation and maintenance of historic resources;
- F. Discourage the demolition, destruction, alteration, misuse or neglect of designated historic resources which represent an important link to Burbank’s past;
- G. Provide economic benefits to owners of qualifying historic resources to ensure their continued maintenance and preservation; and
- H. To make all information about historic resources and historic preservation accessible and available to the public. [Added by Ord. No. 3381, eff. 10/15/94; Amended by Ord. No. 3812, eff. 6/24/11.]

Burbank2035 General Plan

The Burbank2035 General Plan (adopted February 2013) is the primary mechanism for guiding future change in Burbank and provides a guide for land use decision-making. The Land Use Element and Open Space and Conservation Element include goals and policies that aim to preserve cultural resources and protect natural resources.

Land Use Element

The Burbank2035 General Plan’s Land Use Element serves as a guide for future development and land use decisions. Land use goals and policies seek to maintain a balance between small-town character, economic prosperity, and sustainability. The goal and policies applicable to cultural resources are presented below.

Goal 3: Community Design and Character

Burbank’s well-designed neighborhoods and buildings and enhanced streets and public spaces contribute to a strong sense of place and “small town” feeling reflective of the past.

Policy 3.10: Preserve historic resources, buildings, and sites, including those owned by private parties and government agencies, including the City of Burbank. Alter such resources only as necessary to meet contemporary needs and in a manner that does not affect the historic integrity of the resource.

Policy 3.11: Carefully consider the evolution of community character over time. Evaluate projects with regard to their impact on historic character, their role in shaping the desired future community character, and how future generations will view today's Burbank.

Open Space and Conservation Element

The Burbank2035 General Plan's Open Space and Conservation Element addresses the conservation and enhancement of open space, parks, recreation, and natural resources within the City. The goals and policies of the Open Space and Conservation Element are intended to protect natural resources including historical, archeological, and paleontological resources (City of Burbank 2013). The goal and policy applicable to cultural resources are presented below.

Goal 6: Open Space Resources

Burbank's open space areas and mountain ranges are protected spaces supporting important habitat, recreation, and resource conservation.

Policy 6.1: Recognize and maintain cultural, historical, archeological, and paleontological structures and sites essential for community life and identity.

Plan Realization

The Plan Realization portion of the Burbank2035 General Plan establishes implementation programs to translate into action the goals and policies set forth in Burbank2035 (City of Burbank 2013). The program applicable to the proposed Project, with respect to cultural resources, is presented below.

Program LU-4: Historic Preservation Plan

To reduce impacts to both known and as-yet-unidentified historical resources within Burbank, the City shall:

Require evaluation by a qualified architectural historian for projects subject to CEQA involving buildings constructed more than 45 years prior to the project application. If the evaluation determines that historical resources (as defined in State CEQA Guidelines Section 15064.5) would be adversely affected, the City shall require the proposed project to comply with Section 10-1-928 of the Historic Resource Management Ordinance and obtain a Permit to Alter a Designated Historic Resource.

Require assessment by a qualified archeologist for projects subject to CEQA involving ground disturbing activities on previously undisturbed land to identify the potential to encounter buried historical resources (as defined in State CEQA Guidelines Section 15064.5). If the assessment determines that buried resources may be present, the City shall require preparation and implementation of a treatment plan outlining measures for monitoring, data recovery, and/or handling inadvertent discoveries.

4.3.3 Impact Analysis

This section identifies potential baseline conditions for cultural resources, possible impacts that could occur as a result of project implementation, and feasible mitigation measures to avoid or reduce the significance of possible significant impacts.

a. Thresholds of Significance

The Initial Study prepared for the Project (Appendix B) determined that a potentially significant impact might occur under the following thresholds and therefore will be analyzed in this section of the EIR. Thresholds of significance are based on the questions in Appendix G of the CEQA Guidelines:

Cultural Resources

1. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5
3. Disturb any human remains, including those interred outside of formal cemeteries

Tribal Cultural Resources

4. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)
5. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 2024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significant of the resource to a California Native American Tribe.

b. Project Impacts

Threshold 1: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Impact CUL-1 DEVELOPMENT ACCOMMODATED BY THE HOUSING ELEMENT UPDATE COULD ADVERSELY AFFECT KNOWN AND PREVIOUSLY UNIDENTIFIED HISTORIC-PERIOD RESOURCES. IMPACTS TO HISTORIC-PERIOD RESOURCES WOULD BE LESS THAN SIGNIFICANT AFTER MITIGATION.

As outlined in the City of Burbank Historic Preservation Plan (1999) and Citywide Historic Context Report (2009), the City contains numerous historic-period resources. Historic-period resources include all buildings, structures, and/or artifacts that are older than 45 years old at the commence of projects (i.e., 1976 as of 2021). While none of the proposed Project sites were identified as known historic resources in the City's Historic Preservation Plan (1999) or Context Report (2009), a review of the developmental history and property status of the proposed rezone properties identified 68 parcels in the Housing Element Update inventory properties that possesses potential historic-period buildings and/or structures (Tables 4.3-1 and 4.3-2). The Downtown TOD Specific Plan (TOD) inventory possesses 36 parcels with known historic-period buildings, and the Golden

State Specific Plan (GSSP) inventory contains 32. Excluding TOD-5, -6, and -10 and GSSP-5 and -6, all of the Housing Element Update Project sites contain buildings older than 45 years.

The Burbank2035 General Plan Historic Resource Management Ordinance, Program LU-4: Historic Preservation Plan provides specific measures to ensure that any historic-period resources identified during the Housing Element Update Project would be properly evaluated by a qualified architectural historian or archaeologist prior to development. The Program LU-4 measures specific to Impact CUL-1 include:

Require evaluation by a qualified architectural historian for projects subject to CEQA involving buildings constructed more than 45 years prior to the project application. If the evaluation determines that historical resources (as defined in State CEQA Guidelines Section 15064.5) would be adversely affected, the City shall require the proposed project to comply with Section 10-1-928 of the Historic Resource Management Ordinance and obtain a Permit to Alter a Designated Historic Resource.

Table 4.3-1 and Table 4.3-2 identify all Housing Element Update properties that possess buildings and/or structures greater than 45 years old that are subject to the policies outlined in Program LU-4 and will require assessment by a qualified architectural historian prior to development. If a Housing Element Update property is determined to be eligible for the CRHR, the qualified architectural historian will develop a mitigation plan in conjunction with the City to reduce any potential impacts to the resource to a less than significant level. If development under the Housing Element Update requires the demolition or alteration of a historic-period resource, a Permit to Alter a Designated Historic Resource (Historic Resource Management Ordinance Section 10-1-928) must be obtained before development occurs.

Table 4.3-1 Golden State Specific Plan Properties with Buildings over 45 years of age.

OP Site ID	APN	Year Built
GSSP-1 Lima/Avon	2466001015	1974
GSSP-1 Lima/Avon	2466001016	1965
GSSP-1 Lima/Avon	2466001022	1947
GSSP-1 Lima/Avon	2466001023	1947
GSSP-1 Lima/Avon	2466001024	1967
GSSP-1 Lima/Avon	2466001025	1951
GSSP-1 Lima/Avon	2466001026	1946
GSSP-2 N. Hollywood Way	2466005003	1955
GSSP-2 N. Hollywood Way	2466005013	1972
GSSP-2 N. Hollywood Way	2466005024	1954
GSSP-2 N. Hollywood Way	2466006002	1951
GSSP-2 N. Hollywood Way	2466006003	1951
GSSP-2 N. Hollywood Way	2466006004	1951
GSSP-2 N. Hollywood Way	2466006005	1951
GSSP-2 N. Hollywood Way	2466006006	1951

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OP Site ID	APN	Year Built
GSSP-2 N. Hollywood Way	2466006007	1951
GSSP-2 N. Hollywood Way	2466006008	1952
GSSP-2 N. Hollywood Way	2466006009	1968
GSSP-2 N. Hollywood Way	2466006010	1968
GSSP-2 N. Hollywood Way	2466006011	1955
GSSP-3 Valhalla	2463001005	1952
GSSP-3 Valhalla	2463001006	1956
GSSP-3 Valhalla	2463001007	1956
GSSP-3 Valhalla	2463001008	1956
GSSP-3 Valhalla	2463001011	1973
GSSP-3 Valhalla	2463001012	1973
GSSP-4 Logix	2463010001	1964
GSSP-7 Empire	2464001002	1965
GSSP-7 Empire	2464001003	1964
GSSP-7 Empire	2464001007	1967
GSSP-7 Empire	2464001017	1952
GSSP-7 Empire	2464001020	1960

Table 4.3-2 Downtown TOD Specific Plan Inventory with Buildings over 45 years of age

OP Site ID	APN	Year Built
TOD 1-Carl's Jr	2460010014	1964
TOD 1-Carl's Jr	2460010033	1966
TOD 2-Kmart	2460006045	1962
TOD 2-Kmart	2460007036	1962
TOD 3-Caltrans/IHOP	2460021018	1963
TOD 3-Caltrans/IHOP	2460021019	1967
TOD 3-Caltrans/IHOP	2460021020	1961
TOD 3-Caltrans/IHOP	2460021027	1972
TOD 3-Caltrans/IHOP	2460021028	1929
TOD 4-Old IKEA	2460031029	1963
TOD 7-Civic Center	2453008908	1962
TOD 7-Civic Center (City Hall)	2453009902	1952
TOD 7-Civic Center	2455021906	1964
TOD 8-Olive/Glenoaks	2453014002	1952

OP Site ID	APN	Year Built
TOD 8-Olive/Glenoaks	2453014003	1911
TOD 8-Olive/Glenoaks	2453014008	1953
TOD 8-Olive/Glenoaks	2453014012	1937
TOD 8-Olive/Glenoaks	2453014014	1927
TOD 8-Olive/Glenoaks	2453014022	1920
TOD 8-Olive/Glenoaks	2453014023	1941
TOD 8-Olive/Glenoaks	2453014024	1955
TOD 9-Fosters Freeze/Salvation Army	2453021026	1956
TOD 9-Fosters Freeze/Salvation Army	2453021027	1962
TOD 9-Fosters Freeze/Salvation Army	2453021029	1947
TOD 9-Fosters Freeze/Salvation Army	2453021030	1949
TOD 9-Fosters Freeze/Salvation Army	2453021032	1974
TOD 9-Fosters Freeze/Salvation Army	2453021033	1957
TOD 9-Fosters Freeze/Salvation Army	2453021035	1955
TOD 9-Fosters Freeze/Salvation Army	2453021041	1961
TOD 11-Victory/Olive	2451016012	1971
TOD 11-Victory/Olive	2451016013	1965
TOD 11-Victory/Olive	2451016014	1952
TOD 12-YMCA	2460035003	1961
TOD 12-YMCA	2460035005	1956
TOD 12-YMCA	2460035007	1957
TOD 12-YMCA	2460035018	1923

All projects that would be permitted under the proposed update to the Housing Element and the associated zone changes would be subject to additional CEQA review during the Development Review and/or any other applicable permitting process. Therefore, adherence to the requirements of LU-4 would ensure that all properties are surveyed to determine if they are eligible for listing as a historic resource. However, impacts could still arise if a Permit to Alter a Historic Resource was issued allowing for the alteration or demolition of an eligible resource. Therefore, Mitigation Measure CUL-1 is also required.

Mitigation Measure

CUL-1 Historic Resource Protection

The project proponent shall either:

- a) Demonstrate to the satisfaction of the City of Burbank Community Development Department that the project does not contain any historic resources either due to the site

being vacant, age of the structures on the site, or due to the result of the Program LU-4 Historic Preservation Plan determination; or

- b) For any structure determined to be eligible for listing on a federal, State, or local registry, or currently listed, as a historic resource (typically determined as a result of the Program LU-4 Historic Preservation Plan process), project activities shall comply with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Standards). During the project planning phase (prior to any construction activities), input shall be sought from a qualified architectural historian or historic architect meeting the *Secretary of the Interior's Professional Qualifications Standards* to ensure project compliance with the Standards for Rehabilitation. The cost of this assessment shall be borne entirely by the project applicant. This input will ensure the avoidance of any direct/indirect physical changes to historical resources. The findings and recommendations of the architectural historian or historic architect shall be documented in a Standards Project Review Memorandum at the schematic design phase. This memorandum shall analyze all project components for compliance with the Standards for Rehabilitation. Project components to be analyzed shall include direct and indirect changes to historical resources and their setting. Should design modifications be necessary to bring projects into compliance with the Standards for Rehabilitation, the memorandum will document those recommendations, which will then become conditions of project approval. The report will be submitted to the City for review and approval.

Significance After Mitigation

Potential impacts to historic resources would be less than significant with implementation of Mitigation Measure CUL-1.

Threshold 2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Impact CUL-2 DEVELOPMENT ACCOMMODATED BY THE HOUSING ELEMENT UPDATE COULD ADVERSELY AFFECT IDENTIFIED AND PREVIOUSLY UNIDENTIFIED PREHISTORIC CULTURAL RESOURCES. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH THE IMPLEMENTATION OF MITIGATION, AS WELL AS THE POLICIES OUTLINED IN THE HISTORIC RESOURCE MANAGEMENT ORDINANCE, PROGRAM LU-4: HISTORIC PRESERVATION PLAN.

Although the City has not listed identified archaeological sites in the city, it is known that prehistoric populations were present in Burbank and the surrounding areas. Therefore, the potential to encounter unidentified resources in the City and on residential opportunity sites noted in the Housing Element Update properties is considered moderate. Undeveloped properties in the Housing Element Update inventory have a higher probability of containing previously unidentified archaeological resources given the probable lack of previous ground-disturbing activities on those properties. Additionally, ground-disturbance into undisturbed soils on any Housing Element Update property could contain previously unknown prehistoric or historic-period resources. The Historic Resource Management Ordinance, Program LU-4: Historic Preservation Plan also provides specific policies related to the unanticipated discovery of archaeological resources. The Program LU-4 measures specific to Impact CUL-2 include:

Require assessment by a qualified archeologist for projects subject to CEQA involving ground disturbing activities on previously undisturbed land to identify the potential to encounter buried historical resources (as defined in State CEQA Guidelines Section 15064.5). If the assessment

determines that buried resources may be present, the City shall require preparation and implementation of a treatment plan outlining measures for monitoring, data recovery, and/or handling inadvertent discoveries.

As described in Program LU-4, all development projects under the Housing Element Update that require ground-disturbing activities on previously undisturbed lands must be assessed by a qualified archaeologist before construction commences. In addition, Mitigation Measure CUL-2(a) and CUL-2(b) are required for projects that include excavation beyond five feet.

Mitigation Measures

Housing development projects that require ground disturbance (grading, trenching, foundation work, and other excavations) beyond five feet below ground surface (bgs) where it was not previously excavated beyond five feet bgs, shall comply with the City of Burbank Historic Resource Management Ordinance, Program LU-4: Historic Preservation Plan, and General Plan Policies. In addition, the following requirements shall apply:

CUL-2(a) Unanticipated Discovery of Archaeological Resources

Prior to the commencement of any ground-disturbing activities, a qualified archaeologist shall be retained to conduct a Worker's Environmental Awareness Program (WEAP) training on archaeological sensitivity for all construction personnel. The training shall be conducted by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualification Standards for archaeology. Archaeological sensitivity training will include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.

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.

CUL-2(b) Archaeological and Native Monitors

During initial ground disturbing activities related to the proposed project, both a qualified archaeologist and a locally affiliated Native American monitor shall monitor construction activities within the project site in accordance with City of Burbank Historic Resource Management Ordinance, Program LU-4: Historic Preservation Plan. Initial ground disturbance is defined as disturbance within previously undisturbed native soils. If, during initial ground disturbance, the qualified archaeologist determines that the construction activities have little or no potential to impact cultural resources (e.g., excavations are within previously disturbed, non-native soils, or within soil formation not expected to yield cultural resources deposits), the qualified archaeologist may recommend that monitoring be reduced or eliminated, in consultation with the Native American monitor.

Significance After Mitigation

Mitigation Measures CUL-2(a) and CUL-2(b) would reduce impacts to prehistoric resources to a less than significant level.

<p>Threshold 3: Would the Project disturb any human remains, including those interred outside of formal cemeteries?</p>
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Impact CUL-3 GROUND-DISTURBING ACTIVITIES ASSOCIATED WITH DEVELOPMENT UNDER THE HOUSING ELEMENT UPDATE COULD RESULT IN DAMAGE TO OR DESTRUCTION OF HUMAN BURIALS. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH THE IMPLEMENTATION OF MITIGATION, AS WELL AS THE POLICIES OUTLINED IN THE HISTORIC RESOURCE MANAGEMENT ORDINANCE, PROGRAM LU-4: HISTORIC PRESERVATION PLAN.

Human burials outside of formal cemeteries can occur in prehistoric archaeological contexts. While no known burial sites have been identified in the city, excavations during construction activities could have the potential to disturb these resources, which could include Native American burial sites. Although it is unlikely that human remains are present, all Housing Element Update properties have at least the possibility of containing previously unidentified human remains.

Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in Section 5097 of the California PRC. The California Health and Safety Code (Section 7050.5, 7051, and 7054) has specific provisions for the protection of human burial remains. Existing regulations address the illegality of interfering with human burial remains, and protect them from disturbance, vandalism, or destruction. They also include established procedures to be implemented if Native American skeletal remains are discovered. PRC Section 5097.98 also addresses the disposition of Native American burials, protects such remains, and established the NAHC to resolve any related disputes.

The policies outlined in Program LU-4 (see Impact CUL-2) ensures that a plan will be in place to properly mitigate any potential unanticipated discovery of human remains on a Housing Element Update property. Additionally, all development projects are subject to State of California Health and Safety Code Section 7050.5 that states that no further disturbance shall occur until the county coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The County coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 24 hours of notification

and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Mitigation Measures

Mitigation Measures CUL-2(a) and CUL-2(b) would address potential impacts to human remains.

Significance After Mitigation

Mitigation Measures CUL-2(a) and CUL-2(b) would reduce impacts to human remains to a less than significant level.

Threshold 4: Would the Project cause a substantial adverse change in the significance of a Tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

Threshold 5: Would the Project cause a substantial adverse change in the significance of a Tribal cultural resource as defined in Public Resources Code Section 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

Impact CUL-4 DEVELOPMENT ACCOMMODATED BY THE HOUSING ELEMENT UPDATE COULD ADVERSELY IMPACT TRIBAL CULTURAL RESOURCES. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH IMPLEMENTATION OF MITIGATION AND THROUGH CONSULTATION CONDUCTED PURSUANT TO THE REQUIREMENTS OF AB 52.

Ground-disturbing activities associated with individual development projects under the Housing Element Update could expose previously unidentified subsurface archaeological resources that may qualify as Tribal cultural resources and could be adversely affected by the project construction. Given the highly developed nature of most Housing Element Update and rezone properties, the likelihood of encountering intact cultural or Tribal cultural resources is low to moderate.

As part of its Tribal cultural resource identification process under AB 52, the City of Burbank sent letters via certified mail to nine Native American Tribes that had previously requested to be informed through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the Tribes. The City has yet not received any requests for consultation. The City of Burbank also requested a review of the Sacred Land File (SLF) by the NAHC and received a response on April 6, 2021 that the search of the SLF was positive. The NAHC requested that the City contact the Fernandeno Tataviam Band of Mission Indians to determine if any specific Tribal cultural resources that would be impacted by the proposed Housing Element Update. To date, the City has not received any responses for additional consultation under AB 52 or SB 18.

The proposed Project is part of a high-level planning document. It remains a possibility that Tribal cultural resources may be present within geographic areas affiliated with Tribal organizations. Adherence to the requirements of AB 52 would require Tribal consultation with local California Native American Tribes prior to implementation of any project activities which are subject to CEQA. In compliance with AB 52, a determination of whether project-specific substantial adverse effects on Tribal cultural resources would occur along with identification of appropriate project-specific

avoidance, minimization, or mitigation measures would be required. Due to the programmatic nature of the proposed program, it is not possible to fully determine impacts, however, no Tribal cultural resources were identified during consultation and no resources eligible for the California Register of Historical Resources or local register were identified as being impacted by the proposed program. Any future project implementation would require project-specific Tribal cultural resource identification and consultation, and the appropriate avoidance, minimization, or mitigation would be incorporated.

AB 52 consultation, thus far, did not identify Tribal cultural resources in the Project area as part of this analysis. Project-specific Tribal cultural resource consultation will occur when specific projects are implemented, and consultation conducted pursuant to the requirements of AB 52. In addition, Mitigation Measures CUL-2(a) and CUL-2(b) would apply on all undeveloped properties and properties that require ground-disturbance beyond five feet bgs where it was not previously excavated beyond five feet bgs.

Mitigation Measures

Mitigation Measures CUL-2(a) and CUL-2(b) would address potential impacts to Tribal cultural resources.

Significance After Mitigation

Mitigation Measures CUL-2(a) and CUL-2(b) would reduce impacts to Tribal cultural resources to a less than significant level.

4.3.4 Cumulative Impacts

Cumulative development under the Burbank2035 Housing Element Update could potentially disturb areas that may contain cultural and Tribal cultural resources. While there is the potential for significant cumulative impacts to cultural and Tribal cultural resources, it is anticipated that potential impacts associated with individual development projects would be addressed on a case-by-case basis and would be subject to City policies and local and State regulations regarding the protection of such resources. With compliance with existing policies and regulations, future development in the City and region would be required to avoid or mitigate the loss of these resources. The proposed Project's impacts can be reduced to below a level of significance with the standard conditions of approval (including City policies and local and State regulations) described above. Therefore, significant cumulative resource impacts would not occur.

4.4 Geology/Soils

This section evaluates potential impacts related to paleontological resources.

The Initial Study found no potentially significant impacts related earthquake faults (Threshold 2), strong seismic ground shaking (Threshold 3), liquefaction (Threshold 4), landslides (Threshold 5), substantial soil erosion (Threshold 6), unstable geologic units (Threshold 7), expansive soils (Threshold 8), or soils supporting the use of septic tanks or alternative wastewater disposal systems (Threshold 9); therefore, these issues are not studied further herein.

4.4.1 Environmental Setting

a. Paleontological Resources

Paleontological resources, or fossils, are the evidence of once-living organisms preserved in the rock record. They include both the fossilized remains of ancient plants and animals and the traces thereof (e.g., trackways, imprints, burrows, etc.). Paleontological resources are not found in “soil” but are contained within the geologic deposits or bedrock that underlies the soil layer. Typically, fossils are greater than 5,000 years old (i.e., older than middle Holocene in age) and are typically preserved in sedimentary rocks. Although rare, fossils can also be preserved in volcanic rocks and low-grade metamorphic rocks under certain conditions (Society of Vertebrate Paleontology [SVP] 2010). Fossils occur in a non-continuous and often unpredictable distribution within some sedimentary units, and the potential for fossils to occur within sedimentary units depends on a number of factors. It is possible to evaluate the potential for geologic units to contain scientifically important paleontological resources, and therefore evaluate the potential for impacts to those resources and provide mitigation for paleontological resources if they are discovered during construction of a development project.

b. Geologic Setting

Burbank is in the eastern portion of the San Fernando Valley situated along the southwestern edge of the Verdugo Mountains within the east-west trending Transverse Ranges geomorphic province (California Geological Survey 2002; Yerkes and Campbell 2005). The San Fernando Valley is approximately 23 miles wide and 12 miles long and is underlain by a structural depression that contains a thick accumulation of more than 20,000 feet of Cenozoic alluvial, shallow marine, and deep shelf sedimentary deposits (McCulloh and Beyer 2004). The alluvium in the San Fernando Valley is mainly derived from the Santa Monica Mountains to the south, the Santa Susana Mountains to the north, the Simi Hills to the west, the San Gabriel Mountains to the northeast, and the Verdugo Mountains to the east.

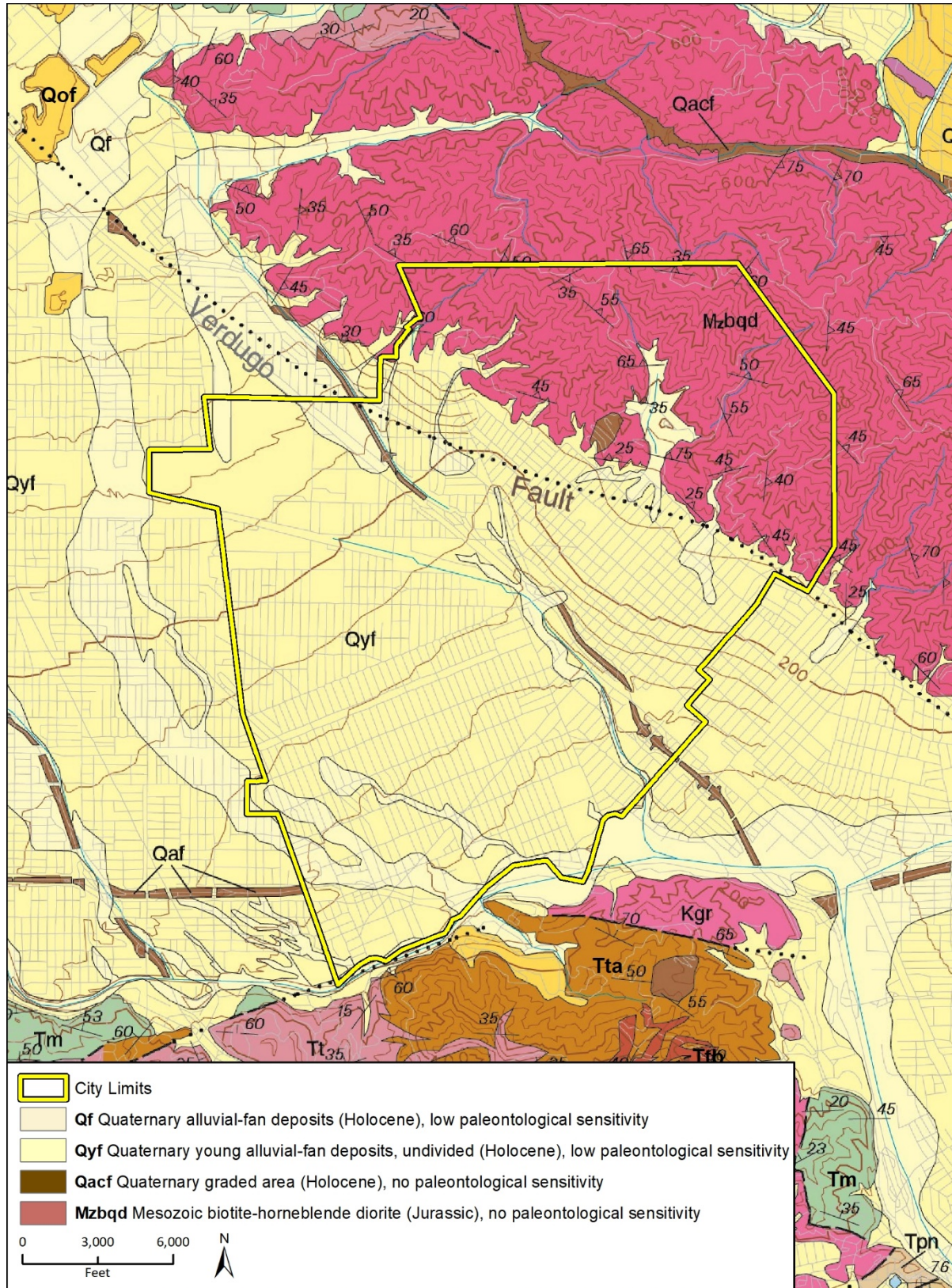
The City includes four geologic units mapped at ground surface, including Quaternary young (late to middle Holocene) alluvial fan deposits (Qyf, Qf), Quaternary young (late Holocene) graded deposits (Qacf), and Mesozoic intrusive igneous rocks (Mzbqd) (Yerkes and Campbell 2005). Quaternary young (late to middle Holocene) alluvial fan deposits (Qyf, Qf), mapped throughout most of the City, consist of unconsolidated gravel, sand, and silt, bouldery near mountain fronts; deposited chiefly from flooding streams and debris flows. In addition, surfaces of these deposits can display slight to moderate pedogenic soil development. Late to middle Holocene alluvial deposits are too young (i.e., less than 5,000 years old) to preserve fossil resources, but these sediments may grade downward into older, fossiliferous sedimentary deposits of early Holocene or late Pleistocene age.

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Quaternary old (early Holocene to Pleistocene) alluvial deposits (e.g., Qoa); consisting of unconsolidated to moderately indurated gravel, sand and silt; have a well-documented record of abundant and diverse vertebrate fauna throughout California, including Los Angeles County. Fossil specimens of whale, sea lion, horse, ground sloth, bison, camel, mammoth, dog, pocket gopher, turtle, ray, bony fish, shark, and bird have been reported (Agenbroad 2003; Jefferson 2010; Paleobiology Database 2020; Savage et al. 1954; University of California Museum of Paleontology [UCMP] 2021).

Quaternary young (late Holocene) graded deposits (Qacf), mapped in the central portions of the City, consist of undifferentiated cuts and artificial fill associated with prior development. Mesozoic intrusive igneous rocks (Mzbqd), mapped within the northern portion of the City, consist of medium-grained biotite-quartz diorite that is slightly gneissic and formed either from the cooling of molten rock deep below the surface under high heat and high pressure, or from cooling magma injected into older rocks (Yerkes and Campbell 2005). The high-heat and high-pressure conditions in which these rocks formed are not suitable for life or fossilization. Refer to Figure 4.4-1 for the geologic units and paleontological sensitivity within the City limits.

Figure 4.4-1 Geologic Units and Paleontological Sensitivity Within the City of Burbank



4.4.2 Regulatory Setting

a. State

California Environmental Quality Act

Paleontological resources are protected under CEQA, which states in part a project will “normally” have a significant effect on the environment if it, among other things, will disrupt or adversely affect a paleontological site except as part of a scientific study. Specifically, in Section VII(f) of Appendix G of the State CEQA Guidelines, the Environmental Checklist Form, the question is posed thus: “Will the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.” To determine the uniqueness of a given paleontological resource, it must first be identified or recovered (i.e., salvaged). Therefore, CEQA mandates mitigation of adverse impacts, to the extent practicable, to paleontological resources.

CEQA does not define “a unique paleontological resource or site.” However, the Society of Vertebrate Paleontology (SVP) has defined a “significant paleontological resource” in the context of environmental review as follows:

Fossils and fossiliferous deposits, here defined as consisting of identifiable vertebrate fossils, large or small, uncommon invertebrate, plant, and trace fossils, and other data that provide taphonomic, taxonomic, phylogenetic, paleoecologic, stratigraphic, and/or biochronologic information. Paleontological resources are typically to be older than recorded human history and/or older than middle Holocene (i.e., older than about 5,000 radiocarbon years) (SVP 2010).

The loss of paleontological resources meeting the criteria outlined above (i.e., a significant paleontological resource) would be a significant impact under CEQA, and the CEQA lead agency is responsible for ensuring that impacts to paleontological resources are mitigated, where practicable, in compliance with CEQA and other applicable statutes.

California Public Resources Code

Section 5097.5 of the Public Resources Code states:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

Here “public lands” means those owned by, or under the jurisdiction of, the State or any city, county, district, authority, or public corporation, or any agency thereof. Consequently, public agencies are required to comply with Public Resources Code Section 5097.5 for their own activities, including construction and maintenance, and for permit actions (e.g., encroachment permits) undertaken by others.

b. Local

Burbank2035 General Plan

Chapter 6, *Open Space Resources* and Chapter 7, *Safety Element*, of the Burbank2035 General Plan contain the following geology, soils, and paleontology policies applicable to the project:

- **Policy 6.1:** Recognize and maintain cultural, historical, archeological, and paleontological structures and sites essential for community life and identity.

Chapter 8, *Plan Realization* of the Burbank2035 General Plan includes an implementation program to put General Plan goal and policies into action. The following is included under *Program OSC-7: Development Review* to help minimize the potential impacts of project implementation on paleontological resources:

If paleontological resources are discovered during earthmoving activities associated with future development projects, the construction crew shall immediately cease work in the vicinity of the find and notify the City. The project applicant(s) shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan shall include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the lead agency to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. (Page 161)

Burbank Municipal Code

BMC Title 7, Article 1, Section 105(c) and (d), define the requirements of the Engineering Geological Report and Soil Engineering Report required with a project's grading plans. The Engineering Geological Report shall be prepared and signed by an engineering geologist and shall include a description of the geology of the site, conclusions, and recommendations regarding the effect of geological conditions on the proposed development, and a geologic map of sufficient detail as to portray the existing field condition. The Soils Engineering Report must be prepared by a soil engineer and shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, or other criteria as may be necessary. Conclusions from these reports are to be incorporated into the grading plans or specifications for the project.

4.4.3 Impact Analysis

a. Thresholds of Significance

Thresholds of significance are based on the questions in Appendix G of the CEQA Guidelines. The Initial Study prepared for the Project (Appendix B) determined that a potentially significant impact might occur under the following threshold and therefore will be analyzed in this section of the EIR.

1. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature
2. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-

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Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault

3. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking
4. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction
5. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides
6. Result in substantial soil erosion or the loss of topsoil
7. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse
8. Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property
9. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater

The Initial Study (Appendix B) determined that the Project could result in potentially significant impacts related to unique paleontological resources or geologic features (Threshold 1). As such, an analysis of this issue is included in this section of the EIR.

The Initial Study (IS) found no potentially significant impacts related earthquake faults (Threshold 2) because project development would not directly or indirectly cause or exacerbate potential substantial adverse effects involving the rupture of a known earthquake fault. Similarly, the IS found no potentially significant impacts related to strong seismic ground shaking (Threshold 3) or liquefaction (Threshold 4), because compliance with applicable building standards and the California Building Code (CBC) would minimize the potential for property damage and loss of life and reasonably foreseeable development under the Housing Element Update would not increase the frequency or severity of ground shaking or liquefaction. The IS also found no potentially significant impacts related to landslides (Threshold 5), due to the majority of the City's area having a flat topography, and housing sites identified in the Housing Element Update are not located along the foothills. Regarding substantial soil erosion (Threshold 6), the IS found that no potentially significant impacts would occur because compliance with the National Pollutant Discharge Elimination System (NPDES) and development of a Stormwater Pollution Prevention Plan (SWPPP) and BMPs would reduce the risk of soil erosion from construction activities such that there would be minimal change in risk compared to current conditions. The IS found no potentially significant impacts related to unstable geologic units (Threshold 7) or expansive soils (Threshold 8), because adherence to the CBC's soil requirements would achieve accepted safety standards relative to unstable geologic units, or unstable or expansive soils. The IS found no impacts related to soils supporting the use of septic tanks or alternative wastewater disposal systems (Threshold 9) because the use of septic systems is not anticipated as part of future development. Therefore, these issues are not studied further herein.

b. Methodology

Because the Housing and Safety Element Updates pertain to the entire City and this Program EIR is aimed at identifying the broad, citywide impacts of implementing the proposed updates, methods

for research consisted of a desktop analysis and definition of the existing conditions that characterize the general geologic setting and paleontological sensitivity in the City and surrounding region. These potential impacts and any associated mitigation measures would apply citywide and would be tied directly to projects with physical construction activities.

Paleontological Resources Sensitivity

Paleontological sensitivity refers to the potential for a geologic unit to produce scientifically significant fossils. Direct impacts to paleontological resources occur when earthwork activities, such as grading or trenching, cut into the geologic deposits within which fossils are buried and physically destroy the fossils. Since fossils are the remains of prehistoric animal and plant life, they are considered to be nonrenewable. Such impacts have the potential to be significant and, under the *CEQA Guidelines*, may require mitigation. Sensitivity is determined by rock type, past history of the geologic unit in producing significant fossils, and fossil localities recorded from that unit. Paleontological sensitivity is derived from the known fossil data collected from the entire geologic unit, not just from a specific survey.

The discovery of a vertebrate fossil locality is of greater significance than that of an invertebrate fossil locality, especially if it contains a microvertebrate assemblage. The recognition of new vertebrate fossil locations could provide important information on the geographical range of the taxa, their radiometric age, evolutionary characteristics, depositional environment, and other important scientific research questions. Vertebrate fossils are almost always significant because they occur more rarely than invertebrates or plants. Thus, geological units having the potential to contain vertebrate fossils are considered the most sensitive.

The Society for Vertebrate Paleontology (SVP) outlines in its Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (SVP 2010) guidelines for categorizing paleontological sensitivity of geologic units in a project area. The SVP (2010) describes sedimentary rock units as having a high, low, undetermined, or no potential for containing significant nonrenewable paleontological resources. This criterion is based on rock units within which vertebrates or significant invertebrate fossils have been determined by previous studies to be present or likely to be present. Significant paleontological resources are fossils or assemblages of fossils, which are unique, unusual, rare, uncommon, diagnostically or stratigraphically, taxonomically, or regionally. The paleontological sensitivity of the project site has been evaluated according to the following SVP (2010) categories, which are presented below.

High Potential (Sensitivity)

Rock units from which significant vertebrate or significant invertebrate fossils or significant suites of plant fossils have been recovered are considered to have a high potential for containing significant non-renewable fossiliferous resources. These units include, but are not limited to, sedimentary formations and some volcanic formations which contain significant nonrenewable paleontological resources anywhere within their geographical extent, and sedimentary rock units temporally or lithologically suitable for the preservation of fossils. Sensitivity comprises both (a) the potential for yielding abundant or significant vertebrate fossils or for yielding a few significant fossils, large or small, vertebrate, invertebrate, or botanical and (b) the importance of recovered evidence for new and significant taxonomic, phylogenetic, ecologic, or stratigraphic data. Areas which contain potentially datable organic remains older than recent, including deposits associated with nests or middens, and areas that may contain new vertebrate deposits, traces, or trackways are also

classified as significant. Full-time monitoring is typically recommended during any project-related ground disturbance in geologic units with high sensitivity.

Low Potential (Sensitivity)

Sedimentary rock units that are potentially fossiliferous but have not yielded fossils in the past or contain common and/or widespread invertebrate fossils of well documented and understood taphonomic (processes affecting an organism following death, burial, and removal from the ground), phylogenetic species (evolutionary relationships among organisms), and habitat ecology. Reports in the paleontological literature or field surveys by a qualified vertebrate paleontologist may allow determination that some areas or units have low potentials for yielding significant fossils prior to the start of construction. Generally, these units will be poorly represented by specimens in institutional collections and will not require protection or salvage operations.

Undetermined Potential (Sensitivity)

Specific areas underlain by sedimentary rock units for which little information is available are considered to have undetermined fossiliferous potentials. Field surveys by a qualified vertebrate paleontologist to specifically determine the potentials of the rock units are required before programs of impact mitigation for such areas may be developed.

No Potential

Rock units of metamorphic or igneous origin are commonly classified as having no potential for containing significant paleontological resources. For geologic units with no sensitivity, a paleontological monitor is not required.

c. Project Impacts

Threshold 1: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Impact GEO-1 DEVELOPMENT ACCOMMODATED UNDER THE HOUSING ELEMENT UPDATE COULD ADVERSELY AFFECT PREVIOUSLY UNIDENTIFIED PALEONTOLOGICAL RESOURCES. IMPACTS TO PALEONTOLOGICAL RESOURCES WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.

The proposed Safety Element Update does not include any language regarding paleontological resources and therefore no impact would occur as a result of the update. The only potential impacts to paleontological resources would occur as a result of new residential and commercial construction that would be accommodated under the Housing Element Update.

Based on a paleontological literature review and existing fossil locality information available on the Paleobiology Database and UCMP database, the paleontological sensitivity of the geologic units underlying the City were determined in accordance with criteria set forth by the SVP (2010).

Mesozoic intrusive igneous rocks (Mzbqd), mapped within the northern portion of the City have no paleontological sensitivity since the physical parameters of their formation are not conducive to fossil preservation. Quaternary young (Holocene) graded deposits (Qacf) and other previously disturbed sediments (e.g., artificial fill) lack taphonomic and other important scientific data and, as such, are also assigned no paleontological sensitivity.

Quaternary young (late to middle Holocene) sedimentary deposits (Qyf, Qf) are too young to preserve fossil resources as defined by SVP standards (2010) (i.e., deposits that are less than 5,000 years old cannot, by definition, contain fossils). Late to middle Holocene sedimentary deposits are assigned a low paleontological sensitivity at the surface; however, these units grade downward into older, potentially fossiliferous deposits of early Holocene to Pleistocene age (e.g., Qoa) at unknown depths, that can only be estimated, based on regional geologic setting in the absence of additional data. Accurately assessing the boundaries between younger and older units within the City is generally requires site-specific stratigraphic data, some form of radiometric dating, or fossil analysis from nearby sites. Conservative estimates of the depth at which paleontologically sensitive units may occur reduces potential for impacts to paleontological resources. The depths at which these units become old enough to yield fossils is highly variable, but generally does not occur at depths of less than five feet throughout most of the San Fernando Valley. Sensitive units could occur at depths shallower than five feet on basin margins and near contact points with high sensitivity units. Early Holocene to Pleistocene sedimentary deposits have a well-documented record of abundant and diverse vertebrate fauna throughout California (Jefferson 2010; Paleobiology Database 2021; UCMP 2021). Therefore, areas mapped as Quaternary young (middle to late Holocene) sedimentary deposits (Qf, Qyf) are assigned a high paleontological sensitivity at depths greater than five feet.

Paleontological resources may be encountered during any ground-disturbing activities associated with construction (e.g., grading, excavation, or other ground disturbing construction activity) in intact (native) geologic units with high paleontological sensitivity. Construction activities may result in the destruction, damage, or loss of undiscovered scientifically important paleontological resources. However, the Housing Element Update would prioritize residential development on infill sites and in areas that have previously been developed and disturbed and are therefore less likely to contain paleontological resources than undisturbed areas that have not previously been excavated or disturbed below the ground surface. In addition, where suitable geologic units are present, paleontological resources are most likely to occur more than five feet below the ground surface. All of the proposed rezone locations have been mapped as Qyf, Qf (low sensitivity increasing with depth), and Qacf (no sensitivity). While development under the Housing Element Update and proposed rezoning would most often occur on previously disturbed sites, paleontological resources could be impacted if the proposed development requires excavation of a greater depth than previously disturbed and when located in areas that have been mapped as Qyf or Qf.

Most foreseeable development under the Housing Element Update and rezoning would be unlikely to involve impacts to paleontological resources, due to the locations in infill areas where previous disturbance has occurred. However, given that most of the proposed housing opportunity sites are mapped within areas of high paleontological sensitivity at depths greater than five feet, substantial adverse change in or a disturbance to known or unknown resources is possible; therefore, impacts to paleontological resources would be potentially significant.

Mitigation Measures

GEO-1(a) Paleontological Resources Management

Housing development projects that require ground disturbance (grading, trenching, foundation work, and other excavations) beyond five feet below ground surface (bgs) on a site located in an area mapped as Quaternary young (Holocene) alluvial fan deposits (Qyf, Qf) where it was not previously excavated beyond five feet bgs, shall comply with the following requirements prior to the commencement of any construction activities:

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1. The Developer shall retain a qualified professional paleontologist to review project plans to determine if underlying paleontologically sensitive units (i.e., early Holocene to Pleistocene age deposits [Qoa]) could be impacted. If potentially significant impacts are identified, the qualified professional paleontologist shall prepare and implement a Paleontological Resources Mitigation Plan (PRMP). The PRMP shall describe mitigation recommendations, including paleontological monitoring procedures; communication protocols to be followed in the event that an unanticipated fossil discovery is made during project development; and preparation, curation, and reporting requirements.
2. As part of a PRMP, require the Qualified Paleontologist or his or her designee to conduct Worker Environmental Awareness Program (WEAP) training for the general contractor, subcontractor(s), and all construction workers participating in earth disturbing activities, regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by on-site personnel. The WEAP shall be fulfilled at the time of a preconstruction meeting. A training acknowledgment form must be signed by all workers who receive the training and retained by the City. In the event a fossil is discovered by construction personnel, all work in the immediate vicinity of the find shall cease and the qualified paleontologist shall be contacted to evaluate the find before re-starting work in the area. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the mitigation outlined below (GEO-1[b]) to mitigate impacts to significant fossil resources.
3. Conduct monitoring during ground construction activities (i.e., grading, trenching, foundation work, and other excavations). Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who meets the minimum qualifications per standards set forth by the SVP (2010), which includes a B.S. or B.A. degree in geology or paleontology with one year of monitoring experience and knowledge of collection and salvage of paleontological resources. The duration and timing of the monitoring 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 limited to periodic spot-checking or cease entirely.

GEO-1(b) Fossil Discovery, Preparation, and Curation

If a paleontological resource is discovered at any time during earthmoving activities, the construction contractor shall ensure that all construction activities in the immediate area of the find are halted and diverted, and the City is contacted. A qualified paleontologist shall be retained (if not done so already) to evaluate the discovery. The paleontologist shall have the authority to temporarily direct, divert or halt construction activity around the find until it is assessed for scientific significance and collected to ensure that the fossil(s) can be removed in a safe and timely manner.

Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection (such as the Natural History Museum of Los Angeles County [NHMLAC]) along with all pertinent field notes, photos, data, and maps.

Significance After Mitigation

Mitigation Measures GEO-1(a) and GEO-1(b) would reduce impacts to a less than significant level.

4.4.4 Cumulative Impacts

The area to analyze cumulative paleontological resource impacts includes the City limits of Burbank. As discussed in the *Impact Analysis*, the geologic units in the City could potentially yield fossils. However, implementation of Mitigation Measures GEO-1(a) and GEO-1(b) would ensure that Project impacts to paleontological resources would not be significant by creating added protections for potentially sensitive paleontological sites. Such compliance, and implementation of these measures would ensure that the implementation of the proposed Project would not contribute to cumulatively considerable impacts related to paleontological resources.

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4.5 Greenhouse Gas Emissions

This section identifies and evaluates impacts related to greenhouse gas (GHG) emissions and climate change. GHGs are emitted by both natural processes and human activities. The accumulation of GHGs in the atmosphere regulates Earth's temperature. The State of California has undertaken initiatives designed to address the effects of GHGs, and to establish targets and emission reduction strategies for GHG emissions in California. The GHG data supporting this section is included as Appendix D of this Draft EIR.

4.5.1 Environmental Setting

a. Climate Change and Greenhouse Gases

Earth's natural warming process is known as the "greenhouse effect." Certain atmospheric gases act as an insulating blanket for solar energy to keep the global average temperature in a suitable range for life support. The greenhouse effect raises the temperature of Earth's surface by about 60 degrees Fahrenheit (°F). With the natural greenhouse effect, the average temperature of Earth is about 45°F; without it, Earth would be about minus 15°F. It is normal for Earth's temperature to fluctuate over extended periods of time. Over the past 100 years, Earth's average global temperature has generally increased by one-degree Fahrenheit. In some regions of the world, the increase has been as much as 4°F.

Scientists studying the particularly rapid rise in global temperatures during the late twentieth century believe that natural variability alone does not account for that rise. Rather, human activity spawned by the industrial revolution has likely resulted in increased emissions of carbon dioxide and other forms of GHGs, primarily from the burning of fossil fuels (i.e., during motorized transport, electricity generation, consumption of natural gas, industrial activity, manufacturing, etc.) and deforestation, as well as agricultural activity and the decomposition of solid waste.

Common GHGs that are emitted by both natural processes and human activities include carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). Man-made GHGs, many of which have much greater heat-absorption potential than CO₂, include fluorinated gases and sulfur hexafluoride. As emission of these man-made GHGs is typically only associated specific types of industrial development and industrial development is not associated with the proposed Housing Element Update, these fluorinated gases and sulfur hexafluoride are discussed further in this document.

Different types of GHGs have varying global warming potentials (GWPs). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally, 100 years). CO₂ is the most abundant GHG. Other GHGs are less abundant but have higher global warming potential (discussed below) than CO₂. Because GHGs absorb different amounts of heat, a common reference gas (CO₂) is used to relate the amount of heat absorbed to the amount of the gas emissions, referred to as "carbon dioxide equivalent" (CO₂e), and is the amount of a GHG emitted multiplied by its GWP. CO₂ has a 100-year GWP of one. General characteristics of each GHG discussed in this report is briefly described.

Carbon Dioxide

CO₂ is an odorless, colorless GHG, which has both natural and man-made sources. Natural sources include the following: decomposition of dead organic matter; respiration of bacteria, plants,

animals, and fungus; evaporation from oceans; and volcanic outgassing; man made sources of CO₂ are burning coal, oil, natural gas, and wood.

Methane

CH₄ is a flammable gas and is the main component of natural gas. When one molecule of CH₄ is burned in the presence of oxygen, one molecule of CO₂ and two molecules of water are released. There are no ill health effects from CH₄. A natural source of CH₄ is the anaerobic decay of organic matter. Geological deposits, known as natural gas fields, also contain CH₄, which is extracted for fuel. Other sources are from landfills, fermentation of manure, and cattle. CH₄ has a GWP of 25 (Intergovernmental Panel on Climate Change [IPCC] 2007).

Nitrous Oxide

N₂O is a colorless GHG. High concentrations can cause dizziness, euphoria, and sometimes slight hallucinations. N₂O is produced by microbial processes in soil and water, including those reactions which occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. It is used in rocket engines, race cars, and as an aerosol spray propellant. N₂O has a GWP of 298 (IPCC 2007).

b. Impacts of Global Climate Change in California

Globally, climate change has the potential to affect numerous environmental resources though potential impacts related to future air temperatures and precipitation patterns. Scientific modeling predicts that continued GHG emissions at or above current rates would induce more extreme climate changes during the twenty first century than were observed during the twentieth century. Each of the past three decades has been warmer than all the previous decades in the instrumental record, and the decade from 2000 through 2010 has been the warmest. The observed global mean surface temperature (GMST) from 2011 to 2020 was approximately 0.82 degrees Celsius (°C) higher than the average GMST for the twentieth century (National Oceanic and Atmospheric Administration 2020). Furthermore, several independently analyzed data records of global and regional Land-Surface Air Temperature (LSAT) obtained from station observations jointly indicate that LSAT and sea surface temperatures have increased. Due to past and current activities, anthropogenic GHG emissions are increasing global mean surface temperature at a rate of 0.2°C per decade. In addition to these findings, there are identifiable signs that global warming is currently taking place, including substantial ice loss in the Arctic over the past two decades (IPCC 2014a and 2018).

According to *California's Fourth Climate Change Assessment*, statewide temperatures from 1986 to 2016 were approximately 0.6 to 1.1°C higher than those recorded from 1901 to 1960. Potential impacts of climate change in California may include reduced water supply from snowpack, sea level rise, more extreme heat days per year, more large forest fires, and more drought years (State of California 2018). In addition to statewide projections, *California's Fourth Climate Change Assessment* includes regional reports that summarize climate impacts and adaptation solutions for nine regions of the state and regionally-specific climate change case studies (State of California 2018). However, while there is growing scientific consensus about the possible effects of climate change at a global and statewide level, current scientific modeling tools are unable to predict what local impacts may occur with a similar degree of accuracy. A summary follows of some of the potential effects that could be experienced in California as a result of climate change.

Air Quality

Scientists project that the annual average maximum daily temperatures in California could rise by 2.5 to 5.8°F in the next 50 years and by 5.6 to 8.8°F in the next century. Since 1896, the top five warmest years in the Los Angeles region (in terms of annual average temperature) have all occurred since 2012 (State of California 2018). Higher temperatures are conducive to air pollution formation, and rising temperatures could therefore result in worsened air quality in California. As a result, climate change may increase the concentration of ground-level ozone, but the magnitude of the effect, and therefore its indirect effects, are uncertain. In addition, as temperatures have increased in recent years, the area burned by wildfires throughout the State has increased, and wildfires have occurred at higher elevations in the Sierra Nevada Mountains. In southern California, the average size of summertime non-Santa Ana based fires has significantly increased from 1,129 hectares in the 1960s to 2,121 hectares in the 2000s (State of California 2018). If higher temperatures continue to be accompanied by an increase in the incidence and extent of large wildfires, air quality could worsen. Severe heat accompanied by drier conditions and poor air quality could increase the number of heat-related deaths, illnesses, and asthma attacks throughout the state. However, if higher temperatures are accompanied by wetter, rather than drier conditions, the rains could tend to temporarily clear the air of particulate pollution, which would effectively reduce the number of large wildfires and thereby ameliorate the pollution associated with them (California Natural Resources Agency 2009).

Water Supply

Analysis of paleoclimatic data (such as tree-ring reconstructions of stream flow and precipitation) indicates a history of naturally and widely varying hydrologic conditions in California and the west, including a pattern of recurring and extended droughts. Uncertainty remains with respect to the overall impact of climate change on future precipitation trends and water supplies in California. Year-to-year variability in statewide precipitation levels has increased since 1980, meaning that wet and dry precipitation extremes have become more common (California Department of Water Resources 2018). This trend of increased dry and wet extremes is expected to increase in the future across most of the Los Angeles region (State of California 2018). The uncertainty regarding future precipitation trends complicates the analysis of future water demand, especially where the relationship between climate change and its potential effect on water demand is not well understood. The average early spring snowpack in the western U.S., including the Sierra Nevada Mountains, decreased by about 10 percent during the last century. During the same period, sea level rose over 0.15 meter along the central and southern California coasts (State of California 2018). The Sierra snowpack provides the majority of California's water supply as snow that accumulates during wet winters is released slowly during the dry months of spring and summer. A warmer climate is predicted to reduce the proportion of precipitation that falls as snow and the amount of snowfall at lower elevations, thereby reducing the total snowpack. Projections indicate that average spring snowpack in the Sierra Nevada and other mountain catchments in central and northern California will decline by approximately 66 percent from its historical average by 2050 (State of California 2018).

Hydrology and Sea Level Rise

Climate change could affect the intensity and frequency of storms and flooding. The number of atmospheric rivers (regions of high-water vapor transport from the tropics to the Pacific Coast that produce intense topographic-induced precipitation along southern California mountain ranges) is

expected to increase in the future, resulting in an extended flood hazard season (State of California 2018). Furthermore, climate change could induce substantial sea level rise in the coming century. Rising sea level increases the likelihood of and risk from coastal flooding. The rate of increase of global mean sea levels between 1993 to 2020, observed by satellites, is approximately 3.6 millimeters per year, more than double the twentieth century trend of 1.6 millimeters per year (World Meteorological Organization 2013; National Aeronautics and Space Administration 2021). Sea levels are rising faster now than in the previous two millennia, and the rise will probably accelerate, even with robust GHG emission control measures. The most recent IPCC report predicts a mean sea level rise of 0.25 to 0.94 meter by 2100 (IPCC 2018). A rise in sea levels could erode 31 to 67 percent of southern California beaches and cause flooding of approximately 370 miles of coastal highways during 100-year storm events. This would also jeopardize California's water supply due to saltwater intrusion and induce groundwater flooding and/or exposure of buried infrastructure (State of California 2018). Furthermore, increased storm intensity and frequency could affect the ability of flood-control facilities, including levees, to handle storm events. In the Los Angeles region, the effects of sea level rise on the coastline is expected to be compounded by the impacts of wave events during coastal storms because much of the coastline is comprised of wide sandy beaches (State of California 2018).

Agriculture

California has an over \$50 billion annual agricultural industry (\$176 million of which is from Los Angeles County) that produces over a third of the country's vegetables and two-thirds of the country's fruits and nuts (California Department of Food and Agriculture 2021). Higher CO₂ levels can stimulate plant production and increase plant water-use efficiency. However, if temperatures rise and drier conditions prevail, certain regions of agricultural production could experience water shortages of up to 16 percent, which would increase water demand as hotter conditions lead to the loss of soil moisture. In addition, crop yield could be threatened by water-induced stress and extreme heat waves, and plants may be susceptible to new and changing pest and disease outbreaks (State of California 2018). Temperature increases could also change the time of year certain crops, such as wine grapes, bloom or ripen, and thereby affect their quality (California Climate Change Center 2006).

Ecosystems and Wildlife

Climate change and the potential resultant changes in weather patterns could have ecological effects on global and local scales. Soil moisture is likely to decline in many regions as a result of higher temperatures, and intense rainstorms are likely to become more frequent. Rising temperatures could have four major impacts on plants and animals: timing of ecological events; geographic distribution and range of species; species composition and the incidence of nonnative species within communities; and ecosystem processes, such as carbon cycling and storage (Parmesan 2006; State of California 2018).

4.5.2 Regulatory Setting

Climate change and GHG emissions are governed by an evolving body of laws, regulations, and case law. Below are summaries of key regulations; however, the discussion below should not be considered exhaustive of this growing body of regulation.

a. Federal

Federal Clean Air Act

The U.S. Supreme Court determined in *Massachusetts et al. v. Environmental Protection Agency et al.* ([2007] 549 U.S. 05-1120) that the U.S. Environmental Protection Agency (USEPA) has the authority to regulate motor vehicle GHG emissions under the Federal Clean Air Act. The USEPA issued a Final Rule for mandatory reporting of GHG emissions in October 2009. This Final Rule applies to fossil fuel suppliers, industrial gas suppliers, direct GHG emitters, and manufacturers of heavy-duty and off-road vehicles and vehicle engines and requires annual reporting of emissions. In 2012, the USEPA issued a Final Rule that established the GHG permitting thresholds that determine when Clean Air Act permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities.

In *Utility Air Regulatory Group v. Environmental Protection Agency* (134 Supreme Court 2427 [2014]), the U.S. Supreme Court held the USEPA may not treat GHGs as an air pollutant for purposes of determining whether a source can be considered a major source required to obtain a Prevention of Significant Deterioration or Title V permit. The Court also held that Prevention of Significant Deterioration permits otherwise required based on emissions of other pollutants may continue to require limitations on GHG emissions based on the application of Best Available Control Technology.

Safer Affordable Fuel-Efficient Vehicles Rule

On September 27, 2019, the USEPA and the National Highway Traffic Safety Administration published the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program. The SAFE Rule Part One revokes California's authority to set its own GHG emissions standards and to adopt its own zero-emission vehicle mandates. On April 30, 2020, the USEPA and the National Highway Traffic Safety Administration published Part Two of the SAFE Vehicles Rule, which revised corporate average fuel economy and CO₂ emissions standards for passenger cars and trucks of model years 2021 to 2026 such that the standards increase by approximately 1.5 percent each year through model year 2026 as compared to the approximately five percent annual increase required under the 2012 standards (National Highway Traffic Safety Administration 2020). To account for the effects of the SAFE Vehicles Rule, California Air Resources Board (CARB) released off-model adjustment factors on June 26, 2020 to adjust GHG emissions outputs from the EMFAC model (CARB 2020).

b. State

California Advanced Clean Cars Program

Assembly Bill (AB) 1493 (2002), California's Advanced Clean Cars program (referred to as "Pavley"), requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." On June 30, 2009, the USEPA granted the waiver of Clean Air Act preemption to California for its GHG emission standards for motor vehicles, beginning with the 2009 model year, which allowed California to implement more stringent vehicle emission standards than those promulgated by the USEPA. Pavley I regulates model years from 2009 to 2016 and Pavley II, now referred to as "LEV (Low Emission Vehicle) III GHG," regulates model years from 2017 to 2025. The Advanced Clean Cars program coordinates the goals of the LEV, Zero Emissions Vehicles (ZEV), and Clean Fuels Outlet programs and would provide major reductions in GHG emissions. By 2025, the rules will be fully implemented, and new

automobiles will emit 34 percent fewer GHGs and 75 percent fewer smog-forming emissions from their model year 2016 levels (CARB 2011). However, as a result of the SAFE Vehicles Rule discussed above, California’s waiver of Clean Air Act preemption was revoked, thereby rescinding the CARB’s authority to implement the Advanced Clean Cars program.

California Global Warming Solutions Act of 2006 (Assembly Bill 32 and Senate Bill 32)

The “California Global Warming Solutions Act of 2006,” (AB 32), outlines California’s major legislative initiative for reducing GHG emissions. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHG emissions to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 statewide GHG level and 2020 target of 431 million metric tons (MMT) of carbon dioxide equivalent (CO₂e), which was achieved in 2016. The CARB approved the Scoping Plan on December 11, 2008, which included GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among others (CARB 2008). Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since the Scoping Plan’s approval.

The CARB approved the 2013 Scoping Plan update in May 2014. The update defined the CARB’s climate change priorities for the next five years, set the groundwork to reach post-2020 statewide goals, and highlighted California’s progress toward meeting the “near-term” 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluated how to align the state’s longer term GHG reduction strategies with other state policy priorities, including those for water, waste, natural resources, clean energy, transportation, and land use (CARB 2014).

On September 8, 2016, the governor signed Senate Bill (SB) 32 into law, extending the California Global Warming Solutions Act of 2006 by requiring the State to further reduce GHG emissions to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, the CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, and implementation of recently adopted policies and legislation, such as SB 1383 and SB 100 (discussed later). The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally-appropriate quantitative thresholds consistent with statewide per capita goals of six MT of CO₂e by 2030 and two MT of CO₂e by 2050 (CARB 2017). As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, sub-regional, or regional level), but not for specific individual projects because they include all emissions sectors in the State (CARB 2017).

Senate Bill 375

The Sustainable Communities and Climate Protection Act of 2008 (SB 375), signed in August 2008, enhances the State’s ability to reach AB 32 goals by directing the CARB to develop regional GHG emission reduction targets to be achieved from passenger vehicles by 2020 and 2035. SB 375 aligns regional transportation planning efforts, regional GHG reduction targets, and affordable housing

allocations. Metropolitan Planning Organizations (MPOs) are required to adopt a Sustainable Communities Strategy (SCS), which allocates land uses in the MPO's Regional Transportation Plan (RTP). Qualified projects consistent with an approved SCS or Alternative Planning Strategy (categorized as "transit priority projects") can receive incentives to streamline CEQA processing.

On March 22, 2018, CARB adopted updated regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035. The Southern California Association of Governments (SCAG) was assigned targets of an 8 percent reduction in per capita GHG emissions from passenger vehicles by 2020 and a 19 percent reduction in per capita GHG emissions from passenger vehicles by 2035. In the SCAG region, SB 375 also provides the option for the coordinated development of subregional plans by the subregional councils of governments and the county transportation commissions to meet SB 375 requirements. On September 3, 2020, the SCAG's Regional Council formally adopted the 2020-2045 RTP/SCS entitled Connect SoCal, which meets the requirements of SB 375.

Senate Bill 1383

Adopted in September 2016, SB 1383 (Lara, Chapter 395, Statutes of 2016) requires the CARB to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants. SB 1383 requires the strategy to achieve the following reduction targets by 2030:

- Methane – 40 percent below 2013 levels
- Hydrofluorocarbons – 40 percent below 2013 levels
- Anthropogenic black carbon – 50 percent below 2013 levels

As a result, the CARB adopted the Short-Lived Climate Pollutant Reduction Strategy in 2017 and has initiated implementation. SB 1383 also requires the California Department of Resources Recycling and Recovery (CalRecycle), in consultation with the CARB, to adopt regulations that achieve specified targets for reducing organic waste in landfills. CalRecycle has initiated the rulemaking process for these regulations with the proposed regulation text submitted to the Office of Administrative Law in October 2020.

Senate Bill 100

Adopted on September 10, 2018, SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the State's Renewables Portfolio Standard (RPS) Program, which was last updated by SB 350 in 2015. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

Executive Order B-55-18

On September 10, 2018, former Governor Brown issued Executive Order (EO) B-55-18, which established a new statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing statewide GHG reduction targets established by SB 375, SB 32, SB 1383, and SB 100.

California Building Standards Code

Title 24 of the California Code of Regulations (CCR) is referred to as the California Building Standards Code. It consists of a compilation of several distinct standards and codes related to building construction including plumbing, electrical, interior acoustics, energy efficiency, and handicap

accessibility for persons with physical and sensory disabilities. The current iteration is the 2019 Title 24 standards, which the City of Burbank has adopted in Burbank Municipal Code. The California Building Standards Code's energy-efficiency and green building standards are outlined below.

Part 6 – Building Energy Efficiency Standards/Energy Code

CCR Title 24, Part 6 is the Building Energy Efficiency Standards or California Energy Code. This code, originally enacted in 1978, establishes energy-efficiency standards for residential and non-residential buildings in order to reduce California's energy demand. New construction and major renovations must demonstrate their compliance with the current Energy Code through submittal and approval of a Title 24 Compliance Report to the local building permit review authority and the California Energy Commission (CEC).

Part 11 – California Green Building Standards

The California Green Building Standards Code, referred to as CALGreen, was added to Title 24 as Part 11, first in 2009 as a voluntary code, which then became mandatory effective January 1, 2011 (as part of the 2010 California Building Standards Code). The 2019 CALGreen includes mandatory minimum environmental performance standards for all ground-up new construction of residential and non-residential structures. It also includes voluntary tiers (Tiers I and II) with stricter environmental performance standards for these same categories of residential and non-residential buildings. Local jurisdictions must enforce the minimum mandatory CALGreen standards and may adopt additional amendments for stricter requirements.

The mandatory standards require:

- 20 percent reduction in indoor water use relative to specified baseline levels;¹
- 65 percent construction/demolition waste diverted from landfills;
- Inspections of energy systems to ensure optimal working efficiency;
- Low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particleboards;
- Dedicated circuitry to facilitate installation of electric vehicle (EV) charging stations in newly constructed attached garages for single-family and duplex dwellings (“EV ready”); and
- Designation of at least ten percent of parking spaces for multi-family residential developments as electric vehicle charging spaces capable of supporting future electric vehicle supply equipment (“EV capable”).

The voluntary standards require:

- **Tier I:** stricter energy efficiency requirements, stricter water conservation requirements for specific fixtures, 65 percent reduction in construction waste with third-party verification, 10 percent recycled content for building materials, 20 percent permeable paving, 20 percent cement reduction, and cool/solar reflective roof; and
- **Tier II:** stricter energy efficiency requirements, stricter water conservation requirements for specific fixtures, 75 percent reduction in construction waste with third-party verification,

¹ Similar to the compliance reporting procedure for demonstrating Energy Code compliance in new buildings and major renovations, compliance with the CALGreen water-reduction requirements must be demonstrated through completion of water use reporting forms. Buildings must demonstrate a 20 percent reduction in indoor water use by either showing a 20 percent reduction in the overall baseline water use as identified by CALGreen or a reduced per-plumbing-fixture water use rate.

15 percent recycled content for building materials, 30 percent permeable paving, 25 percent cement reduction, and cool/solar reflective roof.

California Integrated Waste Management Act (Assembly Bill 341)

The California Integrated Waste Management Act of 1989, as modified by AB 341 in 2011, requires each jurisdiction's source reduction and recycling element to include an implementation schedule that shows: (1) diversion of 25 percent of all solid waste by January 1, 1995 through source reduction, recycling, and composting activities; and (2) diversion of 50 percent of all solid waste on and after January 1, 2000.

c. Regional

South Coast Air Quality Management District

South Coast Air Quality Management District (SCAQMD) is principally responsible for comprehensive air pollution control in the South Coast Air Basin, which includes Los Angeles, Orange, and the urbanized portions of Riverside and San Bernardino Counties, including the Plan Area. SCAQMD works directly with SCAG, County transportation commissions, and local governments and cooperates actively with all federal and State government agencies to regulate air quality.

In April 2008, the SCAQMD, in order to provide guidance to local lead agencies on determining the significance of GHG emissions identified in CEQA documents, convened a GHG CEQA Significance Threshold Working Group. The goal of the working group is to develop and reach consensus on an acceptable CEQA-significance thresholds for GHG emissions that may be utilized on an interim basis until CARB (or some other State agency) develops guidance on assessing the significance of GHG emissions under CEQA.

Southern California Association of Governments

On September 3, 2020, SCAG's Regional Council voted to approve and fully adopt the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020 RTP/SCS), also known as *Connect SoCal*. The 2020-2045 RTP/SCS builds upon the progress made through implementation of the 2016-2040 RTP/SCS and includes ten goals focused on promoting economic prosperity, improving mobility, protecting the environment, and supporting healthy/complete communities. The SCS implementation strategies include focusing growth near destinations and mobility options, promoting diverse housing choices, leveraging technology innovations, and supporting implementation of sustainability policies. The SCS establishes a land use vision of center focused placemaking, concentrating growth in and near Priority Growth Areas, transferring of development rights, urban greening, creating greenbelts and community separators, and implementing regional advance mitigation (SCAG 2020).

The SCS technical report of the 2020-2045 RTP/SCS demonstrates the region's ability to attain and exceed the GHG emission reduction targets set forth by CARB; and outlines the region's plan for integrating the transportation network and related strategies with an overall land use pattern that responds to projected growth, housing needs, changing demographics, and transportation demands. The regional vision of the 2020-2045 RTP/SCS maximizes current voluntary local efforts that support the goals of SB 375. The 2020-2045 RTP/SCS emphasizes new housing and job growth in transit priority areas, livable corridors, high-quality transit areas, and neighborhood mobility areas in existing main streets, downtowns, and commercial corridors, resulting in an improved jobs-

housing balance and more opportunity for transit-oriented development. This overall land use development pattern supports and complements the proposed transportation network that emphasizes system preservation, active transportation, and transportation demand management measures.

SCAG's SCS provides specific strategies and tools for successful implementation. These include supporting projects that provide diverse housing choices, focusing growth near destinations and mobility options, leveraging technology innovations such as bike sharing and neighborhood electric vehicles, implementing congestion pricing, improvements to pedestrian infrastructure, and more.

d. Local

Burbank2035 Greenhouse Gas Reduction Plan

The City of Burbank adopted the Burbank2035 Greenhouse Gas Reduction Plan (GGRP) in 2013. Guided by the framework set forth in the City's 2035 General Plan, the GGRP implements Goal 3 and associated Policies 3.1 and 3.2. Policy 3.1 establishes the target for Burbank to reduce communitywide GHG emissions by at least 15 percent from current levels by 2020, and Policy 3.2 establishes the goal to reduce emissions by at least 30 percent from current levels by 2035. This target and goal are consistent with statewide efforts established in the Scoping Plan to reduce statewide GHG emissions to 1990 levels by 2020 and 80 percent below 1990 levels by 2050 (City of Burbank 2013).

Based on the 2010 jurisdictional emissions inventory and projections for the City provided in the GGRP, the 2020 communitywide emissions reduction target is 1,430,120 MT of CO₂e/year. Reductions from current statewide policies would contribute emissions reductions of 368,670 MT of CO₂e/year. Therefore, local actions must address an emissions gap of 61,109 MT of CO₂e/year by 2020. To achieve the 2035 communitywide emissions reduction goal of 1,177,746 MT of CO₂e/year, the City would require reductions of 949,754 MT of CO₂e/year. Reductions achieved from statewide policies would contribute 494,944 MT of CO₂e/year and local actions would be needed to achieve the remaining emissions gap of 454,810 MT of CO₂e/year by 2035.

The Draft GGRP Update, which was released in August 2021, included an inventory of communitywide emissions (City of Burbank 2021). As of 2019, the City has reduced GHG emission by 28 percent from 2010 baseline emission levels, well-exceeding the 2020 target in the original GGRP and approaching the 2035 target established well in advance of the horizon year. To reflect new State goals established by SB 32 and EO B-55-18, the Draft GGRP Update recommends aggressive GHG emissions targets including:

- Reduce GHG emissions to 49 percent below 2010 levels by 2030 (SB 32 target year),
- Reduce GHG emissions to 66 percent below 2010 levels by 2035 (General Plan horizon year), and
- Achieve carbon neutrality by 2045 (EO B-55-18 target year).

As discussed in Section 4.1, *Air Quality*, the Burbank2035 General Plan provides goals and policies related to GHG reductions in the Air Quality and Climate Change Element. The specific goals and policies include the following:

Goal 3: Reduction of Greenhouse Gas Emissions

Policy 3.1: Develop and adopt a binding, enforceable reduction target and mitigation measures and actions to reduce communitywide greenhouse gas emissions within Burbank by at least 15 percent from current levels by 2020.

Policy 3.2: Establish a goal and strategies to reduce communitywide greenhouse gas emissions by at least 30 percent from current levels by 2035.

Policy 3.3: Continue to participate in the Cities for Climate Protection program and applicable State and federal climate change programs.

Policy 3.4: Reduce greenhouse gas emissions from new development by promoting water conservation and recycling; promoting development that is compact, mixed-use, pedestrian-friendly, and transit-oriented; promoting energy-efficient building design and site planning; and improving the jobs/housing ratio.

Policy 3.5: Submit an annual report on implementation of the Greenhouse Gas Reduction Plan, in conjunction with the annual report to the City Council regarding implementation of Burbank2035.

Policy 3.6: Reduce greenhouse gas emissions by encouraging the retrofit of older, energy inefficient buildings.

Policy 3.8: Transition all economic sectors, new development, and existing infrastructure and development to low- or zero-carbon energy sources. Encourage implementation and provide incentives for low- or zero-carbon energy sources.

Goal 4: Climate Change

Policy 4.1: Evaluate the potential effects of climate change on Burbank’s human and natural systems and prepare strategies that allow the City to appropriately respond.

Policy 4.2: Consult with state resource and emergency management agencies regarding updates to climate change science and development of adaptation priorities.

4.5.3 Impact Analysis

a. Methodology

As discussed in the Chapter 2, *Project Description*, the City’s housing goal is to ensure that sufficient capacity exists in the Housing Element Update to accommodate the RHNA with a buffer (a total of 10,456 additional housing units) throughout the eight-year planning period. As proposed zoning generally accommodates residential densities between 27 and 87 units per acre, the majority of new development is intended to be multi-family residential, however, buildout may include lower densities. Consistent with the existing housing types in Burbank, this analysis conservatively assumes that 48.5 percent of new development would be single-family residential (5,071 units) and 51.5 percent would be multi-family residential (5,385 units).

Additionally, as discussed in Chapter 2, *Project Description*, several of the proposed zone changes in Housing Opportunity Sites would include an increase in commercial floor area ratio (FAR). This would allow for up to an additional 1,428,827 square feet of commercial to be developed than is currently allowed.

GHG emissions result from both direct and indirect sources. Direct emissions include emissions from fuel combustion in vehicles and natural gas combustion from stationary sources. Indirect sources

include off-site emissions occurring because of electricity and water consumption and solid waste generation. In addition, construction activities would result in direct and indirect emissions.

Mobile Sources

Mobile source emissions were estimated using vehicle activity data presented in Section 4.11, *Transportation*, and vehicle emission rates from CARB’s EMFAC2017 model. Overall residential VMT growth and employment VMT growth between the existing (2021) condition and the future (2029) condition were attributed to the Housing Element Update. As shown in Table 4.5-1, buildout of the existing land use designations would gradually increase vehicle trips and vehicle miles traveled (VMT). However, per capita and per employee VMT would each diminish due to reduced trip lengths.

Table 4.5-1 Vehicle Activity Data for the Housing Element Update

Activity	Existing (2021)	With Project (2029)	Project vs. No Project (2029) ¹
Residential VMT	1,219,394	1,187,371	-32,023 (-2.6%)
Residential Vehicle Trips	4,911	788,283	+4,911 (+3.4%)
Residential Average Trip Length	8.5	8.0	-0.5 (-5.9%)
Residential VMT per capita	11.3	9.2	-2.1 (-18.5%)
Employment VMT	2,016,992	2,198,215	+181,223 (+9.0%)
Employment Vehicle Trips	128,750	142,510	+13,760 (+10.7%)
Employment Average Trip Length	15.7	15.4	-0.2 (-1.5%)
Employment VMT per Employee	16.9	16.7	-0.2 (-1.3%)

¹ Quantities may not sum properly due to independent rounding.

VMT = Vehicle Miles Traveled

Source: Fehr & Peers 2021

Energy Sources

Energy use emissions were calculated according to the methodology explained in Appendix A of the CalEEMod User Guide, Version 2020.4.0. The energy use estimates account for the 2019 Building Energy Efficiency Standards (Title 24). This is a conservative assumption since the energy use estimates do not account for potential energy efficiency measures required by subsequent Title 24 updates in 2022, 2025, and 2028.

Electricity emissions are calculated by multiplying the energy use times the carbon intensity of the utility district per kilowatt hour (California Air Pollution Control Officers Association [CAPCOA] 2021). The Project would be served by Burbank Water and Power. Therefore, Burbank Water and Power specific energy intensity factors (i.e., the amount of CO₂, CH₄, and N₂O per kilowatt-hour) are used in the calculations of GHG emissions. The energy intensity factors included in CalEEMod are based on 2021 data. As of 2020, Burbank Water and Power is projected to procure 33 percent of its electricity from renewable sources and as of 2021 is projected procure 43 percent of its electricity from renewable sources (Burbank Water and Power 2018). Consistent with the requirements of SB 100, Burbank Water and Power is retiring procurement of electricity from coal-fueled power plants in 2025, which currently represents approximately 28 percent of its electricity procurement (Burbank Water and Power 2019). By 2030, Burbank Water and Power is projected to procure 67 percent of its electricity from renewable sources (Burbank Water and Power 2018). To account for

the continuing effects of the RPS, the energy intensity factors included in CalEEMod were reduced to reflect 67 percent renewable energy procurement in 2030. Burbank Water and Power energy intensity factors that include this reduction are shown in Table 4.5-2.

Table 4.5-2 Burbank Water and Power Energy Intensity Factors

	2021 (lbs./MWh)	2030 (lbs./MWh)
Percent procurement ¹	43%	67%
Carbon dioxide (CO ₂)	929.98	538.41
Methane (CH ₄)	0.033	0.019
Nitrous oxide (N ₂ O)	0.004	0.002

¹ Source: Burbank Water and Power 2019 Integrated Resource Plan

lbs./MWh = pounds per megawatt-hour

Area Sources

Emissions associated with area sources, including consumer products, landscape maintenance, and architectural coating, were calculated in CalEEMod and utilize standard emission rates from CARB, USEPA, and emission factor values provided by the local air district (CAPCOA 2017).

Water and Wastewater Emissions

Water used and wastewater produced by a project generate indirect GHG emissions. These emissions are a result of the energy used to supply, convey, and treat water and wastewater. In addition to the indirect GHG emissions associated with energy use, the wastewater treatment process itself can directly emit both CH₄ and N₂O. Indoor and outdoor water use was estimated based on average consumption rates from the Pacific Institute’s Waste Not, Want Not: The Potential for Urban Water Conservation in California (2003).

Solid Waste Emissions

The disposal of solid waste produces GHG emissions from the transportation of waste, anaerobic decomposition in landfills, and incineration. To calculate the GHG emissions generated by solid waste disposal, the total volume of solid waste was calculated using waste disposal rates identified by CalRecycle. The methods for quantifying GHG emissions from solid waste are based on the IPCC method, using the degradable organic content of waste. GHG emissions associated with the project’s waste disposal were calculated using these parameters. The disposal of solid waste produces GHG emissions from the transportation of waste, anaerobic decomposition in landfills, and incineration. As of 2016, California had achieved a statewide 44 percent diversion of solid waste from landfills through “reduce/recycle/compost” programs (CalRecycle 2020).

Construction

GHG emissions would also be generated by construction activity. No specific development projects have been proposed as part of the Housing Element Update; therefore, an annualized quantification of construction emissions would be speculative. In addition, construction-related GHG emissions would be a negligible percentage of total regional emissions when considering the emissions generated by mobile sources. As stated in the 2020-2045 SCAG RTP/SCS PEIR, construction related emissions account for less than 0.3 percent of total regional emissions (SCAG 2020). Nevertheless,

construction emissions are calculated and amortized over 30 years in accordance with SCAQMD recommendations.

The number of new housing units anticipated under the Housing Element Update (total of 10,456 additional housing units) was used to model GHG emissions generated by construction activities for reasonably foreseeable development. For projects that involve development of land uses that occupy more than 34 acres, CalEEMod extrapolates longer phase duration rather than increasing the estimated amount of equipment and number of workers. As such, emissions estimates were modeled for a project including 51 single-family units, 54 multi-family units, and 15,000 square feet of commercial area; results were multiplied by a factor of 100. This is a slightly conservative estimate as it is estimating emissions from 5,100 single-family units, 5,400 multi-family units, and 1,500,000 square feet. GHG construction emissions are amortized.

CalEEMod does not assume any export of demolition debris or any soil import/export from grading. As few vacant sites remain in the City, development accommodated under the Housing Element Update would result from infill development are the replacement of underutilized, low-density development. This analysis conservatively assumes demolition of existing buildings equal to one-half of the floor area of new development. Housing development typically balances grading cut and fill materials on-site to reduce costs; nonetheless, development accommodated under the Housing Element Update may include sites that require substantial grading including that needed to accommodate subterranean parking facilities. This analysis assumes an average cut depth of 10 feet for the area of the building footprint and that 25 percent of the cut soil would be exported. With these factors included, CalEEMod was used to conservatively estimate GHG emissions resulting from housing development accommodated under the Housing Element Update. With these factors included, CalEEMod was used to estimate reasonably foreseeable GHG emissions resulting from the Housing Element Update.

b. Thresholds of Significance

Thresholds of significance are based on the questions in Appendix G of the CEQA Guidelines. The Initial Study prepared for the Project (Appendix B) determined that a potentially significant impact might occur under the following threshold and therefore will be analyzed in this section of the EIR.

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases

To answer the Appendix G questions above for the Housing Element Update, the City will rely on the following project-specific threshold of significance to assess the environmental impacts associated with GHG emissions.

Consistency with State Scoping Plan (SB 32), 2020-2045 RTP/SCS (SB 375), and the Burbank2035 Greenhouse Gas Reduction Plan

The basis for the project specific threshold is provided as follows. The City has not adopted specific GHG significance thresholds. SCAQMD has not adopted a GHG significance threshold for land use development projects, although it has adopted significance thresholds for industrial-type projects for which it is the lead agency (SCAQMD 2010). Those industrial thresholds are not relevant to the Housing Element Update, as the only projects for which the SCAQMD serves as the lead agency are

those involving the adoption of air quality rules or regulations, or those projects that have not gone through CEQA environmental review via another lead agency. No industrial projects would be accommodated by the Housing Element Update. In the absence of adopted thresholds for land use development projects based on SCAQMD guidance, the City has the discretion to use a significance threshold relevant to the Housing Element Update.

On November 30, 2015, the California Supreme Court issued an opinion on GHG significance thresholds for CEQA in the case *Center for Biological Diversity et al. vs. California Department of Fish and Wildlife*. The following discussion is paraphrased from that case, which assessed the use of GHG significance thresholds.

The Court stated that California air pollution control officials and air quality districts have made several proposals for numerical thresholds. Multiple agencies' efforts at framing GHG significance issues have not yet coalesced into any widely accepted set of numerical thresholds, but have produced a certain level of consensus on the value of consistency with the State plans to meet GHG reduction targets as a criterion. The CARB Scoping Plan has not set out a method for CEQA analysis of GHG emissions from a proposed project. A 2007 CEQA amendment, however, required the preparation, adoption, and periodic update of guidelines for mitigation of GHG impacts. The resulting State direction was that a lead agency should attempt to describe, calculate, or estimate the amount of GHG emissions a project will emit, but recognized that agencies have discretion in how to do so. The amendment provides that when assessing the significance of GHG emissions, the agency should consider these factors among others: (1) the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting; (2) whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and (3) the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of GHG emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

The Court also acknowledged that the scope of global climate change and the fact that GHGs, once released into the atmosphere, are not contained in the local area of their emission means that the evaluated impacts are global rather than local. For many air pollutants, the significance of their environmental impact may depend greatly on where they are emitted, but this is not the case for GHG emissions. For projects that are designed to accommodate long-term growth in California's population and economic activity in a sustainable manner, such as the Housing Element Update, this fact gives rise to an argument that a certain amount of GHG emissions is as inevitable as population growth. Under this view, a significance criterion framed in terms of efficiency and conservation in land use (as compared to a business-as-usual [BAU] pattern of growth) is superior to a simple numerical threshold because CEQA is not intended as a population control measure.

This consideration favors consistency with statewide GHG reduction targets as a permissible significance criterion for project GHG emissions. Meeting statewide reduction goals does not preclude all new development. Rather, the Scoping Plan, the State's roadmap for meeting statewide GHG reduction targets, assumes continued growth and depends on increased efficiency and conservation in land use and transportation from all Californians. To the extent a project incorporates efficiency and conservation measures sufficient to contribute its portion of the overall GHG reductions necessary for the entire State, one can reasonably argue that its impact is not

cumulatively considerable, because it would be helping to solve the cumulative problem of GHG emissions as envisioned by California law. Given the reality of growth, some GHG emissions from new housing developments are inevitable. The critical CEQA question is the cumulative significance of a project's GHG emissions and, as discussed previously, from a climate change point of view it does not matter where in the State those emissions are produced. Under these circumstances, evaluating the significance of a project's GHG emissions with respect to their effect on the State's efforts to meet its long-term goals is a reasonable threshold.

The Supreme Court in Center for Biological Diversity recognized potential options for analyzing cumulative significance of a project's GHG emissions, including:

- BAU Model. BAU comparison based on the Scoping Plan methodology if supported by substantial evidence that the metric used supports what level of reduction from business as usual a new land use development at the proposed location must contribute to comply with state goals.
- Consistency with AB 32's goal in whole or in part by looking at compliance with regulatory programs designed to reduce GHG; provided the project complies with or exceeds the regulations that were adopted by CARB, or state agencies to comply with Scoping Plan; and provided, the significance analysis only relates to impacts within the area governed by the regulation – e.g., reliance on Title 24 energy efficiency rules that are intended to reduce GHG from building would not address GHG impacts from transportation. And/or showing consistency with local GHG reduction plans, (e.g., climate action plan), to provide a basis for the tiering or streamlining of project-level CEQA analysis, including as consistent with CEQA Guidelines Section 15183.3.
- Relying on numerical thresholds for significance for GHG.

As discussed with in Regulatory Setting, Section 15064.4 was amended in 2019 to incorporate the holding in Center for Biological Diversity case as well as others. That section now directs lead agencies as follows:

Section 15064.4. Determining the Significance of Impacts from Greenhouse Gas Emissions.

- (a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in Section 15064. A lead agency shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:
 - (1) Quantify greenhouse gas emissions resulting from a project; and/or
 - (2) Rely on a qualitative analysis or performance-based standards.
- (b) In determining the significance of a project's greenhouse gas emissions, the lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions. The agency's analysis should consider a timeframe that is appropriate for the project. The agency's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes. A lead agency should consider the

following factors, among others, when determining the significance of impacts from greenhouse gas emissions on the environment:

- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
 - (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
 - (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (see, e.g., Section 15183.5(b)). Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.
- (c) A lead agency may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.

Based on the above legal standards, the City finds analyzing the Project's GHG emissions through consistency with the State's laws and programs to address climate change, including SB 32, SB 375, regional plans to address climate change consistent with State laws and plans, including the 2020-2045 SCS/RTP, and local plans, ordinances and policies to address climate change, including Burbank2035 Greenhouse Gas Reduction Plan, is the appropriate threshold.

Basis for Estimate of Project's GHG Emissions

As stated above, CEQA Guidelines, Section 15064.4(a) states a lead agency shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe and estimate the amount of greenhouse gas emissions resulting from a project. CEQA Guidelines, Section 15064.4(c) states a lead agency may use a model or methodology to estimate GHG emissions resulting from the project and that the lead agency has the discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change.

Calculating and analyzing per-service population GHG emissions, while not a threshold of significance, is a useful indicator as to whether regional GHG impacts are consistent with State plans to meet the GHG reduction target established by SB 32. Per-service population GHG emissions reflect average GHG emissions taking into account population density. As discussed in the 2017 Scoping Plan goals, local jurisdictions may demonstrate consistency with Scoping Plan goals (i.e.,

SB 32’s emission reduction target) by establishing communitywide emissions targets tied to the statewide per capita goals of 6 MTCO₂e per capita by 2030. The City of Burbank has a current population of 104,969. As discussed in Section 4.8, *Population and Housing*, buildout accommodated by the Housing Element Update is anticipated to increase the City’s population from 104,969 persons to approximately 130,586 persons. Based on SCAG Regional Growth Forecasts, the City is anticipated to have approximately 128,658 jobs in 2030 (SCAG 2020). Therefore, as shown in Table 4.5-3, the communitywide emissions target of 6 MTCO₂e may be equated to approximately 3.0 MTCO₂e per service population.²

Table 4.5-3 Service Population Emissions Level Target Determination

Metric	Quantity	Source
Service Population Derivation		
Population, 2030	130,586 persons	Section 4.8, <i>Population and Housing</i>
Employment, 2030	128,658 jobs	SCAG 2020-2045 Growth Forecast
Service Population, 2030	259,244 SP	130,586 + 128,658
2030 Communitywide Target Derivation		
Per Capita Target	6.0 MTCO ₂ e per capita	2017 Scoping Plan
Mass Emissions Target	783,516 MTCO ₂ e	6.0 MTCO ₂ e * 130,586 persons
Service Population Target	3.0 MTCO ₂ e/SP	783,516 MTCO ₂ e ÷ 259,244 SP

Source: 2017 Scoping Plan (CARB 2017); 2020-2045 Growth Forecast (SCAG 2020)

In accordance with the objectives and requirements of SB 375, the 2020-2045 RTP/SCS assessed regional per-capita GHG emissions from passenger and light duty vehicles. As noted above, regional targets intended to be addressed by the 2020-2045 RTP/SCS include reducing per capita GHG emissions from automobiles and light trucks for the SCAG region to 19 percent below 2005 levels. Using consistency with statewide GHG reduction targets, among the other regulations, standards and policies, rather than a numerical threshold, as a significance criterion is also consistent with the broad guidance provided by Section 15064.4 of the CEQA Guidelines. Section 15064.4, to reflect that there is no iron-clad definition of significance. Section 15064.4 was not intended to restrict agency discretion in choosing a method for assessing GHG emissions, but rather to assist lead agencies in investigating and disclosing all that they reasonably can, regarding a project’s GHG emissions impact.

² For comparison, this analysis evaluated what a 40 percent reduction (i.e., SB 32’s emission reduction target for 2030) in SCAQMD’s Tier 4 2020 efficiency targets. This method would derive a 4.0 MTCO₂e per service population threshold. The 2.8 MTCO₂e per service population threshold is more conservative and is more appropriate as it uses local (rather than statewide) growth forecasts.

c. Project Impacts

- Threshold 1:** Would the proposed Project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
- Threshold 2:** Would the proposed Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Impact GHG-1 THE HOUSING ELEMENT UPDATE IS CONSISTENT WITH STATE PLANS TO MEET THE GHG REDUCTION TARGET ESTABLISHED BY SB 32 (STATE SCOPING PLAN), THE 2020-2045 RTP/SCS, AND THE BURBANK2035 GREENHOUSE GAS REDUCTION PLAN. AS THE HOUSING ELEMENT UPDATE IS CONSISTENT WITH ALL STATE, REGIONAL, AND LOCAL PLANS TO REDUCE GHG EMISSIONS, IMPACTS RELATED TO GHG EMISSIONS WOULD BE LESS THAN SIGNIFICANT.

Based on the analysis below, the Housing Element Update would be consistent with measures from the State Scoping Plan and GHG emission would not exceed per capita emissions levels identified in the State Scoping Plan. The Housing Element Update would also be consistent with the goals of the 2020-2045 SCS/RTP and the Burbank2035 Greenhouse Gas Reduction Plan. The Housing Element Update impacts to GHG would be less than significant.

2017 Scoping Plan (SB 32 Implementation)

There are numerous State plans, policies, and regulations adopted to reduce GHG emissions. The principal policy and State plan are SB 32 and the State Scoping Plan that outlines the strategies for reducing GHG emissions to meet the 2030 GHG reduction targets established by SB 32. The Scoping Plan measures applicable to the Project include energy efficiency measures, water conservation and efficiency measures, and transportation and motor vehicle measures, as discussed below.

The following policies in the Housing Element Update would help reduce GHG emissions through promoting transportation and land use design factors, such as intensification and reuse of already developed lands in proximity to transit and commercial areas, that would be relevant to reducing GHG emissions:

Policy 2.1: Direct the majority of new residential development into Downtown Burbank, the Media District and the Golden State/Airport Area to support the building of neighborhoods where people can live, work, shop, and benefit from access to a Metrolink station or other public transit.

Policy 2.2: Update land use regulations that facilitate new opportunities for developing a variety of housing types that include but are not limited to small lot development, condominiums, townhomes, live-work units, micro-units and accessory dwelling units, to accommodate the City's diverse housing needs.

Policy 2.4: Allow residential units in traditionally non-residential areas including mixed-use areas, and support adaptive reuse of non-residential buildings for residential and live-work units.

Policy 2.5: Continue to facilitate the provision of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in all residential districts as a means of creating new opportunities for appropriated scaled and affordable units throughout the community.

Policy 3.8: Encourage use of sustainable and green building design in new and existing housing.

Based on the analysis provided in Table 4.5-4 below, the Housing Element Update would be consistent with the State’s Climate Change Scoping Plan’s actions and strategies for reducing 2030 GHG emissions in accordance with SB 32.

Table 4.5-4 Consistency Analysis – SB 32 and 2017 Scoping Plan

Actions and Strategies	Responsible	Project Consistency Analysis
<p>Senate Bill 100 (SB 100). The California Renewables Portfolio Standard Program (2018) requires a Statewide renewables energy portfolio that requires retail sellers to procure renewable energy that is at least 50 percent by December 31, 2026 and 60 percent by December 31, 2030. It would also require that local publicly owned electric utilities procure a minimum quantity of electricity from renewable energy resources achieve 44 percent of retail sales by December 31, 2024 and 60 percent by December 31, 2030.</p>	<p>Burbank Water and Power, California Energy Commission</p>	<p>Consistent. Burbank Water and Power is required to generate electricity that would increase renewable energy resources to 60 percent by 2030. As Burbank Water and Power would provide electricity service to the housing development accommodated by the Housing Element Update, development would benefit indirectly by reduced GHG emissions from SB 100.</p>
<p>Implement Mobile Source Strategy (Cleaner Technology and Fuels)</p> <ul style="list-style-type: none"> ▪ At least 1.5 million zero emission and plug-in hybrid light-duty electric vehicles by 2025. ▪ At least 4.2 million zero emission and plug-in hybrid light-duty electric vehicles by 2030. ▪ Further increase GHG stringency on all light-duty vehicles beyond existing Advanced Clean Cars regulations. ▪ Medium- and heavy-duty GHG Phase 2. ▪ Innovative Clean Transit ▪ Last Mile Delivery <p>Further reduce VMT through continued implementation of SB 375 and regional Sustainable Communities Strategies; forthcoming statewide implementation of SB 743; and potential additional VMT reduction strategies not specified in the Mobile Source Strategy but included in the document “Potential VMT Reduction Strategies for Discussion.”</p>	<p>CARB, California State Transportation Agency, Southern California Gas, Caltrans California Energy Commission, Office of Planning and Research, local agencies</p>	<p>Consistent. GHG emissions generated by vehicular travel related to the Housing Element Update would benefit from proposed regulation, and mobile source emissions generated by the build out of the RHNA would be reduced with implementation of standards under the Advanced Clean Cars Program and the 2020-2045 RTP/SCS.</p>
<p>Increase Stringency of SB 375 Sustainable Communities Strategy (2035 Targets)</p>	<p>CARB</p>	<p>Consistent. As discussed below, the Housing Element Update would be consistent with the 2020-2045 RTP/SCS.</p>

Actions and Strategies	Responsible	Project Consistency Analysis
Mobile		
Implement the Short-Lived Climate Pollutant Strategy by 2030: <ul style="list-style-type: none"> 40 percent reduction in methane and hydrofluorocarbon emissions below 2013 levels. 50 percent reduction in black carbon emissions below 2013 levels. 	CARB, CalRecycle, California Department of Food and Agriculture, California State Water Resources Control Board, local air districts	Consistent. Housing development accommodated by the Housing Element Update would comply with the CARB Short-Lived Climate Pollutant (SLCP) Reduction Strategy, which limits the use of hydrofluorocarbons for refrigeration uses.
Source: CARB, California's 2017 Climate Change Scoping Plan, November 2017.		

GHG Emissions Generation

Housing development accommodated under the proposed Housing Element Update would generate GHG emissions through the construction and operation of individual housing projects. GHG emissions would specifically arise from direct sources such as motor vehicles, natural gas consumption, solid waste handling/treatment, and indirect sources such as electricity generation.

Table 4.5-5 estimates emissions associated with the Housing Element Update. As discussed in Chapter 2, *Project Description*, the Housing Element Update would accommodate construction of housing in locations with good access to jobs, services, and high-quality public transit. The increase in housing and the additional commercial uses would result in an increase in emissions of 70,685 MTCO₂e.

As discussed in the Section 4.5.3, *Thresholds of Significance*, the 2017 Scoping Plan recommends that local governments adopt policies consistent with a statewide per capita goal of 6 MTCO₂e by 2030, which equates to a per service population level of 3.0 MTCO₂e per service population. The Housing Element Update GHG emissions would equate to 2.3 MTCO₂e per service population level, which is below the level necessary to demonstrate consistency with the statewide 2030 GHG reduction targets established by SB 32. This is not a threshold of significance. However, the low per service area emission levels of the Housing Element Update coupled with the consistency analysis above supports that the Housing Element Update would be consistent with the State's Climate Change Scoping Plan's objective of reducing 2030 GHG emissions in accordance with SB 32.

Table 4.5-5 GHG Emissions under the Housing Element Update

Source	Forecasted Activity Level Increase (2029)	Forecasted 2029 GHG Emissions (MTCO ₂ e)
Transportation	-11.7 Million Residential VMT/year +66.1 Million Employment VMT/year	16,695
Electricity	80.3 GWh/year ¹	19,658
Natural Gas	1,993 Thousand Therms/year ¹	10,696
Water Supply		4,923
Potable Water Supply	1,281 Million Gallons/year	
Wastewater Treatment	787 Million Gallons/year	
Solid Waste	9,924 tons	4,991
Other Area Sources ²	--	3,109
Construction Emissions (Amortized)	--	1,782

Source	Forecasted Activity Level Increase (2029)	Forecasted 2029 GHG Emissions (MTCO ₂ e)
Total	--	61,854
Residents ³	25,617 persons	
Employment	1,534 jobs	
Emissions Rate per Service Population	2.3 MTCO ₂ e/SP	
Service Population Emissions Level Target	3.0 MTCO ₂ e/SP	

¹ Energy use estimates are conservative. Estimates do not account for energy efficiency measures required by the 2019 Title 24 energy efficiency or potential energy efficiency measures required by subsequent Title 24 updates in 2022, 2025, and 2028.

² Other area sources include hearths and landscaping equipment.

³ Residents estimated by multiplying average household size of 2.45 times 10,456 units.

VMT = Vehicle Miles Traveled; GWh = Gigawatt-hours; SP = Service Population

SCAG’s 2020-2045 RTP/SCS (SB 32 Implementation)

SB 375 requires that each MPO prepare a SCS with the RTP that demonstrates how the region will meet GHG emissions targets. SB 375 establishes a collaborative relationship between MPOs and CARB to establish GHG emissions targets for each region in the state.

SCAG’s 2020-2045 RTP/SCS was developed to provide a blueprint to integrate land use and transportation strategies to help achieve a coordinated and balanced regional transportation system. As discussed in Section 4.5.2, *State Regulatory Framework*, SCAG’s 2020 RTP/SCS is a regional plan intended to reduce per capita GHG emission from automobiles and light trucks for the SCAG region to 19 percent below 2005 levels. The SCS implementation strategies include focusing growth near destinations and mobility options, promoting diverse housing choices, leveraging technology innovations, and supporting implementation of sustainability policies.

The SCS focuses the majority of new housing and job growth in high-quality transit areas and other opportunity areas on existing main streets, in downtowns, and on commercial corridors, resulting in an improved jobs-housing balance and more opportunity for transit-oriented development. The underlying purpose of the Housing Element Update is to plan for and accommodate the RHNA compliant with State law and consistent with the City’s *Burbank2035* General Plan.

As discussed in Chapter 2, *Project Description*, while some housing development accommodated by the Housing Element Update may occur anywhere existing housing is currently allowed, most housing development is anticipated to occur in higher-intensity commercial and mixed use districts, centers and boulevards, and in proximity to transit. The rezoning of housing opportunity sites is focused in twelve sites within the Downtown Transit-Oriented-Development Specific Plan area and seven sites are located in the proposed Golden State Specific Plan area. These sites are all located in highly urbanized areas in the City and are clustered within one mile of Interstate 5 (I-5). As shown in Table 4.5-1, the Housing Element Update would result in an 18.5 percent reduction of residential VMT per capita and a 1.3 percent reduction employment VMT per employee due to the reduced average trip lengths.

As discussed further in Section 4.8, *Population and Housing*, the State requires that all local governments adequately plan to meet the housing needs of their communities. The proposed element provides appropriate guidance for the residential growth that would occur with or without Project implementation. The Housing Element focuses on expanding housing opportunities for all segments of the population and improving the quality of existing housing stock. Although the Housing Element Update would facilitate development beyond what is forecasted in SCAG’s 2020

RTP/SCS, it would reduce per capita and per employee GHG emissions from mobile sources and would contribute to updating the forecasts for the City’s General Plan and the RTP/SCS into consistency. Therefore, the Housing Element Update would not conflict with the 2020-2045 RTP/SCS.

Burbank2035 Greenhouse Gas Reduction Plan

The City of Burbank adopted the *2035 Greenhouse Gas Reduction Plan (GGRP)* in 2013. Guided by the framework set forth in the City’s 2035 General Plan, the GGRP implements Goal 3 and associated Policies 3.1 and 3.2. Policy 3.1 establishes the target for Burbank to reduce communitywide GHG emissions by at least 15 percent from 2010 baseline levels by 2020; Policy 3.2 establishes the goal to reduce emissions by at least 30 percent from 2010 baseline levels by 2035. Based on the consistency analysis in Table 4.5-6 below, the Housing Element Update is consistent with Burbank GGRP.

Table 4.5-6 Consistency Analysis – Burbank2035 Greenhouse Gas Reduction Plan

Goals and Policies	Consistency Analysis
<p><u>Measure E-1.1</u> Action A: Adopt an ordinance requiring new commercial construction to exceed the California Green Building Standards Code energy efficiency baseline by 15% starting in 2015</p>	<p>Consistent. Housing development accommodated under the Housing Element would comply with applicable building ordinances including the Green Building Standards Code.</p>
<p><u>Measure E-1.2</u> Action A: Adopt an ordinance requiring HERS-certified energy performance ratings for all residential buildings sold within the City Action B: Adopt an ordinance requiring point-of-sale energy audits for all residential and commercial buildings sold within the City Action C: Develop a comprehensive energy efficiency upgrade outreach program</p>	<p>Consistent. Housing development accommodated under the Housing Element would comply with applicable building ordinances. Housing Element Policy 3.6 would involve encouraging the retrofit of older, energy inefficient buildings.</p>
<p><u>Measure E-1.7</u> Action A: Amend the Zoning Ordinance to require installation of two on-site shade trees for each new single-family residential unit Action B: Continue the BWP Made in the Shade Program Action C: Update the Street Tree Plan and Urban Forestry program</p>	<p>Consistent. Housing development accommodated under the Housing Element would comply with applicable building ordinances.</p>
<p><u>Measure E-2.1</u> Action A: Adopt an ordinance requiring new single-family residential construction to include 1.8 kWh solar PV systems, and new multi-family residential and commercial construction to meet 10% of its expected energy needs from on-site renewable sources Action B: Adopt an ordinance requiring solar water heaters to be installed in all new residential construction Action C: Update the building code to require pre-wiring and pre-plumbing for solar PV and solar hot water systems in all new construction</p>	<p>Consistent. Housing development accommodated under the Housing Element would comply with applicable building ordinances.</p>

Goals and Policies	Consistency Analysis
<p><u>Measure T-1.4</u></p> <p>Action A: Implement bicycle network expansions that have already received funding</p> <p>Action B: Adopt the draft bicycle parking ordinance by December 31, 2012</p> <p>Action C: Pursue funding to implement other Top Priority Projects identified in Table 5.2 in the 2009 Bicycle Master Plan, with a focus on implementing Class I and II facilities</p> <p>Action D: Identify north-south roads that can accommodate bicycle boulevard facilities to connect the Chandler bicycle path with Burbank and Magnolia Boulevards</p> <p>Action E: Evaluate safety on popular Class III routes and identify potential candidates for upgrades to Class II facilities</p> <p>Action F: Provide bicycles for shared use by all City employees and amenities at the BWP campus and in the Burbank Civic Center to accommodate the shared bicycles</p> <p>Action G: Consider expanding the shared bicycle program to accommodate public use in Downtown Burbank, the Media District, and the Golden State area</p>	<p>Consistent. Housing development accommodated under the Housing Element would comply with applicable ordinances including requirements to provide bicycle parking. Housing Element Policy 3.6 would involve promoting development that is compact, mixed-use, pedestrian-friendly, and transit-oriented.</p>
<p><u>Measure T-1.5</u></p> <p>Action A: Adopt draft bicycle accommodation ordinance by June 30, 2013</p> <p>Action B: Provide technical assistance to developers seeking to comply with the ordinance</p>	<p>Consistent. Housing development accommodated under the Housing Element would comply with applicable ordinances including policies regarding bicycle accommodation.</p>
<p><u>Measure T-2.1</u></p> <p>Action A: Update the Transportation Management Organization (TMO) website to provide program information to current and potential members</p> <p>Action B: Develop a TMO business outreach strategy to increase membership and active participation in TMO programs</p> <p>Action C: Expand geographic boundary of TMO into Golden State and Empire areas by 2020 and citywide by 2035</p> <p>Action D: Require all new businesses with 25 employees or more within the TMO boundary to join the TMO and fulfill required reporting procedures</p> <p>Action E: Expand the carpool/rideshare program through adoption of current technologies</p> <p>Action F: Evaluate the City's guaranteed ride home policy to ensure its applicability to small businesses</p> <p>Action G: Evaluate the City's carpool parking preference requirements</p>	<p>Consistent. Housing development accommodated under the Housing Element in the Golden State Specific Plan Area would comply with applicable TMO requirements. Housing Element Policy 3.6 would involve promoting development that is compact, mixed-use, pedestrian-friendly, and transit-oriented.</p>
<p><u>Measure W1.1</u></p> <p>Action A: Implement Urban Water Management Plan water conservation program</p>	<p>Consistent. Housing development accommodated under the Housing Element would comply with applicable Urban Water Management Plan water conservation requirements for new development. Housing Element Policy 3.6 would involve promoting water conservation and recycling.</p>

Goals and Policies	Consistency Analysis
<u>Measure W-1.2</u> Action A: Expand recycled water system Action B: Increase number of targeted large irrigation customers required to use recycled water	Consistent. Housing development accommodated under the Housing Element would comply with applicable water-efficient irrigation requirements for new development.
<u>Measure SW-1.2</u> Action A: Adopt an ordinance requiring recycling bins or recycling areas in all buildings	Consistent. Housing development accommodated under the Housing Element would comply with applicable building ordinances. Housing Element Policy 3.6 would involve promoting water conservation and recycling.

Source: Burbank2035 Greenhouse Gas Reduction Plan.

Mitigation Measures

No mitigation measures are required.

4.5.4 Cumulative Impacts

The analysis above analyzes GHG emissions consistent with CEQA Guidelines, Section 15064.4(b) and considers whether the incremental contributions of the Housing Element Update could be cumulatively considerable. The GHG emissions associated with the Housing Element Update would be less than significant, and no further cumulative impact analysis is necessary.

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4.6 Hazards and Hazardous Materials

This section addresses impacts associated with risk of upset related to hazardous materials, hazards to schools, hazardous materials cleanup sites, airports, emergency response plans. The Initial Study for the Project (Appendix B) found no potentially significant impacts related to the transport, use, or disposal of hazardous materials or wildland fires; therefore these issues are not studied further herein.

4.6.1 Environmental Setting

a. Hazardous Materials

The term “hazardous material” has different definitions for different regulatory programs. For the purpose of this EIR, the term “hazardous materials” refers to both hazardous materials and hazardous waste. The California Health and Safety Code Section 25501(n)(1) defines a hazardous material as any material that “because of its quantity, concentrations, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.” Hazardous materials include but are not limited to hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or environment.

A material is hazardous if it exhibits one or more of the following characteristics: toxicity, ignitability, corrosivity, and reactivity. These types of hazardous materials are defined below:

- **Toxic Substances.** Toxic substances may cause short-term or long-lasting health effects, ranging from temporary effects to permanent disability, or even death. For example, such substances can cause disorientation, acute allergic reactions, asphyxiation, skin irritation, or other adverse health effects if human exposure exceeds certain levels (the level depends on the substances involved and is chemical-specific). Carcinogens, substances that can cause cancer, are a special class of toxic substances. Examples of toxic substances include benzene (a component of gasoline and suspected carcinogen) and methylene chloride (a common laboratory solvent and a suspected carcinogen).
- **Ignitable Substances.** Ignitable substances are hazardous because of their ability to burn. Gasoline, hexane, and natural gas are examples of ignitable substances.
- **Corrosive Materials.** Corrosive materials can cause severe burns. Corrosives include strong acids and bases such as sodium hydroxide (lye) or sulfuric acid (battery acid).
- **Reactive Materials.** Reactive materials may cause explosions or generate toxic gases. Explosives, pure sodium or potassium metals (which react violently with water), and cyanides are examples of reactive materials.

Soil and groundwater can become contaminated by hazardous material releases in a variety of ways, including permitted or illicit use and accidental or intentional disposal or spillage. Before the 1980s, most land disposal of chemicals was unregulated, resulting in numerous industrial properties and public landfills becoming dumping grounds for unwanted chemicals. The largest and most contaminated of these sites became Superfund sites, so named for their eligibility to receive cleanup money from a federal fund established under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The National Priorities List (NPL) is the list of national

priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories. The NPL is intended primarily to guide the United States Environmental Protection Agency (USEPA) in determining which sites warrant further investigation. Sites are added to the NPL following a hazard ranking system.

Numerous smaller properties have been designated as contaminated sites. Often these are gas station sites where leaking underground storage tanks (USTs) were upgraded under a federal requirement in the late 1980s. Another category of sites that may have some overlap with the types already mentioned is “brownfields” – previously used, often abandoned, sites that due to actual or suspected contamination are undeveloped or underused. Both the USEPA and California Department of Toxic Substances Control (DTSC) maintain lists of known brownfields sites. These sites are often difficult to inventory due to their owners’ reluctance to publicly label their property as potentially contaminated.

Asbestos Containing Materials

Asbestos is a naturally occurring fibrous material that was widely used in structures built between 1945 and 1978 for its fireproofing and insulating properties. Asbestos-containing materials (ACM) were banned by USEPA between the early 1970s and 1991 under the authority of the federal Clean Air Act (CAA) and the Toxic Substances Control Act (TSCA) due to their harmful health effects. Exposure to asbestos increases risk of developing lung disease, such as lung cancer, mesothelioma, or asbestosis (USEPA 2017a). Common ACMs include vinyl flooring and associated mastic, wallboard and associate joint compound, plaster, stucco, acoustic ceiling spray, ceiling tiles, heating system components, and roofing materials. Pre-1973 commercial and industrial structures are affected by asbestos regulations if damage occurs, or if remodeling, renovation, or demolition activities disturb ACMs.

Lead and Lead-Based Paint

Lead is a naturally occurring metallic element. Because of its toxic properties, lead is regulated as a hazardous material. Excessive exposure to lead can result in the accumulation of lead in the blood, soft tissues, and bones. Children are particularly susceptible to potential lead-related health problems because it is easily absorbed into developing systems and organs. Lead can affect almost every organ and system in the body. In children, lead can cause behavior and learning problems, lower IQ and hyperactivity, hearing problems, and anemia. In adults, lead can cause cardiovascular effects, decreased kidney function, and reproductive problems. In addition, lead can result in serious effects to the developing fetus and infant for pregnant women (USEPA 2017b). Among its numerous uses and sources, lead can be found in paint, water pipes, solder in plumbing systems, and in soils surrounding buildings and structures that are painted with lead-based paint (LBP). LBP was primarily used during the same time period as ACMs. Pre-1978 commercial and industrial structures are affected by LBP regulations if the paint is in a deteriorated condition or if remodeling, renovation, or demolition activities disturb LBP surfaces.

b. Existing Conditions

Hazardous Materials Sites

The locations where hazardous materials are used, stored, treated and/or disposed of comes to the attention of regulatory agencies through various means, including licensing and permitting, enforcement actions, and anonymous tips. To the extent possible, the locations of these businesses

and operations are recorded in database lists maintained by various State, Federal, and local regulatory agencies. In addition, Federal, State, and local agencies enforce regulations applicable to hazardous waste generators and users, and the Los Angeles County Fire Department Health Hazardous Materials Division tracks and inspect hazardous materials handlers to ensure appropriate reporting and compliance.

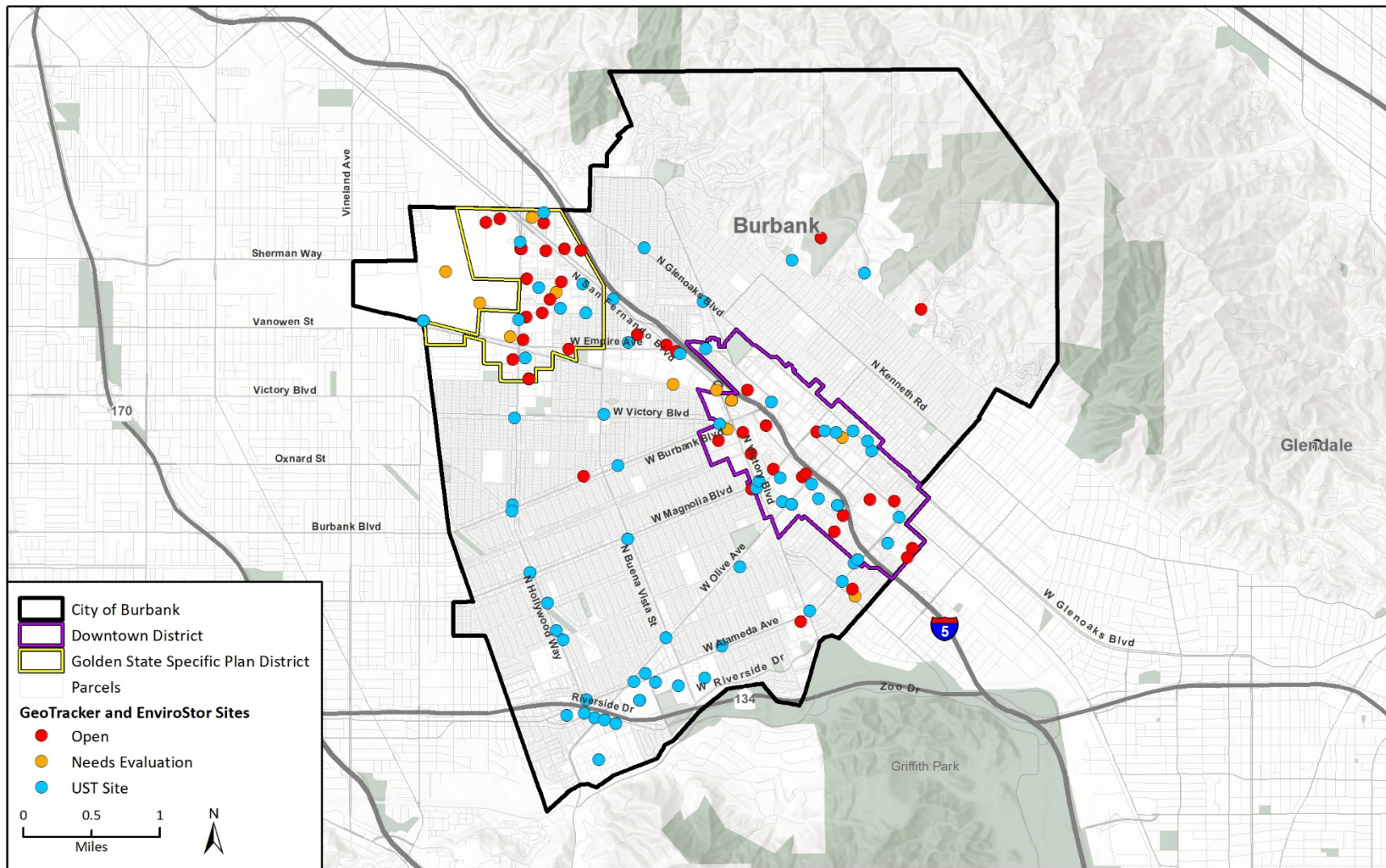
Permitted uses of hazardous materials include those facilities that use hazardous materials or handle hazardous wastes in accordance with current hazardous materials and hazardous waste regulations. The use and handling of hazardous materials from these sites is considered low risk, although there can be instances of unintentional chemical releases. In such cases, the site would be tracked in the environmental databases as an environmental case. Permitted sites without documented releases are, nevertheless, potential sources of hazardous materials in the soil and/or groundwater due to accidental spills, incidental leakage, or spillage that may have gone undetected. Some facilities are permitted for more than one hazardous material use and, therefore, could appear in more than one database.

The potential to encounter hazardous materials in soil and groundwater in the City is generally based on a search of Federal, State, and local regulatory databases that identify permitted hazardous materials uses, environmental cases, and spill sites. The DTSC EnviroStor database contains information on properties in California where hazardous substances have been released or where the potential for a release exists. The California State Water Resources Control Board (SWRCB) GeoTracker database contains information on properties in California for sites that require cleanup, such as leaking underground storage tank (LUST) sites, which may impact, or have potential impacts, to water quality, with emphasis on groundwater.

According to databases of hazardous material sites maintained by the DTSC (EnviroStor) and the SWRCB (GeoTracker), Burbank has the following types of hazardous sites that are still active or need further investigation: corrective action sites, military evaluation sites, State response sites, historical sites, tiered permit sites, Waste Discharge Requirements (WDR) sites, underground storage tanks (UST's) and cleanup program sites (DTSC 2021; SWRCB 2021). These sites are dispersed throughout the City.

Existing sites that may potentially contain hazardous land uses in the City include large and small-quantity generators of hazardous waste, such as metal fabricators, dry cleaners, gas stations and other industrial uses. According to DTSC and SWRCB, there are 41 open sites containing or potentially containing hazardous materials contamination located in the City, 15 sites in need of evaluation, 70 USTs, and numerous closed or "no further action" sites. A full list of these sites and their cleanup status can be reviewed in Appendix F (DTSC, SWRCB, 2021).

Figure 4.6-1 Burbank Hazardous Material Sites



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 Additional data provided by Geotracker, 2021 and Envirostor, 2021.

Fig HAZZ Burbank Cleanup Sites

Use, Transport, and Abatement of Hazardous Materials

The use of hazardous materials is typically associated with industrial land uses. Activities such as manufacturing, plating, cleaning, refining, and finishing, frequently involve chemicals that are considered hazardous when accidentally released into the environment.

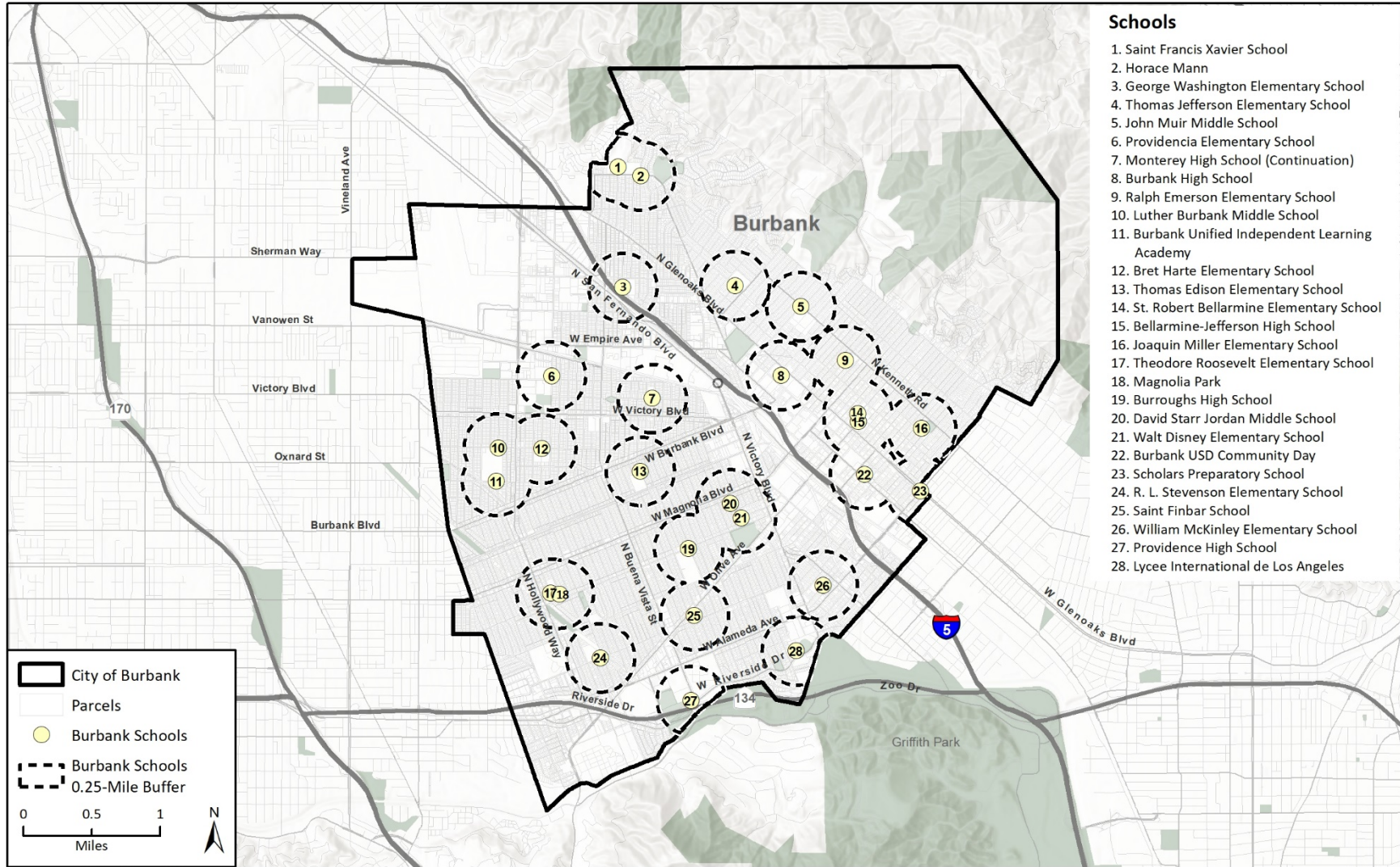
To a lesser extent, hazardous materials may also be used by various commercial enterprises, as well as residential uses. In particular, dry cleaners use cleaning agents considered to be hazardous materials. Hardware stores typically stock paints and solvents, as well as fertilizers, herbicides, and pesticides. Swimming pool supply stores stock acids, algaecides, and caustic agents. Most commercial businesses occasionally use commonly available cleaning supplies that, when used in accordance with manufacturers' recommendations, are considered safe by the State of California, but when not handled properly can be considered hazardous. Private residences also use and store commonly available cleaning materials, paints, solvents, swimming pool and spa chemicals, as well as fertilizers, herbicides, and pesticides.

If improperly handled, hazardous materials can result in public health hazards through human contact with contaminated soils or groundwater, or through airborne releases in vapors, fumes, or dust. There is also the potential for accidental or unauthorized releases of hazardous materials that would pose a public health concern. The use, transport, and disposal of hazardous materials and wastes are required to occur in accordance with Federal, State, and local regulations. In accordance with such regulations, the transport of hazardous materials and wastes can only occur with transporters who have received training and appropriate licensing. Additionally, hazardous waste transporters are required to complete and carry a hazardous waste manifest, which includes forms, reports, and procedures designed to seamlessly track hazardous waste.

Schools

School locations require consideration because children are particularly sensitive to hazardous materials exposure. Additional protective regulations apply to projects that could use or disturb potentially hazardous products near or at schools. The California Public Resources Code requires projects that would be located within 0.25 mile of a school and might reasonably be expected to emit or handle hazardous materials to consult with the school district regarding potential hazards. The Burbank Unified School District (BUSD) operates 22 schools in the City, including 11 elementary schools, three middle schools, three high schools, and five alternative schools (BUSD 2002). See Figure 4.6-2 for the locations of schools in the City. Numerous day care facilities, charter schools, and private schools are also located throughout the City.

Figure 4.6-2 Burbank Public School Locations



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Fig. X Schools

4.6.2 Regulatory Setting

Hazardous materials and waste can pose a potential hazard to human health and the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Federal, State, and local programs that regulate the use, storage, and transportation of hazardous materials and hazardous waste are in place to prevent unwanted consequences. These regulatory programs are designed to reduce the risk that hazardous substances may pose to people and businesses under normal daily circumstances and as a result emergencies and disasters.

a. Federal

Primary Federal agencies with responsibility for hazardous materials management include the USEPA, U.S. Department of Labor's Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (USDOT). The major federal laws enforced by these agencies are described below.

Comprehensive Environmental Response, Compensation, and Liability Act

Enacted in 1980, CERCLA, commonly known as Superfund, creates a tax on the chemical and petroleum industries and provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. The tax goes into a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. A summary of CERCLA is as follows:

- Establishes prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provides for liability of persons responsible for releases of hazardous waste at these sites; and
- Establishes a trust fund to provide for cleanup when no responsible party could be identified.

CERCLA also established the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS). The CERCLIS database was renamed to Standardized Emergency Management System (SEMS) by USEPA in 2015. SEMS is the USEPA's system for tracking potential hazardous-waste sites within the Superfund program. In addition, CERCLA authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life threatening. These actions can be conducted only at sites listed on the USEPA's NPL.

CERCLA also enabled the revision of the National Contingency Plan (NCP), which provides guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) of 1976 gives the USEPA the authority to control hazardous waste from "cradle-to-grave." This includes the generation, transportation,

treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled USEPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.

Toxic Substances Control Act

Congress enacted the Toxic Substances Control Act (TSCA) of 1976, codified in Title 40 of the Code of Federal Regulations (CFR), to give USEPA the ability to track the 75,000 industrial chemicals currently produced or imported into the United States. USEPA repeatedly screens these chemicals and can require reporting or testing of those that may pose an environmental or human-health hazard. USEPA can ban the manufacture and import of those chemicals that pose an unreasonable risk. More specifically, in California, polychlorinated biphenyls (PCBs) are regulated by both State (RCRA and Title 22 of the California Code of Regulations [CCR]) and Federal (TSCA) rules. TSCA has banned the manufacture, processing, use, and distribution in commerce of PCBs. TSCA gives USEPA the authority to develop, implement and enforce regulations concerning the use, manufacture, cleanup, and disposal of PCBs. TSCA also establishes USEPA's Lead Abatement Program regulations, which provide a framework for lead abatement, risk assessment, and inspections. Those performing these services are required to be trained and certified by USEPA.¹

U.S. Department of Transportation Regulations

USDOT prescribes strict regulations for the safe transportation of hazardous materials, including requirements for hazardous waste containers and licensed haulers who transport hazardous waste on public roads. The Secretary of the USDOT receives the authority to regulate the transportation of hazardous materials from the Hazardous Materials Transportation Act (HMTA), as amended and codified in 49 U.S. Code (U.S.C.) Section 5101 et seq. The Secretary is authorized to issue regulations to implement the requirements of 49 U.S.C. The Pipeline and Hazardous Materials Safety Administration (PHMSA), formerly the Research and Special Provisions Administration, was delegated the responsibility to write the hazardous materials regulations, which are contained in Title 49 of the CFR Parts 100-180. Title 49 of the CFR, which contains the regulations set forth by the HMTA, specifies requirements and regulations with respect to the transport of hazardous materials. It requires that every employee who transports hazardous materials receive training to recognize and identify hazardous materials and become familiar with hazardous materials requirements. Under the HMTA, the Secretary "may authorize any officer, employee, or agent to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties relate to: (1) the manufacture, fabrication, marking, maintenance, reconditioning, repair, testing, or distribution of packages or containers for use by any "person" in the transportation of hazardous materials in commerce; or (2) the transportation or shipment by any "person" of hazardous materials in commerce."

Occupational Safety and Health Act of 1970

The U.S. Department of Labor's OSHA was created to assure safe and healthful working conditions by setting and enforcing standards and by providing training, outreach, education, and assistance. OSHA provides standards for general industry and construction industry on hazardous waste operations and emergency response. The Occupational Safety and Health Act, which is implemented by OSHA, contains provisions with respect to hazardous materials handling. Federal Occupational

¹ U.S. Environmental Protection Agency, *40 CFR Part 745, Rules 402 and 404*, August 29, 1996.

Safety and Health Act requirements, as set forth in Title 29 of the CFR Section 1910, et. seq., are designed to promote worker safety, worker training, and a worker's right-to-know. OSHA has delegated the authority to administer OSHA regulations to the State of California.

Title 49 of the CFR, which contains the regulations set forth by the Hazardous Materials Transportation Act of 1975, specifies additional requirements and regulations with respect to the transport of hazardous materials. Title 49 of the CFR requires that every employee who transports hazardous materials receive training to recognize and identify hazardous materials and become familiar with hazardous materials requirements. Drivers are also required to be trained in function and commodity specific requirements.

Research and Special Programs Administration

The Research and Special Programs Administration's (RSPA) regulations cover definition and classification of hazardous materials, communication of hazards to workers and the public, packaging and labeling requirements, operational rules for shippers, and training. They apply to hazardous waste shipments and interstate, intrastate, and foreign commerce by air, rail, ships, and motor vehicles. The Federal Highway Administration (FHWA) is responsible for highway routing of hazardous materials and highway safety permits. The U.S. Coast Guard regulates bulk transport by vessel. The hazardous materials regulations include emergency response provisions, such as incident reporting requirements. Reports of major incidents go to the National Response Center, which in turn is linked with CHEMTREC, a service of the chemical manufacturing industry that provides details on most chemicals shipped in the United States.

Other Hazardous Materials Regulations

In addition to the USDOT regulations for the safe transportation of hazardous materials, there are other applicable federal laws that also address hazardous materials:

- Community Environmental Response Facilitation Act (CERFA) of 1992
- Clean Water Act
- Clean Air Act
- Safe Drinking Water Act
- Atomic Energy Act
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

b. State

The primary State agencies with jurisdiction over hazardous chemical materials management are the California Environmental Protection Agency's (CalEPA's) DTSC and the Los Angeles Regional Water Quality Control Board (LARWQCB). Other State agencies involved in hazardous materials management include California OSHA (CalOSHA) and the State Office of Emergency Services (CalOES).

Authority for statewide administration and enforcement of RCRA rests with CalEPA's DTSC. While DTSC has primary State responsibility in regulating the generation, storage, and disposal of hazardous materials, DTSC may further delegate enforcement authority to local jurisdictions. In addition, DTSC is responsible and/or provides oversight for contamination cleanup and administers statewide hazardous waste reduction programs. DTSC operates programs to accomplish the following: (1) manage the aftermath of improper hazardous waste management by overseeing site

cleanups; (2) prevent releases of hazardous waste by ensuring that those who generate, handle, transport, store, and dispose of wastes do so properly; and (3) evaluate soil, water, and air samples taken at sites.

The storage of hazardous materials in USTs is regulated by the SWRCB, which delegates authority to the Regional Water Quality Control Board (RWQCB) on the regional level, and typically to the local fire department on the local level.

The Cal OSHA program is administered and enforced by the Division of Occupational Safety and Health (DOSH). CalOSHA is similar to the federal OSHA program. Both programs contain rules and procedures related to exposure to hazardous materials during demolition and construction activities. In addition, CalOSHA requires employers to implement a comprehensive, written Injury and Illness Prevention Program (IIPP). An IIPP is an employee safety program for potential workplace hazards, including those associated with hazardous materials.

The CalOES Hazardous Materials (HazMat) section under the Fire and Rescue Division coordinates statewide implementation of hazardous materials accident prevention and emergency response programs for all types of hazardous materials incidents and threats. In response to any hazardous materials emergency, the HazMat section staff is called upon to provide State and local emergency managers with emergency coordination and technical assistance.

California Occupational Safety and Health Act – California Labor Code, Section 6300 et seq.

The California Occupational Safety and Health Act of 1973 addresses California employee working conditions, enables the enforcement of workplace standards, and provides for advancements in the field of occupational health and safety. The Act also created CalOSHA, the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. CalOSHA's standards are generally more stringent than federal regulations. Under the former, the employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure. The regulations specify requirements for employee training, availability of safety equipment, accident-prevention programs, and hazardous substance exposure warnings. At sites known or suspected to be contaminated by hazardous materials, workers must have training in hazardous materials operations and a Site Health and Safety Plan must be prepared. The Health and Safety Plan establishes policies and procedures to protect workers and the public from exposure to potential hazards at the contaminated site.

California Code of Regulations, Title 22, Hazardous Waste Management

At the State level, under Title 22, Division 4.5 of the CCR, CalEPA's DTSC regulates hazardous waste in California primarily under the authority of the Federal RCRA and the California Health and Safety Code (HSC). The Hazardous Waste Control Law (HWCL), under CCR 22, Chapter 30, establishes regulations that are similar to RCRA but more stringent in their application and empowers the DTSC to administer the State's hazardous waste program and implement the federal program in California. The DTSC is responsible for permitting, inspecting, ensuring compliance, and imposing corrective action programs to ensure that entities that generate, store, transport, treat, or dispose of potentially hazardous materials and waste comply with federal and State laws. The DTSC defines hazardous waste as waste with a chemical composition or other properties that make it capable of causing illness, death, or some other harm to humans and other life forms when mismanaged or released into the environment.

The DTSC shares responsibility for enforcement and implementation of hazardous waste control laws with the SWRCB and, at the local level, the Regional Water Quality Control Board, and city and county governments.

California Code of Regulations Title 23, Chapter 15 Discharges of Hazardous Waste to Land Section 2511(b)

CCR 23, Chapter 15 Discharges of Hazardous Waste to Land Section 2511(b) pertains to water quality aspects of waste discharge to land. The regulation establishes waste and site classifications as well as waste management requirements for waste treatment, storage, or disposal in landfills, surface impoundments, waste piles, and land treatment facilities. Requirements are minimum standards for proper management of each waste category, which allows Regional Water Boards to impose more stringent requirements to accommodate regional and site-specific conditions. In addition, the requirements of CCR 23, Chapter 15 applies to cleanup and abatement actions for unregulated hazardous waste discharges to land (e.g., spills).

License to Transport Hazardous Materials – California Vehicle Code, Section 32000.5 et seq.

The California Department of Transportation (Caltrans) regulates hazardous materials transportation on all interstate roads. Within California, the State agencies with primary responsibility for enforcing Federal and State regulations and for responding to transportation emergencies are the California Highway Patrol and Caltrans. Together, Federal and State agencies determine driver-training requirements, load labeling procedures, and container specifications for vehicles transporting hazardous materials.

California Fire Code, Title 24, Part 9

The 2019 California Fire Code, written by the California Building Standards Commission, is based on the 2018 International Fire Code (IFC). The IFC is a model code that regulates minimum fire safety requirements for new and existing buildings, facilities, storage, and processes. The IFC addresses fire prevention, fire protection, life safety, and safe storage and use of hazardous materials in new and existing buildings, facilities, and processes.

c. Regional

South Coast Air Quality Management District Rule 1403

South Coast Air Quality Management District (SCAQMD) Rule 1403 establishes asbestos survey requirements, notification, and work practice requirements to prevent asbestos emissions from emanating during building renovation and demolition activities. Rule 1403 incorporates the requirements of the federal asbestos requirements found in the National Emission Standards for Hazardous Air Pollutants (NESHAP) found in CFR Title 40, Part 61, Subpart M. USEPA has delegated SCAQMD the authority to enforce the Federal asbestos NESHAP, and SCAQMD is the local enforcement authority for asbestos.

d. Local

In Burbank, the local Certified Unified Program Agency (CUPA) is Los Angeles County CUPA, which is managed by the Los Angeles County Fire Department Health Hazardous Materials Division (HHMD).

The City of Burbank Fire Department oversees UST and piping removal per the City of Burbank Municipal Code.

Health Risk Assessment Regulatory Oversight

Regulatory agencies such as the USEPA, DTSC, and Office of Environmental Health Hazard Assessment OEHHA set forth guidelines that list concentration thresholds over which contaminants may pose a risk to human health. The USEPA combines current toxicity values of contaminants with exposure factors to estimate concentrations of contaminants that may pose a risk to human health. The concentrations set forth by the USEPA are termed Regional Screening Levels (RSL) for various pollutants in soil, air, and tap water (USEPA, 2020). RSL concentrations can be used to screen pollutants in environmental media, trigger further investigation, and provide an initial cleanup goal. RSLs for soil contamination have been developed for both industrial and residential land uses. Residential RSLs are more conservative than industrial RSLs and take into account the possibility of the contaminated environmental media coming into contact with sensitive receptor sites such as childcare facilities and schools. RSLs consider exposure to pollutants by means of ingestion, dermal contact, and inhalation.

Groundwater Regulatory Oversight

The DTSC has set forth Screening Levels (DTSC-SLs) for select contaminants in soil, indoor air, and tap water based on values calculated using Cal-EPA toxicity criteria and risk assessment procedures. While the majority of the DTSC-SLs reflect RSL values, some values are more conservative (DTSC, 2020). Both the U.S. EPA and the California Department of Health Services (DHS) promulgate regulations with respect to the concentration of various chemicals in drinking water. The DHS thresholds for drinking water are generally stricter than those set by the U.S. EPA. Primary maximum contaminant levels (CalMCLs) are established for a number of chemical and radioactive contaminants (Title 22, Division 4, Chapter 15, CCR) in groundwater. CalMCLs are often used by regulatory agencies to determine cleanup standards when contaminants affect groundwater with beneficial uses or potential beneficial uses as drinking water aquifers.

The SWRCB and LARWQCB regulate water quality in the State of California pursuant to statutory requirements set forth in the Porter-Cologne Water Quality Control Act (Cal. Water Code, Section 13000 et seq.), including oversight of water monitoring and contamination cleanup and abatement.

4.6.3 Impact Analysis

a. Thresholds of Significance

Thresholds of significance are based on the questions in Appendix G of the CEQA Guidelines. The Initial Study prepared for the Project (Appendix B) determined that a potentially significant impact might occur under the following threshold and therefore are analyzed in this section of the EIR.

1. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment
2. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school
3. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment

4. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the project would result in a safety hazard or excessive noise for people residing or working in the project area
5. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan
6. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires

The Initial Study (Appendix B) determined that the Project could result in potentially significant impacts related to above issues related to hazards. As such, an analysis of these issues is included in this section of the EIR. However, the Initial Study found no potentially significant impacts related to the transport of hazardous materials (Threshold 6) or wildland fires (Threshold 7); therefore, these issues are not studied further herein.

b. Methodology

This impact analysis addresses the potential to encounter hazardous substances during future Project construction in the City and the potential to create a significant hazard to the public or the environment. The evaluation was performed based on current conditions in the City, information in environmental databases, applicable regulations and guidelines, and future development that may have the potential to introduce hazards. Relationships and proximities of potential future development to schools were also identified.

c. Project Impacts

<p>Threshold 1: Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</p> <p>Threshold 2: Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?</p>
--

Impact HAZ-1 DEMOLITION AND CONSTRUCTION ACTIVITIES ASSOCIATED WITH DEVELOPMENT ACCOMMODATED BY THE HOUSING ELEMENT UPDATE MAY RESULT IN THE RELEASE OF POTENTIALLY HAZARDOUS MATERIALS AND MAY OCCUR WITHIN 0.25 MILE OF A SCHOOL. HOWEVER, COMPLIANCE WITH REGIONAL AND FEDERAL REGULATIONS RELATED TO HAZARDOUS MATERIALS AND COMPLIANCE WITH THE SAFETY ELEMENT POLICIES WOULD MINIMIZE THE RISK OF RELEASES AND EXPOSURE TO THESE MATERIALS. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The Housing Element Update would accommodate infill housing and mixed use (residential-commercial) development in urbanized areas of the City. This is accomplished through policies and specifically through the proposed rezoning, all of which would occur in existing developed areas.

Infill development under the Housing Element Update would likely involve demolition of existing structures. Demolition could result in emission of lead and asbestos. However, lead-based materials and asbestos exposure are regulated by the California Occupational Safety and Health

Burbank Housing and Safety Element Update

Administration (Cal OSHA). CCR Section 1532.1 requires testing, monitoring, containment, and disposal of lead-based materials such that exposure levels do not exceed Cal OSHA standards. Under this rule, construction workers (and by extension, neighboring properties) may not be exposed to lead at concentrations greater than 50 micrograms per cubic meter of air averaged over an eight-hour period and exposure must be reduced to lower concentrations if the workday exceeds eight hours. Similarly, CCR Section 1529 sets requirements for asbestos exposure assessments and monitoring, methods of complying with exposure requirements, safety wear, communication of hazards, and medical examination of workers.

The control of asbestos during demolition or renovation of buildings is regulated under the Federal Clean Air Act. The Federal Clean Air Act requires a thorough inspection for asbestos where demolition will occur and specifies work practices to control emissions, such as removing all asbestos-containing materials, adequately wetting all regulated asbestos-containing materials, sealing the material in leak tight containers and disposing of the asbestos-containing waste material as expeditiously as practicable (USEPA 2021a). Compliance with the CCR and Federal Clean Air Act, which is mandatory, would reduce the potential hazards and risks associated with release of lead and asbestos to a less than significant level. In addition, any development projects under the Housing Element Update that include demolition or renovation activities would be required to comply with SCAQMD Rule 1403. Building permits will not be issued prior to elimination of asbestos and compliance with all applicable regulations.

Rezoning for the proposed Project would include 3,561 residential units with 1.4 million square feet (sf) of commercial space. Housing and other residential uses do not utilize hazardous materials, and thereby pose little risk of exposing the public to hazardous materials. Commercial uses would be subject to compliance with CCR, Cal OSHA, and other agencies to ensure hazardous materials risks to the public are minimized as well. In addition, one of the proposed new policies included in the update to the Safety Element is to “Reduce the loss of life, property, and injuries incurred as a result of hazardous materials spills by offering comprehensive spill prevention information to businesses using hazardous materials, public education, and emergency response programs. Focus outreach and emergency response on vulnerable populations.” (City of Burbank, 2013) This policy calls for the development of public educational materials, prevention plans and emergency response plans for hazardous materials spills in coordination with the Los Angeles County Fire Health HazMat Division, LA County Department of Public Health Environmental Health Services Division, and Burbank Fire Department as part of the next Hazard Mitigation Plan update. This addition to the Safety Element would further prepare the City, and protect the public, in the event of an accidental spill or exposure.

The Housing and Safety Element Update does not include specific development projects, however, the proposed project seeks to update numerous zoning districts from Manufacturing uses to Residential or Commercial uses, thereby reducing the potential for businesses using hazardous materials to occur within 0.25 mile of Burbank’s existing schools (shown in Figure 4.6-1 and Figure 4.6-2).

Furthermore, hazardous materials and waste generated from future development would not pose a health risk to nearby schools because the majority of the development would be residential which does not handle or emit hazardous materials or substances. Additionally, any businesses that would be developed in the proposed mixed use commercial areas that handle or have on-site storage of hazardous materials would be required to comply with the provisions of the California Fire Code and the HHMD CUPA requirements set forth in the California Health and Safety Code through review and approval of a business plan by the Burbank Fire Department, Division 20, Chapter 6.95, Articles

1 and 2. As described in the *Regulatory Setting* above, all businesses that handle more than a specified amount of hazardous materials are required to submit a hazardous materials business plan to a regulating agency, in this case, the HHMD. Therefore, future development facilitated by the proposed Project would not result in use of new hazardous material use within a 0.25-mile radius of existing public and private schools in Burbank, and impacts would be less than significant.

Implementation of the updated Burbank2035 General Plan Safety Element policies would minimize risks associated with the accidental release of hazardous materials during operation of the residential and commercial spaces. Additionally, compliance with all other appropriate federal, State, and local agencies (such as CCR and Cal OSHA) would minimize the risk of the public's potential exposure to these materials. Therefore, impacts to the public or the environment through accidental release or exposure to hazardous materials as a result of project implementation would be less than significant.

Mitigation Measures

No mitigation measures are required.

Threshold 3: Would the project be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Impact HAZ-2 IMPLEMENTATION OF THE HOUSING AND SAFETY ELEMENT UPDATE WOULD ACCOMMODATE DEVELOPMENT ON OR NEAR HAZARDOUS MATERIALS SITES. HOWEVER, COMPLIANCE WITH APPLICABLE REGULATIONS RELATING TO SITE CLEANUP WOULD MINIMIZE HAZARDS FROM DEVELOPMENT ON CONTAMINATED SITES. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

As mentioned in the *Environmental Setting*, there are existing sites within City limits (shown in Figure 4.6-1) which contain, or potentially contain, contaminated or hazardous materials. A full list of these sites and their cleanup status can be reviewed in Appendix F (DTSC, 2021).

The Housing Element Update would not directly result in project development, since it is a policy document. However, new development facilitated by the Housing Element Update could expose construction workforce as well as future occupants to hazardous materials if the project site is listed for hazardous materials. It is also possible that USTs in use prior to permitting and record keeping requirements may be present in the City. If an unidentified UST were uncovered or disturbed during construction activities, it would be removed under permit by the HHMD; if such removal would potentially undermine the structural stability of existing structures, foundations, or impact existing utilities, the tank might be closed in place without removal. Tank removal activities could pose both health and safety risks, such as the exposure of workers, tank handling personnel, and the public to tank contents or vapors. Potential risks, if any, posed by USTs would be minimized by managing the tank according to existing standards contained in Division 20, Chapters 6.7 and 6.75 (Underground Storage Tank Program) of the California Health and Safety Code as enforced and monitored by the HHMD.

The extent to which groundwater may be affected by an underground tank, if at all, depends on the type of contaminant, the amount released, the duration of the release, and depth to groundwater. If groundwater contamination is identified during Phase I or II ESA, characterization of the vertical and lateral extent of the contamination and remediation activities would be required by the RWQCB prior to the commencement of any new construction activities that would disturb the subsurface. If contamination exceeds regulatory action levels, the developer would be required to undertake

remediation procedures prior to grading and development under the supervision of the RWQCB, depending upon the nature of any identified contamination. Compliance with existing State and local regulations as well as implementation of the Burbank2035 General Plan policies would reduce impacts to less than significant.

Mitigation Measures

HAZ-2 Property Assessment – Phase I and II ESAs

Prior to the start of construction (demolition or grading), the project applicant will retain a qualified environmental professional (EP), as defined by ASTM E-1527, to complete one of the following.

If the project is not listed in Appendix F, DTSC (GeoTracker) or SWRCB (EnviroStor) resources, and requires more than five feet of excavation, then the proponent will retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase I ESA. If the Phase I ESA identifies recognized environmental conditions or potential concern areas, a Phase II ESA will be prepared.

If the project site is currently listed, previously listed, or un-listed with a regulatory closure or no further action letter in Appendix F, DTSC (GeoTracker) or SWRCB (EnviroStor) resources, then the project proponent shall test to confirm that there are no existing hazardous materials posing a risk to human health. The project proponent shall retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase II ESA to determine whether the soil, groundwater, and/or soil vapor has been impacted at concentrations exceeding regulatory screening levels for commercial/industrial land uses. Any and all recommended actions included in the Phase II ESA will be followed. This may include the preparation of a Soil Management Plan (SMP) for Impacted Soils (see below) prior to project construction and/or completion of remediation at the proposed project prior to onsite construction.

The completed ESAs will be submitted to the lead agency for review and approval prior to issuance of building or grading permits.

Soil Management Plan Requirements: The SMP, or equivalent document, will be prepared to address on-site handling and management of impacted soils or other impacted wastes, and reduce hazards to construction workers and offsite receptors during construction. The plan will be submitted to the lead agency, and must establish remedial measures and/or soil management practices to ensure construction worker safety, the health of future workers and visitors, and the off-site migration of contaminants from the site. These measures and practices may include, but are not limited to:

- Stockpile management including stormwater pollution prevention and the installation of BMPs
- Proper disposal procedures of contaminated materials
- Monitoring and reporting
- A health and safety plan for contractors working at the site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection
- The health and safety plan will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.

The lead agency will review and approve the development site Soil Management Plan for Impacted Soils prior to demolition and grading (construction).

Soil Remediation Requirements: If soil present within the construction envelope at the development site contains chemicals at concentrations exceeding hazardous waste screening thresholds for contaminants in soil (California Code of Regulations [CCR] Title 22, Section 66261.24), the project proponent will retain a qualified environmental consultant (PG or PE), to conduct additional analytical testing and recommend soil disposal recommendations, or consider other remedial engineering controls, as necessary.

The qualified environmental consultant will utilize the development site analytical results for waste characterization purposes prior to offsite transportation or disposal of potentially impacted soils or other impacted wastes. The qualified environmental consultant will provide disposal recommendations and arrange for proper disposal of the waste soils or other impacted wastes (as necessary), and/or provide recommendations for remedial engineering controls, if appropriate.

The project applicant will review and approve the disposal recommendations prior to transportation of waste soils offsite, and review and approve remedial engineering controls, prior to construction.

Remediation of impacted soils and/or implementation of remedial engineering controls, may require additional delineation of impacts; additional analytical testing per landfill or recycling facility requirements; soil excavation; and offsite disposal or recycling.

The lead agency will review and approve the development site disposal recommendations prior to transportation of waste soils offsite and review and approve remedial engineering controls, prior to construction.

Significance After Mitigation

Mitigation Measure HAZ-2 requires that any development that requires more than five feet of excavation would require a Phase I ESA, and a Phase II ESA if environmental concerns are discovered through the Phase I ESA. Additionally, this measure ensures that any potential development site location listed on DTSC or SWRCB (Appendix F) conducts a Phase II ESA for soil sampling and environmental professional recommendations for remediation, as needed. Implementation of Mitigation Measure HAZ-2 would reduce potential impacts to a less than significant level.

<p>Threshold 4: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?</p>

Impact HAZ-3 THE BURBANK2035 GENERAL PLAN INCLUDES A SAFETY ELEMENT UPDATE AND POLICIES FOR THE BURBANK AIRPORT INFLUENCE AREA THAT ADDRESS EXCESSIVE NOISE AND SAFETY FOR THE VICINITY. THEREFORE, THE PROPOSED PROJECT WOULD NOT RESULT IN SAFETY HAZARDS OR EXCESSIVE NOISE FOR PEOPLE RESIDING OR WORKING IN THE PROJECT AREA AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The Burbank2035 General Plan Safety Element outlines safety policies for the Hollywood-Burbank Airport Influence Area and includes noise policies for its potentially affected vicinity, which are further discussed in Section 4.7, *Noise*. As shown in Figure 2-3, the proposed Project includes rezoning within the Burbank Airport Influence Area of the City. In particular, one of the potential Golden State Specific Plan Sites (the 678-unit Valhalla site) falls within the Airport Influence Area, and therefore would be required to comply with the Burbank2035 General Plan policies, the Los

Angeles County Airport Land Use Plan (LACALUP), and any other local or regional regulations as they pertain to development in this area.

Safety hazards associated with airports are generally related to the construction of tall structures that could interfere with flight paths, or with increasing the number of people working or residing in potential crash zones. The Airport Influence Area is defined by the LACALUP, and is the area in which noise, overflight, safety, or airspace protection factors may affect land uses or require restrictions on those uses. The LACALUP identified the Approach Surface and the Runway Protection Zone as two such safety zones requiring use restrictions (LACALUP 2004). The updated Burbank2035 Safety Element requires compliance with the LACALUP and provides policies such as Policy 7.2, which ensures that land uses, densities, and building heights within Airport Land Use Compatibility Zones, including those in disadvantaged communities, are compatible with safe operation of the Hollywood Burbank Airport. Therefore, implementation of the proposed Project would not result in safety hazards in the airport vicinity.

Threshold 5: Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Impact HAZ-4 THE BURBANK2035 GENERAL PLAN AND HOUSING AND SAFETY ELEMENT POLICY UPDATES ADDRESS MAINTAINING A LOCAL HAZARD MITIGATION PLAN AND COORDINATION WITH ADJACENT JURISDICTIONS. ADDITIONALLY, TRAFFIC CREATED BY THE PROPOSED REZONING WOULD NOT INTERFERE WITH AN EVACUATION PLAN OR CAUSE INCREASED TRAFFIC CONGESTION. THEREFORE, THE PROPOSED PROJECT WOULD NOT RESULT IN INTERFERENCE WITH THESE TYPES OF ADOPTED PLANS. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

As discussed in Section 4.11, *Transportation*, development facilitated by the proposed Project would accommodate future population growth and would increase vehicle miles traveled in the City, which could lead to increased congestion during emergency evacuations. However, future developments would be reviewed by City staff to ensure consistency with all applicable City and State design standards and emergency access requirements and plans. In addition, the following policies are included in the updated language to Burbank2035 General Plan Safety Element, which are intended to ensure effective and coordinated response to disasters and further the City’s preventative measures.

Policy 1.1: Regularly update all hazard mitigation plans, disaster preparedness plans, and emergency response plans.

Policy 1.3: Sponsor and support public education programs for emergency preparedness and disaster response.

The City has also prepared an All-Hazard Mitigation Plan (AHMP, last updated in 2011) that has been incorporated into the Burbank2035 General Plan Safety Element and is currently being updated. The AHMP assesses risk from natural disasters, transportation-related accidents and losses, terrorism and weapons of mass destruction, utility loss or disruption, water and wastewater disruption, hazardous materials incidents, aviation disasters, information technology loss or disruption, explosions, economic disruption, and other special events (AHMP, 2011). The primary objective of the AHMP is to provide a mitigation plan that reduces the negative impacts of potential future disasters on the City, and meets FEMA requirements by addressing hazards, vulnerability, and risk. For example, Chapter 11, *Drought*, of the AHMP includes an overview and variability analysis of the City’s water system, historical drought information and impacts, probability of future droughts and

vulnerability analysis, and initiatives (such as the 2007 Recycled Water Master Plan), mitigation strategies and action items that would aid the City's response and recovery in the event of a serious drought. The AHMP's use of historical data and scenario analysis to help predict and recommend proper recovery strategies provides detailed, realistic emergency planning measures. The Burbank2035 General Plan Safety Element, and the AHMP therein, provide ample emergency response guidelines and planning; therefore, development accommodated under the Housing Element Update would not result in interference with the adoption of these types of plans.

The Burbank Fire Department (BFD) provides fire and emergency response services. BFD assists in on-site emergency and command center management, and general fire and medical emergency assistance. They also provide an online public platform and alert system (Burbank Community Alerts) to help circulate information to Burbank residents in case of emergency, family preparedness plans in case of emergency, updates for COVID-19, and the AHMP update (BFD, 2021). The BFD's established, community platform offers additional opportunity to circulate adopted emergency response and evacuation plans. Implementation of the Burbank2035 General Plan policies, including the AHMP, and other programs associated with emergency planning and response would ensure that development under the Housing Element Update would result in less than significant impacts related to implementation of adopted emergency response and evacuation plans.

Mitigation Measures

No mitigation measures are required.

4.6.4 Cumulative Impacts

Cumulative development would consist of the Project as well as additional projects proposed within the City of Burbank. Cumulative development could contribute to an increase in hazards related to the use of, and exposure to, hazardous materials. Implementation of the Burbank2035 General Plan Safety Element would help guide and accommodate the projected growth within the City of Burbank and utilize updated policies to ensure safety in Burbank communities. Rezoning for the Project seeks to update numerous zoning districts from Manufacturing uses to Residential or Commercial uses.

The removal of manufacturing uses would cumulatively reduce the risk for businesses utilizing hazardous materials to occur within proximity to residences. However, any demolition of existing structures could potentially expose additional residents to hazardous materials. Implementation of the updated Burbank2035 General Plan Safety Element policies would minimize risks associated with the accidental release of hazardous materials during operation of the residential and commercial spaces and would require compliance with the All-Hazard Mitigation Plan and LACALUP. Compliance with these plans and policies would reduce any potential hazards related to project development in the vicinity of the Airport Influence Area. Additionally, compliance with all other appropriate Federal, State, and local agencies (such as CCR and Cal OSHA) would minimize the risk of the public's potential exposure to these materials. Therefore, impacts to the public or the environment through accidental release or exposure to hazardous materials as a result of project implementation would be less than significant.

Existing hazardous materials sites in the City (Figure 4.6-1) could potentially be impacted if development is proposed on a previously-identified site or if the site is within 0.25-mile of a school. However, implementation of Mitigation Measures HAZ-2 would ensure that impacts related to close

proximity to hazardous materials sites would be less than significant by requiring added site assessment and cleanup measures prior to project construction.

Compliance with existing laws and regulations, and implementation of these measures, would ensure that the implementation of the proposed Project would not contribute to cumulatively considerable impacts related to hazards or hazardous materials. Therefore, implementation of the Project would have an incremental contribution to cumulative impacts associated with hazards and hazardous materials but would not be cumulatively considerable. Cumulative impacts would be less than significant.

4.7 Noise

This section evaluates noise and groundborne vibration impacts resulting from the construction and operation of new housing development accommodated by the Housing Element Update. Topics addressed consist of short-term construction and long-term operational noise and vibration, including the exposure of noise-sensitive receivers to substantial or incompatible noise levels. Noise modeling results and the vibration calculations associated with the analysis herein are included in Appendix G to this EIR.

4.7.1 Environmental Setting

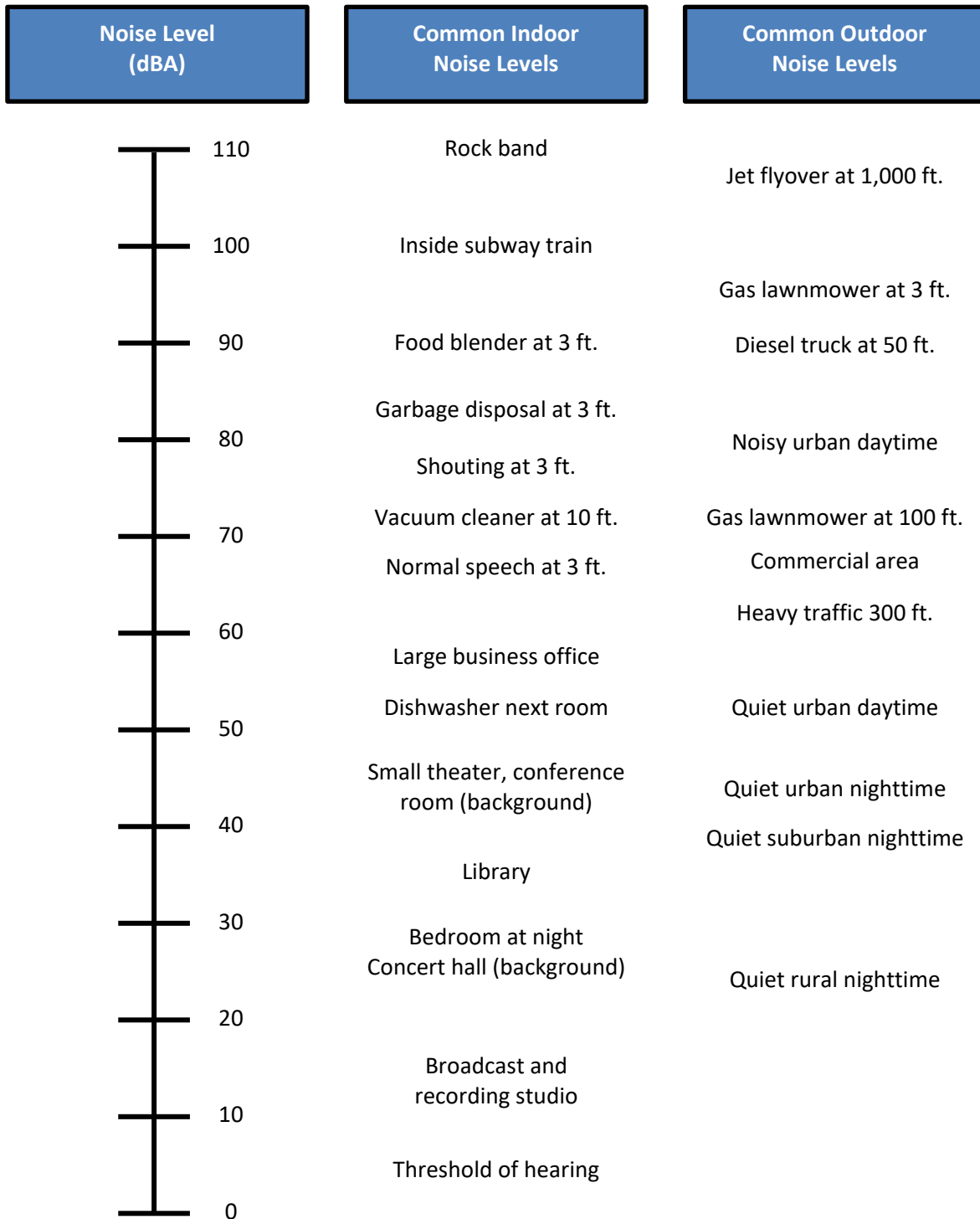
a. Fundamentals of Noise

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs (e.g., the human ear). Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (California Department of Transportation [Caltrans] 2013).

Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response, which is most sensitive to frequencies around 4,000 Hertz (Hz) and less sensitive to frequencies around and below 100 Hz (Kinsler, et. al. 1999). Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as a doubling of traffic volume, would increase the noise level by 3 dB; similarly, dividing the energy in half would result in a decrease of 3 dB (Crocker 2007). Common outdoor and indoor noise sources and their typical corresponding A-weighted noise levels are shown in Figure 4.7-1.

Human perception of noise has no simple correlation with sound energy. The perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not “sound twice as loud” as one source. It is widely accepted that the average healthy ear can barely perceive an increase (or decrease) of up to 3 dBA in noise levels (i.e., twice [or half] the sound energy); that a change of 5 dBA is readily perceptible (8 times the sound energy); and that an increase (or decrease) of 10 dBA sounds twice (or half) as loud (10.5 times the sound energy) (Crocker 2007).

Figure 4.7-1 Examples of Typical Noise Levels



Source: Caltrans 2013

Sound changes in both level and frequency spectrum as it travels from the source to the receiver. The most obvious change is the decrease in sound level as the distance from the source increases. The manner by which noise declines with distance depends on factors such as the type of sources (e.g., point or line), the path the sound will travel, site conditions, and obstructions. Noise levels from a point source (e.g., construction, industrial machinery, ventilation units) typically attenuate, or drop off, at a rate of 6 dBA per doubling of distance. Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2013). The propagation of noise is also affected by the intervening ground, known as ground absorption. A hard site, such as a parking lot or smooth body of water, receives no additional ground attenuation and the changes in noise levels with distance (drop-off rate) result simply from the geometric spreading of the source. An additional ground attenuation value of 1.5 dBA per doubling of distance applies to a soft site (e.g., soft dirt, grass, or scattered bushes and trees) (Caltrans 2013).

Noise levels may also be reduced by intervening structures. The amount of attenuation provided by this “shielding” depends on the size of the object and the frequencies of the noise levels. Natural terrain features, such as hills and dense woods, and man-made features, such as buildings and walls, can alter noise levels. Generally, any large structure blocking the line of sight will provide at least a 5 dBA reduction in source noise levels at the receiver (Federal Highway Administration [FHWA] 2011). Structures can substantially reduce occupants’ exposure to noise as well. The FHWA’s guidelines indicate that modern building construction generally provides an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows.

Descriptors

The impact of noise is not a function of loudness alone. The time of day when noise occurs, its frequency, and the duration of the noise are also important. In addition, most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed.

One of the most frequently used noise metrics that considers both duration and intensity is the equivalent noise level (L_{eq}). The L_{eq} is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time. Typically, L_{eq} is equivalent to a one-hour period, even when measured for shorter durations as the noise level of a 10- to 30-minute period would be the same as the hour if the noise source is relatively steady. L_{max} is the highest Root Mean Squared (RMS) sound pressure level within the sampling period, and L_{min} is the lowest RMS sound pressure level within the measuring period (Crocker 2007). Normal conversational levels at three feet are in the 60- to 65-dBA L_{eq} range and ambient noise levels greater than 65 dBA L_{eq} can interrupt conversations (Federal Transit Administration [FTA] 2018).

Noise that occurs at night tends to be more disturbing than that which occurs during the day. Community noise is usually measured using Day-Night Average Level (L_{dn} or DNL), which is a 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours, or Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a +5 dBA penalty for noise occurring from 7:00 p.m. to 10:00 p.m. and a +10 dBA penalty for noise occurring from 10:00 p.m. to 7:00 a.m. (Caltrans 2013). Noise levels described by DNL and CNEL usually differ by about 0.5 dBA. Quiet suburban areas typically have a CNEL in the range of 40 to 50 dBA, while areas near arterial streets are typically in the 50 to 70+ CNEL range.

Propagation

Sound from a small, localized source (approximating a “point” source) radiates uniformly outward as it travels away from the source in a spherical pattern, known as geometric spreading. The sound level decreases or drops off at a rate of approximately 6 dBA for each doubling of distance.

Traffic noise is not a single, stationary point source of sound. Rather, the movement of vehicles makes the source of the sound appear to emanate from a line (line source) rather than a point. The drop-off rate for a line source is approximately 3 dBA for each doubling of distance.

b. Fundamentals of Vibration

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent structures. The number of cycles per second of oscillation makes up the vibration frequency, described in terms of hertz (Hz). The frequency of a vibrating object describes how rapidly it oscillates. The normal frequency range of most groundborne vibration that can be felt by the human body starts from a low frequency of less than 1 Hz and goes to a high of about 200 Hz (Crocker 2007).

While people have varying sensitivities to vibrations at different frequencies, in general they are most sensitive to low-frequency vibration. Vibration in buildings, such as from nearby construction activities, may cause windows, items on shelves, and pictures on walls to rattle. Vibration of building components can also take the form of an audible low-frequency rumbling noise, referred to as groundborne noise. Groundborne noise is usually only a problem when the originating vibration spectrum is dominated by frequencies in the upper end of the range (60 to 200 Hz), or when foundations or utilities, such as sewer and water pipes, physically connect the structure and the vibration source (FTA 2018). Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors. The primary concern from vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses.

Descriptors

Vibration amplitudes are usually expressed in peak particle velocity (PPV) or RMS vibration velocity. The PPV and RMS velocity are normally described in inches per second (in./sec.). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used in monitoring of vibration because it is related to the stresses that are experienced by buildings (Caltrans 2020).

Response to Vibration

Vibration associated with construction has the potential to be an annoyance to nearby land uses. Caltrans has developed limits for the assessment of vibrations from transportation and construction sources. The Caltrans vibration limits are reflective of standard practice for analyzing vibration impacts. As shown in Table 4.7-1 and Table 4.7-2, the Caltrans *Transportation and Construction Vibration Guidance Manual* (2020) identifies guideline impact criteria for damage to buildings and additional impact criteria for annoyance to humans from transient and continuous/frequent sources.

Table 4.7-1 Building Vibration Damage Potential

Structure and Condition	Maximum PPV (in./sec.)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient mountains	0.12	0.08
Fragile buildings	0.20	0.10
Historic and similar old buildings	0.50	0.25
Older residential structures	0.50	0.30
New residential structures	1.00	0.50
Modern industrial/commercial buildings	2.00	0.50

Notes: Transient sources create a single isolated vibration event, such as blasting or drop balls (i.e., a loose steel ball that is dropped onto structures or rock to reduce them to a manageable size). Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

PPV = peak particle velocity; in./sec. = inches per second

Source: Caltrans 2020

Table 4.7-2 Vibration Annoyance Potential

Human Response	Maximum PPV (in./sec.)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Barely perceptible	0.04	0.01
Distinctly perceptible	0.25	0.04
Strongly perceptible	0.90	0.10
Severe	2.00	0.40

Notes: Transient sources create a single isolated vibration event, such as blasting or drop balls (i.e., a loose steel ball that is dropped onto structures or rock to reduce them to a manageable size). Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

PPV = peak particle velocity; in./sec. = inches per second

Source: Caltrans 2020

Propagation

Vibration energy spreads out as it travels through the ground, causing the vibration level to diminish with distance away from the source. High-frequency vibrations diminish much more rapidly than low frequencies, so low frequencies tend to dominate the spectrum at large distances from the source. Variability in the soil strata can also cause diffractions or channeling effects that affect the propagation of vibration over long distances (Caltrans 2020). When a building is exposed to vibration, a ground-to-foundation coupling loss (the loss that occurs when energy is transferred from one medium to another) will usually reduce the overall vibration level. However, under rare circumstances, the ground-to-foundation coupling may amplify the vibration level due to structural resonances of the floors and walls.

c. Sensitive Receivers

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. According to the Burbank2035 General Plan Noise Element, residential areas, hospitals, convalescent and day care facilities, schools, and libraries are considered noise-sensitive uses (City of Burbank 2013).

Vibration-sensitive receivers, which are similar to noise-sensitive receivers, include residences and institutional uses, such as hospitals, schools, and churches. However, vibration-sensitive receivers also include buildings where vibrations may interfere with vibration-sensitive equipment that is affected by vibration levels that may be well below those associated with human annoyance (e.g., recording studios or medical facilities with sensitive equipment). Other uses that may have particular sensitivity to groundborne vibration include historic sites and structures.

The city encompasses 17.1 square miles and consists of a mix of urban uses (i.e., residential, civic, commercial, media, industrial, and open space). According to the Burbank2035 General Plan Land Use Element, the city predominantly consists of land that is designated and zoned for residential purposes, totaling approximately 36 percent of the city's acreage (City of Burbank 2013). Therefore, residential uses comprise most of the sensitive receivers in the city. Other sensitive receivers consist of recreational uses (e.g., parks) and some commercial/retail (e.g., motels, hotels, movie studios) and institutional (e.g., schools, hospitals) uses. Also, refer to Section 4.3, *Cultural Resources/Tribal Cultural Resources*, for a discussion of historic properties in the city, which may be particularly sensitive to increases in groundborne vibration levels.

d. Existing Conditions

Noise Sources

Burbank is affected by a variety of noise sources, including mobile and stationary sources. According to the Burbank2035 General Plan Noise Element, the most prevalent noise source in the city is traffic on the freeways and arterials. Interstate 5 (I-5) bisects the city from north to south and the State Route 134 (SR 134) passes through the southern end of the city. Many arterial roadways (e.g., Glenoaks Boulevard, Olive Avenue, Burbank Boulevard, Hollywood Way) traverse almost all areas of the city. Periodic noise sources include train traffic (i.e., Amtrak, Metrolink, freight trains); aircraft operations into and out of the Hollywood Burbank Airport (formerly known as Bob Hope Airport); trucks and machinery within industrial areas (located primarily along the I-5 corridor); and loading docks or other mechanical equipment at retail centers. Furthermore, movie studio noise is a stationary source unique to the southern portion of the city and typically consists of single, periodic events that last for a specific time period, rather than continuously (City of Burbank 2013).

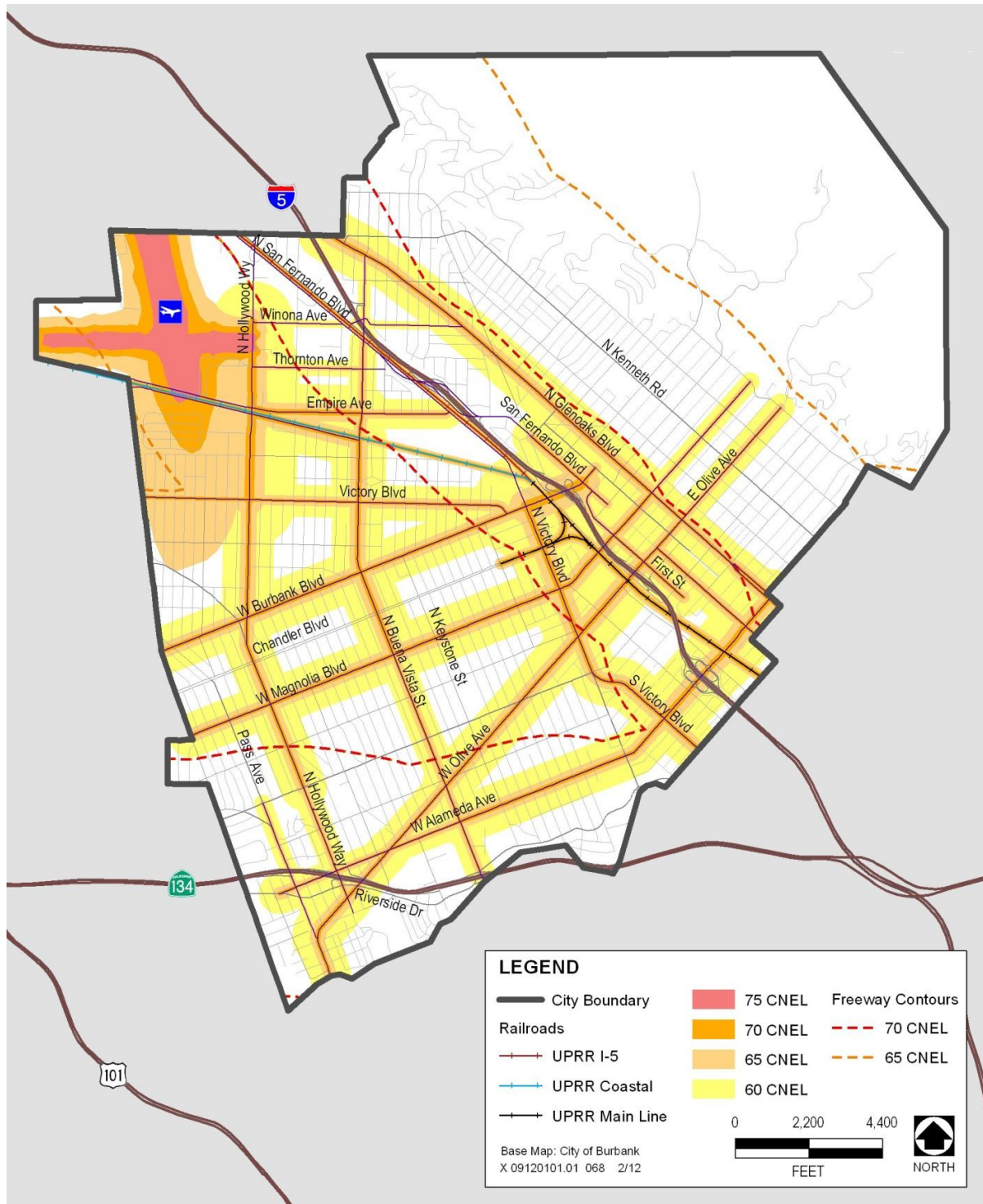
The General Plan Noise Element includes noise contours that have been estimated using information about both current and projected future land uses and traffic volumes throughout the city.¹ Figure 4.7-2 identifies modeled noise contours for baseline year 2010. In addition to traffic volumes, railroad and aircraft operations also represent major noise sources in certain parts of Burbank. Figure 4.7-3 displays anticipated changes in noise levels associated with future growth accompanied by an increase in citywide traffic volumes for the year 2035. Roadway segments anticipated to experience the greatest increase in noise levels consist of Olive Avenue between Hollywood Way and Riverside Drive (3 CNEL increase), Empire Avenue between Victory Boulevard and Hollywood Way (4 CNEL increase), and First Street between Magnolia Boulevard and San Fernando Boulevard (3 CNEL increase). Furthermore, Figure 4.7-4 identifies the Hollywood Burbank Airport (identified as the Bob Hope Airport on the figure) planning boundary and Airport Influence Area, which is consistent with the airport's 65 CNEL contour. This airport noise contour represents

¹ Noise contours consist of modeled areas of similar noise exposure that do not consider the presence of structures (e.g., buildings and solid walls) and natural topography (e.g., hills and berms) that obstruct the line-of-sight between a noise source and a receiver and further reduce noise levels.

the boundary in which new development is subject to additional planning considerations (City of Burbank 2013).

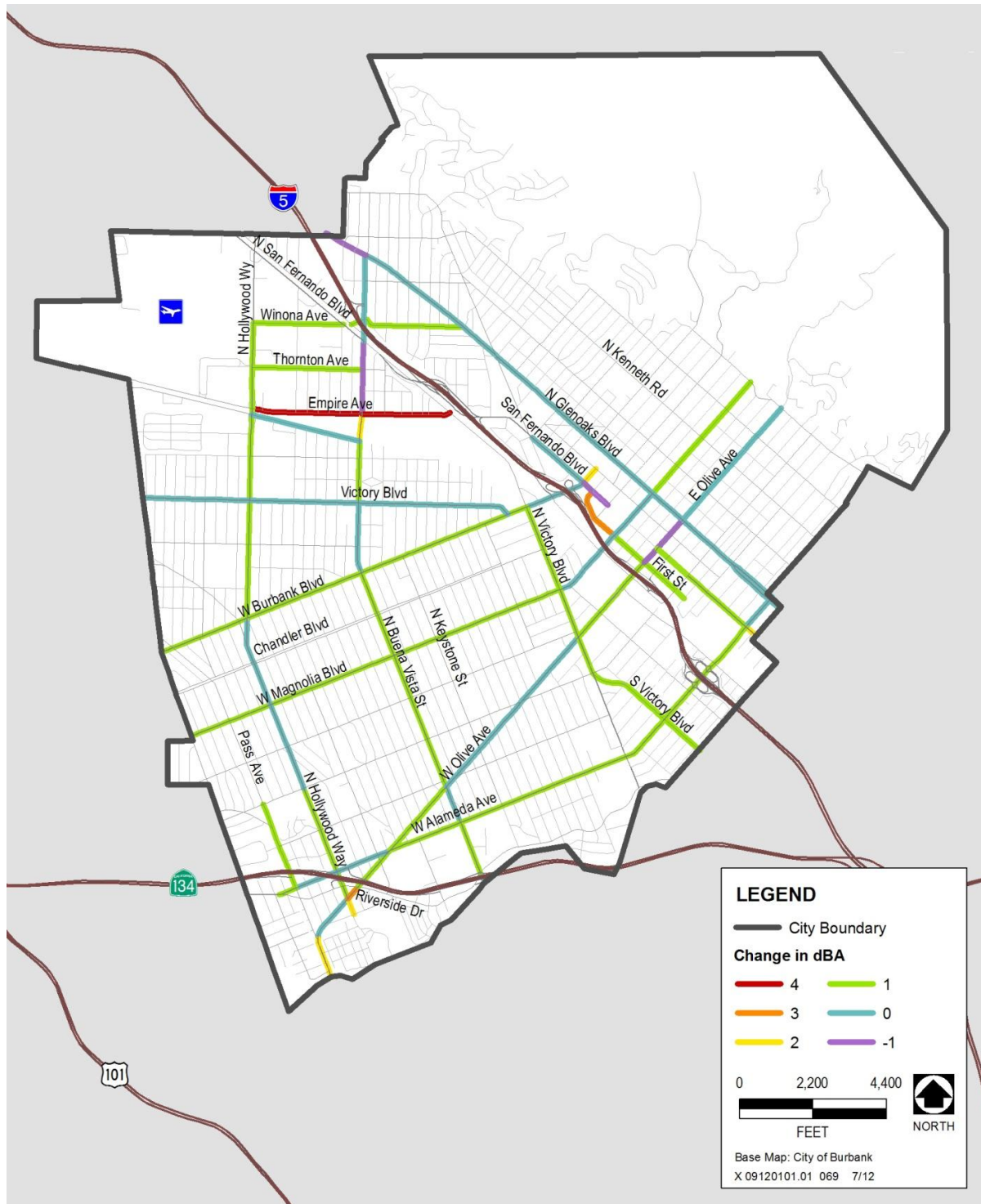
In cases where the actual ambient conditions are not known, the Burbank Municipal Code (BMC) indicates that the city's base ambient noise levels defined in Section 9-3-208.B of the BMC (as shown in Table 4.7-5 under *Regulatory Setting* of this section) should be used to characterize noise conditions. According to Section 9-3-208.B, the city's presumed daytime and nighttime ambient noise levels for residential-zoned areas are 55 dBA and 45 dBA, respectively. Furthermore, the city's presumed all-day ambient noise level for commercial zones is 65 dBA whereas the all-day ambient noise level for all other zones (e.g., industrial) is 70 dBA. These noise levels are generally consistent with the common outdoor noise levels associated with commercial areas and quiet urban areas, as identified by Caltrans and shown in Figure 4.7-1 (i.e., 50 dBA L_{eq} during the daytime and 40 dBA L_{eq} during the nighttime at quiet urban areas; between 60 dBA L_{eq} and 80 dBA L_{eq} during the daytime at commercial districts).

Figure 4.7-2 Baseline Traffic Noise Contours



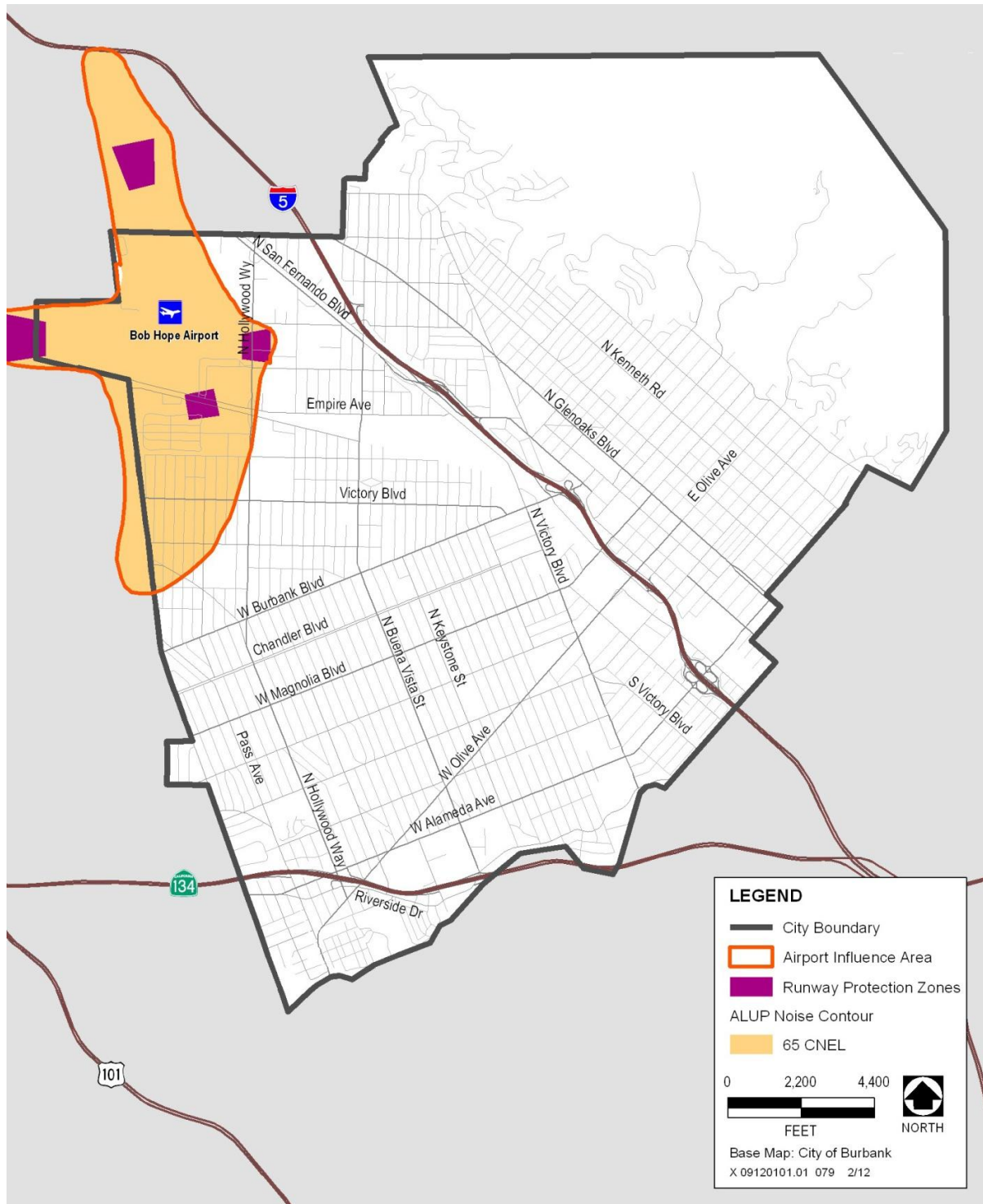
Source: City of Burbank 2013

Figure 4.7-3 Change in Future (Year 2035) Traffic Noise Contours



Source: City of Burbank 2013

Figure 4.7-4 Hollywood Burbank Airport (formerly Bob Hope Airport) Noise Contour



Source: City of Burbank 2013

Vibration Sources

Sources of vibration in the city, similar to that of the noise environment, are also primarily motor vehicles along roadways. Like mobile-source noises, vibration by vehicular movement generally affects numerous receivers along lengths of roadways and depends on pavement and type and weight of the vehicle. Vibration may also be generated by construction equipment (e.g., earth-moving equipment and pile driving); however, these sources are temporary and vary on a project-by-project basis. More permanent, but intermittent, vibration may also be generated by railroad and airport operations, which would affect communities adjacent to these facilities. In addition, commercial or industrial activities may generate vibration from the use of heavy equipment (e.g., businesses that recycle construction debris).

4.7.2 Regulatory Setting

a. Federal

Occupational Safety and Health Act of 1970

Under the Occupational Safety and Health Act of 1970, the Occupational Safety and Health Administration (OSHA) has adopted regulations designed to protect workers against the effects of occupational noise exposure. These regulations list permissible noise level exposure as a function of the amount of time during which the worker is exposed. The regulations further specify a hearing conservation program that involves monitoring noise to which workers are exposed, ensuring that workers are made aware of overexposure to noise, and periodically testing the workers' hearing to detect any degradation.

b. State

California Building Code, Title 24, Part 2, Section 1206.4

According to the 2019 California Building Code (CBC), Title 24, Part 2, Section 1206.4 (Allowable Interior Noise Levels) of the California Code of Regulations, interior noise levels attributable to exterior sources shall not exceed 45 CNEL in any habitable room. A habitable room is typically a residential room used for living, sleeping, eating, or cooking. Bathrooms, closets, hallways, utility spaces, and similar areas are not considered habitable rooms for this regulation.

California Department of Transportation

As discussed in the *Environmental Setting* of this section, Caltrans has developed limits for the assessment of vibration from transportation and construction sources, which are reflective of standard practice for analyzing vibration impacts. Table 4.7-1 presents the impact criteria for structural damage to buildings and Table 4.7-2 presents the criteria for annoyance to humans.

The State noise and vibration guidelines are to be used as guidance with respect to planning for noise, not standards and/or regulations to which the City of Burbank must adhere.

c. Regional

Airport Land Use Commission

In Los Angeles County, the Regional Planning Commission has the responsibility for acting as the Airport Land Use Commission (ALUC) and for coordinating the airport planning of public agencies within the county. The ALUC coordinates planning for the areas surrounding public use airports, and the Airport Land Use Plan (ALUP) provides for the orderly expansion of the County’s public use airports and the area surrounding them. It is intended to provide for the adoption of land use measures that will minimize the public’s exposure to excessive noise and safety hazards. There are several airports in the city or its vicinity, including the Hollywood Burbank Airport, Whiteman Airport, Van Nuys Airport, Santa Monica Municipal Airport, San Gabriel Airport, and Los Angeles International Airport. The Los Angeles County ALUC is responsible for implementing airport land use plans for these airports that promote compatibility between each airport in the county and the surrounding land uses to ensure that hazardous conditions, including incompatible noise levels, are not created (Los Angeles County 2004).

d. Local

Burbank2035 General Plan Noise Element

The Burbank2035 General Plan Noise Element is intended to identify sources of noise and provide goals, objectives, and policies that ensure that noise from various sources, including transportation and stationary sources, does not create an unacceptable noise environment. As shown in Table 4.7-3, the City has adopted land use compatibility standards for use in assessing the compatibility of various land use types that are exposed to noise levels generated by transportation sources (e.g., traffic, railroad operations, and aircraft). According to the City’s standards shown in Table 4.7-3, ambient noise up to 60 CNEL is normally acceptable for single-family residences whereas ambient noise up to 65 CNEL is normally acceptable for multi-family residences. These standards also establish maximum interior noise levels for new residential development, requiring that sufficient insulation be provided to reduce interior ambient noise levels to 45 CNEL (City of Burbank 2013).

Table 4.7-3 Maximum Allowable Noise Exposure – Transportation Sources

Land Use Category	Exterior Normally Acceptable¹ (CNEL/L_{dn})	Exterior Possibly Acceptable² (CNEL/L_{dn})	Exterior Normally Unacceptable³ (CNEL/L_{dn})	Interior Acceptable⁴ (CNEL/L_{dn}, except where noted)
Residential, Single-family	Up to 60	61-70	71 and higher	45
Residential, Multi-family	Up to 65	66-70	71 and higher	45
Residential, Multi-family Mixed-use	Up to 65	66-70	71 and higher	45
Transient Lodging	Up to 65	66-70	71 and higher	45
Hospitals, Nursing Homes	Up to 60	61-70	71 and higher	45
Theaters, Auditoriums, Music Halls	Up to 60	61-70	71 and higher	35 dBA L _{eq} ⁵
Churches, Meeting Halls	Up to 60	61-70	71 and higher	40 dBA L _{eq} ⁵

Land Use Category	Exterior Normally Acceptable ¹ (CNEL/L _{dn})	Exterior Possibly Acceptable ² (CNEL/L _{dn})	Exterior Normally Unacceptable ³ (CNEL/L _{dn})	Interior Acceptable ⁴ (CNEL/L _{dn} , except where noted)
Playgrounds, Neighborhood Parks	Up to 70	71-75	75 and higher	–
Schools, Libraries, Museums ⁶	–	–	–	45 dBA L _{eq} ⁵
Offices ⁷	–	–	–	45 dBA L _{eq} ⁵
Retail/Commercial ⁷	–	–	–	–
Industrial	–	–	–	–

¹ Normally acceptable means that land uses may be established in areas with the stated ambient noise level, absent any unique noise circumstances.

² Possibly acceptable means that land uses should be established in areas with the stated ambient noise level only when exterior areas are omitted from the project or noise levels in exterior areas can be mitigated to the normally acceptable level.

³ Normally unacceptable means that land uses should generally not be established in areas with the stated ambient noise level. If the benefits of the project in addressing other Burbank2035 goals and policies outweigh concerns about noise, the use should be established only where exterior areas are omitted from the project or where exterior areas are located and shielded from noise sources to mitigate noise to the maximum extent feasible.

⁴ Interior acceptable means that the building must be constructed so that interior noise levels do not exceed the stated maximum, regardless of the exterior noise level. Stated maximums are as determined for a typical worst-case hour during periods of use.

⁵ dBA Leq is as determine for a typical worst-case hour during periods of use.

⁶ Within the Airport Influence Area, these uses are not acceptable above 65 CNEL if subject to the City's discretionary review procedures.

⁷ Within the Airport Influence Area, these uses may be acceptable up to 75 CNEL following review for additional noise attenuation; in excess of 75 CNEL these uses are not acceptable.

Source: City of Burbank 2013

When stationary noise is the primary noise source, the City applies a second set of hourly daytime and nighttime performance standards (expressed in dBA L_{eq}) that are designed to protect noise-sensitive land uses adjacent to stationary sources from excessive noise (City of Burbank 2013). Table 4.7-4 summarizes stationary-source noise standards for various land use types that represent acceptable noise levels at exterior spaces of the sensitive receiver.

Table 4.7-4 Maximum Allowable Noise Exposure – Stationary Sources

Noise Source	Noise Level Descriptor	Exterior Spaces ¹ – Daytime (7 AM to 10 PM)	Exterior Spaces ¹ – Nighttime (10 PM to 7 AM)
Typical	dBA L _{eq} (1-Hour)	55 ²	45 ²
Tonal, impulsive, repetitive, or consisting primarily of speech or music	dBA L _{eq} (1-Hour)	50 ²	40 ²
Any	dBA L _{max}	75	65

¹ Where the location of exterior spaces (i.e., outdoor activity areas) is unknown, the exterior noise level standard shall be applied to the property line of the receiving land use. Where it is not practical to mitigate exterior noise levels at patio or balconies of apartment complexes, a common area such as a pool or recreation area may be designated as the exterior space.

² The City may impose noise level standards that are more or less restrictive than those specified above based upon determination of existing low or high ambient noise levels.

Source: City of Burbank 2013

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In addition to these maximum allowable noise exposure standards, for analysis of noise impacts and determining appropriate mitigation under CEQA, an increase in ambient noise levels is assumed to be a significant noise impact if a project causes ambient noise levels to exceed the following (City of Burbank 2013):

- Where the existing ambient noise level is less than 60 CNEL/L_{dn}, a project-related permanent increase in ambient noise levels of 5 CNEL/L_{dn} or greater.
- Where the existing ambient noise level is greater than 60 CNEL/L_{dn}, a project-related permanent increase in ambient noise levels of 3 CNEL/L_{dn} or greater.

Furthermore, the following goals, objectives, and policies from the General Plan Noise Element are relative to the Housing Element Update (City of Burbank 2013):

Goal 1: Noise Compatible Land Uses: Burbank's diverse land use pattern is compatible with current and future noise levels.

Policy 1.1: Ensure the noise compatibility of land uses when making land use planning decisions.

Policy 1.2: Provide spatial buffers in new development projects to separate excessive noise generating uses from noise-sensitive uses.

Policy 1.3: Incorporate design and construction features into residential and mixed-use projects that shield residents from excessive noise.

Policy 1.4: Maintain acceptable noise levels at existing noise-sensitive land uses.

Policy 1.5: Reduce noise from activity centers located near residential areas, in cases where noise standards are exceeded.

Policy 1.6: Consult with movie studios and residences that experience noise from filming activities to maintain a livable environment.

Goal 2: Noise in Mixed-Use Development: Noise from commercial activity is reduced in residential portions of mixed-use projects.

Policy 2.1: Require the design and construction of buildings to minimize commercial noise within indoor areas of residential components of mixed-use projects.

Policy 2.2: Locate the residential portion of new mixed-use projects away from noise generating sources such as mechanical equipment, gathering places, loading bays, parking lots, driveways, and trash enclosures.

Goal 3: Vehicular Traffic Noise: Burbank's vehicular transportation network reduces noise levels affecting sensitive land uses.

Policy 3.1: Support noise-compatible land uses along existing and future roadways, highways, and freeways.

Policy 3.2: Encourage coordinated site planning and traffic management that minimizes traffic noise affecting noise-sensitive land uses.

Policy 3.3: Advocate the use of alternative transportation modes such as walking, bicycling, mass transit, and non-motorized vehicles to minimize traffic noise.

Policy 3.4: Install, maintain, and renovate freeway and highway right-of-way buffers and sound walls through continued work with the California Department of Transportation (Caltrans) and Los Angeles County Metropolitan Transportation Authority (MTA).

Policy 3.5: Monitor noise levels in residential neighborhoods and reduce traffic noise exposure through implementation of the neighborhood protection plans.

Policy 3.6: Prohibit heavy trucks from driving through residential neighborhoods.

Policy 3.7: Where feasible, employ noise-cancelling technologies such as rubberized asphalt, fronting homes to the roadway, or sound walls to reduce the effects of roadway noise on sensitive receptors.

Policy 3.8: Within the Airport Influence Area, seek to inform residential property owners of airport generated noise and any land use restrictions associated with high noise exposure.

Goal 4: Train Noise: Burbank's train service network reduces noise levels affecting residential areas and noise-sensitive land uses.

Policy 4.1: Support noise-compatible land uses along rail corridors.

Policy 4.2: Require noise-reducing design features as part of transit-oriented, mixed-use development located near rail corridors.

Policy 4.3: Promote the use of design features, such as directional warning horns or strobe lights, at railroad crossings that reduce noise from train warnings.

Goal 5: Aircraft Noise: Burbank achieves compatibility between airport-generated noise and adjacent land uses and reduces aircraft noise effects on residential areas and noise-sensitive land uses.

Policy 5.1: Prohibit incompatible land uses within the airport noise impact area.

Policy 5.2: Work with regional, state, and federal agencies, including officials at Bob Hope Airport, to implement noise reduction measures and to monitor and reduce noise associated with aircraft.

Policy 5.3: Coordinate with the Federal Aviation Administration and Caltrans Division of Aeronautics regarding the siting and operation of heliports and helistops to minimize excessive helicopter noise.

Policy 5.4: Within the Airport Influence Area, seek to inform residential property owners of airport generated noise and any land use restrictions associated with high noise exposure.

Goal 6: Industrial Noise: Noise generated by industrial activities is reduced in residential areas and at noise-sensitive land uses.

Policy 6.1: Minimize excessive noise from industrial land uses through incorporation of site and building design features.

Policy 6.2: Require industrial land uses to locate vehicular traffic and operations away from adjacent residential areas.

Goal 7: Construction, Maintenance, and Nuisance Noise: Construction, maintenance, and nuisance noise is reduced in residential areas and at noise-sensitive land uses.

Policy 7.1: Avoid scheduling city maintenance and construction projects during evening, nighttime, and early morning hours.

Policy 7.2: Require project applicants and contractors to minimize noise in construction activities and maintenance operations.

Policy 7.3: Limit the allowable hours of construction activities and maintenance operations located adjacent to noise-sensitive land uses.

Policy 7.4: Limit the allowable hours of operation for and deliveries to commercial, mixed-use, and industrial uses located adjacent to residential areas.

City of Burbank Municipal Code

The City’s noise standards, found in Title 9, Chapter 3, Article 2 (Noise Control) of the City of Burbank Municipal Code (BMC), set forth hours of operation for certain activities and standards for determining when noise is deemed to be a disturbance.

Section 9-3-208.A of the BMC prohibits the operation of any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in such a manner as to cause the ambient noise level at an adjacent noise-sensitive property to be exceeded by more than 5 dBA. In the case of leaf blowers, the ambient noise level may not be exceeded by more than 20 dBA. According to Section 9-3-208.B, the ambient noise level referred to in this section are described by the base levels and pertaining zones shown in Table 4.7-5.

Table 4.7-5 Ambient Noise Base Level

Zone	Time	Base Levels (dBA)
Residential	Nighttime (10:00 p.m. to 7:00 a.m.)	45
Residential	Daytime (7:00 a.m. to 10:00 p.m.)	55
Commercial	Anytime	65
All Other Zones	Anytime	70

Source: BMB Section 9-3-208.B

According to Section 9-3-213 of the BMC, no person shall use or operate any radio receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound in such manner as to cause disturbance and cause the ambient noise level at an adjacent noise-sensitive property to be exceeded by more than 5 dBA.

Similarly, according to Section 9-3-213.5 of the BMC, no person in a park (including public parking lots) or on a right of way adjacent to a park shall use or operate any radio receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound or other sound amplification systems in such manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.

According to Section 9-3-224 of the BMC, no person shall create any noise on any street, sidewalk or public place adjacent to any hospital or to any school, institution of learning or church while the same is in use, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, church or hospital.

The BMC also designates hours of construction applicable to all construction, alteration, movement, enlargement, replacement, repair, equipment, maintenance, removal and demolition work.

Section 9-1-1-105.10 of the BMC prohibits construction activity between 7:00 p.m. and 7:00 a.m. Monday through Friday, between 5:00 p.m. and 8:00 a.m. on Saturdays, and at any time on Sundays or national holidays.

4.7.3 Environmental Impacts

a. Thresholds of Significance

In accordance with Appendix G of the CEQA Guidelines, the Housing Element Update's noise and vibration impacts would be significant if it would:

1. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies
2. Generate excessive groundborne vibration or groundborne noise levels
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels

The Initial Study (Appendix B) determined that the proposed Project could result in potentially significant impacts related to ambient noise levels (Threshold 1), groundborne vibration (Threshold 2), and airport noise (Threshold 3). As such, an analysis of these issues is included in this section of the EIR. The following discussion identifies specific thresholds used to analyze the general CEQA thresholds listed above.

Construction Noise Thresholds

While the City does not have specific noise level criteria for assessing construction impacts, the FTA has developed guidance for determining whether construction of a project would result in a substantial temporary increase in noise levels. Based on FTA guidance, for residential land uses, a significant impact would occur if construction noise exceeds an eight-hour 80 dBA L_{eq} daytime noise limit or an eight-hour 70 dBA L_{eq} nighttime noise limit (FTA 2018). As described under Section 4.7.2, *Regulatory Framework*, construction hours would comply with Section 9-1-1-105.10 of the BMC and would not occur during nighttime hours between 7:00 p.m. and 7:00 a.m. Monday through Friday, between 5:00 p.m. and 8:00 a.m. on Saturdays, or at any time on Sundays or national holidays. Therefore, nighttime construction noise is not analyzed further in this section.

Operational Noise Thresholds

The City has adopted noise standards in the BMC that regulate on-site operational noise sources in the city. The Housing Element Update would result in a significant impact if the accommodated 10,456 housing units generate noise from on-site sources in excess of BMC standards included in Chapters 9-3-208, 9-3-213, 9-3-213.5, and 9-3-224 (as described under Section 4.7.2, *Regulatory Framework*), which collectively regulate noise from operations that are typical to residential uses (e.g., sound-amplifying devices, HVAC equipment, lawn maintenance equipment, hand tools, wheeled equipment, outdoor activities).

Off-site operational noise (i.e., roadway noise) would result in a significant if housing development accommodated under the Housing Element Update would cause the ambient noise level measured at the property line of affected uses to increase by 3 dBA, which would be a perceptible increase in traffic noise.

In addition, as described by the Burbank2035 General Plan Noise Element, an increase in ambient noise levels is assumed to be a significant noise impact if a project causes ambient noise levels to exceed the following (City of Burbank 2013):

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- Where the existing ambient noise level is less than 60 CNEL/L_{dn}, a project-related permanent increase in ambient noise levels of 5 CNEL/L_{dn} or greater.
- Where the existing ambient noise level is greater than 60 CNEL/L_{dn}, a project-related permanent increase in ambient noise levels of 3 CNEL/L_{dn} or greater.

Land Use Compatibility Thresholds

According to the City’s land use compatibility standards shown in Table 4.7-3, ambient noise up to 60 CNEL is normally acceptable for single-family residences whereas ambient noise up to 65 CNEL is normally acceptable for multi-family residences. In addition, ambient noise up to 70 CNEL is possible acceptable for all residences. These standards also establish maximum interior noise levels for new residential development, requiring that enough insulation be provided to reduce interior ambient noise levels to 45 CNEL (City of Burbank 2013).

Groundborne Vibration Thresholds

The City has not adopted a significance threshold to assess vibration impacts during construction and operation. Therefore, the Caltrans *Transportation and Construction Vibration Guidance Manual* (2020) is used to evaluate potential construction vibration impacts related to both potential building damage and human annoyance. Construction vibration impacts from housing development would be significant if vibration levels exceed the Caltrans criteria shown in Table 4.7-1 and Table 4.7-2. For example, impacts would be significant if vibration levels exceed 0.5 in./sec. PPV for residential structures and 2.0 in./sec. PPV for commercial structures, which is the limit where minor cosmetic (i.e., non-structural) damage may occur to these buildings. Construction vibration impacts would also be significant if vibration levels exceed 0.12 in./sec. PPV for extremely fragile historic buildings, as shown in Table 4.7-1. In addition, construction vibration impacts would cause significant human annoyance at nearby receivers if vibration levels exceed 0.25 in./sec. PPV, which is the limit where vibration becomes distinctly perceptible from barely perceptible.

Airport Noise Thresholds

Exposure to airport noise would be significant if new housing development is located within the Hollywood Burbank Airport’s 65 CNEL noise contour identified in the Burbank2035 General Plan Noise Element and as shown in Figure 4.7-4 (City of Burbank 2013).

b. Methodology

As discussed in Section 2, *Project Description*, the Housing Element Update is a plan to accommodate forecasted growth and existing and future need. The following discussion describes the methodology, including models, used to evaluate the significance of potential noise and vibration impacts related to the forecasted construction and operation of 10,456 housing units accommodated by the Housing Element Update, particularly for construction noise, on-site and off-site operational noise, and construction vibration.

Construction Noise

The primary source of temporary noise associated with the Housing Element Update would be construction activities associated with accommodated housing development. Construction equipment can be considered to operate in two modes: stationary and mobile. Stationary equipment operates in a single location for one or more days at a time, with either fixed-power

operation (e.g., pumps, generators, and compressors) or variable-power operation (e.g., pile drivers, rock drills, and pavement breakers). Mobile equipment moves around a construction site with power applied in cyclic fashion, such as bulldozers, graders, and loaders (FTA 2018). Each phase of construction has its own noise characteristics due to specific equipment mixes; some will have higher continuous noise levels than others and some may have high-impact intermittent noise levels (FTA 2018). Therefore, construction noise levels may fluctuate depending on the type of equipment being used, construction phase, or equipment location. In typical construction projects on vacant sites, grading activities typically generate the highest noise levels because grading involves the largest equipment and covers the greatest area. Foundation excavation and construction is often the second loudest phase, followed by paving and building construction.

Variation in power imposes additional complexity in characterizing the noise source level from construction equipment. Power variation is accounted for by describing the noise at a reference distance from the equipment operating at full power and adjusting it based on the duty cycle, or percent of operational time, of the activity to determine the L_{eq} of the operation (FTA 2018).

For assessment purposes, noise levels for common construction equipment provided in the FTA *Transit Noise and Vibration Impact Assessment* (2018) guidance document were used to analyze potential noise levels associated with future development under the Housing Element Update. The FTA provides typical noise levels at 50 feet from various types of equipment. Construction noise was also estimated using the FHWA's Roadway Construction Noise Model (RCNM) (2006). RCNM predicts construction noise levels for a variety of construction operations based on empirical data and the application of acoustical propagation formulas. Using RCNM, construction noise levels were estimated at a distance of 50 feet from future development. Model results are included in Appendix G to this EIR.

In general, smaller housing developments on urban infill sites are not likely to result in substantial construction noise impacts because construction activities at these sites are inherently limited by the size of the site. The size of urban infill project sites typically limits the use of the largest (i.e., noisiest) pieces of heavy-duty equipment. The size of a project site also typically limits the size of the development and the related duration of construction activities. Although some individuals may find construction noise of any kind or of any duration very disturbing, as a general matter, typical construction (including with the implementation of mitigation measures described in further detail in the following subsection) does not result in and would not be considered a significant impact. Therefore, while urban infill housing developments that meet the following criteria could result in disturbance to residents and employees at adjacent properties, resulting noise levels typically would not result in significant construction noise impacts:

- One subterranean level or less (generally 20,000 cubic yards or less of excavated soil material);
- Construction durations of less than 18 months (excluding interior finishing);
- Use of equipment rated less than 300 horsepower, typically small and medium backhoes, bulldozers, etc.; and
- No potential for pile driving.

Larger projects that require extended construction or heavy-duty equipment could expose sensitive uses to more continuous and/or louder noise impacts and result in significant short-term noise exposure. When noise-sensitive land uses (e.g., residences, schools, libraries, hospitals) are located within 500 feet of a project site, projects that meet one or more of the characteristics below may have the potential to result in significant impacts:

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- Two subterranean levels or more (generally more than 20,000 cubic yards of excavated soil material);
- Construction durations of 18 months or more (excluding interior finishing);
- Use of large, heavy-duty equipment rated 300 horsepower or greater; or
- The potential for pile driving.

On-site Operational Noise

The primary on-site noise sources associated with operation of housing developments, including in mixed use developments, and those discussed in this analysis, would include noise from stationary heating, ventilation, and air conditioning (HVAC) equipment, on-site vehicle movement (e.g., delivery and trash hauling), and outdoor activities. Analysis of outdoor activity considers the existing noise environment and refers to regulations included in the City’s noise ordinance (i.e., Title 9, Chapter 3, Article 2 of the BMC).

Specific planning data for HVAC systems are not available at this stage of analysis; however, for a reasonable assessment, specification for a typical to larger-sized residential condenser was used to determine project HVAC noise. The unit used for this analysis is a Carrier 38HDR060 split system condenser. The manufacturer’s noise data lists the unit as having a sound power level of 72 dBA (Carrier 2011).

Off-site Operational Noise

Housing development accommodated under the Housing Element Update would generate motor vehicle trips, thereby increasing off-site traffic on area roadways. The Project’s off-site traffic noise impacts are analyzed based on data from the Transportation Assessment completed by Fehr & Peers (F&P) dated July 2021, which is included as Appendix E to this EIR. The overall increase in traffic noise was estimated using vehicle miles traveled (VMT) data from the Transportation Assessment for existing conditions (Year 2021), future without project conditions (i.e., Year 2029 without the Housing Element Update), and future with project conditions (i.e., Year 2029 with the Housing Element Update). Residential development under the Housing Element Update would generate vehicle trips, thereby increasing traffic on area roadways.

Groundborne Vibration

Operation of housing development accommodated by the Housing Element Update would not include any substantial vibration sources (e.g., use of heavy equipment). Rather, construction activities would have the greatest potential to generate groundborne vibration affecting sensitive receivers and/or structures adjacent to a construction site, especially during grading and when a site is located near a historic site or structure. As discussed in Section 4.3, *Cultural Resources/Tribal Cultural Resources*, the Downtown TOD Specific Plan (TOD) inventory possesses 36 parcels with known historic-period buildings and the Golden State Specific Plan (GSSP) inventory contains 32 parcels.

A quantitative assessment of potential vibration impacts from construction activities was conducted using equations developed by Caltrans (Caltrans 2020). Table 4.7-6 shows typical vibration levels for various pieces of construction equipment used in the construction vibration assessment.

Table 4.7-6 Typical Vibration Levels for Construction Equipment

Equipment	PPV (in./sec.) at 25 Feet
Pile Driver (Impact)	0.644
Pile Driver (Sonic)	0.170
Vibratory Roller	0.210
Hoe Ram	0.089
Large Bulldozer	0.089
Caisson Drilling	0.089
Loaded Truck	0.076
Jackhammer	0.035
Small Bulldozer	0.003

Sources: FTA 2018; Caltrans 2020

Because groundborne vibration could cause physical damage to structures and is measured in an instantaneous period, vibration impacts are typically modeled based on the distance from the location of vibration-intensive construction activities, which is conservatively assumed to be edge of a project site, to the edge of the nearest off-site structures. For assessment purposes, vibration levels for the construction equipment shown in Table 4.7-6 were modeled at various incremental distances between 25 feet and 100 feet to analyze potential vibration levels associated with future development under the Housing Element Update. Vibration calculations are included in Appendix G to this EIR.

c. Project Impacts

Threshold 1: Would the project result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Impact NOI-1 CONSTRUCTION ASSOCIATED WITH HOUSING DEVELOPMENT ACCOMMODATED UNDER THE HOUSING ELEMENT UPDATE WOULD BE REQUIRED TO COMPLY WITH THE ALLOWED DAYTIME CONSTRUCTION HOURS REGULATED BY THE BURBANK MUNICIPAL CODE AND, THEREFORE, WOULD NOT OCCUR DURING NIGHTTIME HOURS WHEN PEOPLE ARE MORE SENSITIVE TO NOISE. WHILE LARGER DEVELOPMENTS COULD INVOLVE CONSTRUCTION WITH LENGTHY DURATIONS, SUBSTANTIAL SOIL MOVEMENT, USE OF LARGE, HEAVY-DUTY EQUIPMENT, AND/OR PILE DRIVING NEAR NOISE-SENSITIVE LAND USES THAT WOULD EXCEED THE APPLICABLE FTA DAYTIME NOISE LIMITS, IMPLEMENTATION OF MITIGATION MEASURES NOI-1A THROUGH NOI-51J WOULD REDUCE CONSTRUCTION NOISE LEVELS TO BELOW THRESHOLDS. THEREFORE, IMPACTS GENERATED BY TEMPORARY CONSTRUCTION NOISE WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Future construction activity would require the use of a variety of noise-generating equipment that would result in temporary increases in ambient noise levels on an intermittent basis. Noise levels would fluctuate depending on the construction phase, equipment type and duration of use, distance between the noise source and receiver, and presence or absence of noise attenuation barriers. Typical noise levels at 50 feet from various types of equipment that may be used during construction are listed in Table 4.7-7. The loudest noise levels are typically generated by impact equipment (e.g., pile drivers) and heavy-duty equipment (e.g., cranes, scrapers, and graders). Construction noise would occur intermittently throughout construction and, in some instances,

multiple pieces of equipment may operate simultaneously, generating overall noise levels that are incrementally higher than what is shown in Table 4.7-7.

Table 4.7-7 Construction Equipment Noise Levels

Equipment	Typical Noise Level (dBA) at 50 Feet from Source
Air Compressor	80
Backhoe	80
Compactor	82
Concrete Mixer	85
Concrete Pump	82
Concrete Vibrator	76
Crane, Derrick	88
Crane, Mobile	83
Dozer	85
Generator	82
Grader	85
Jackhammer	88
Loader	80
Paver	85
Pile-driver (Impact)	101
Pile-driver (Sonic)	95
Pneumatic Tool	85
Pump	77
Roller	85
Saw	76
Scarifier	83
Scraper	85
Shovel	82
Truck	84

Sources: FTA 2018

Sensitive receivers are located throughout the city and could be exposed to noise associated with construction activities from reasonably foreseeable development under the Housing Element Update. As discussed in Section 4.7.1, *Environmental Setting*, sensitive receivers in the city mainly consist of residences but also include parks, motels, hotels, movies studios, school, and hospitals. Because specific development projects have not yet been determined at individual sites, this analysis assumes that construction activities would occur within 50 feet from sensitive receivers throughout the course of a typical construction day. As shown in Table 4.7-7, sensitive receivers would be exposed to noise levels ranging from 76 to 88 dBA at 50 feet from typical construction equipment, and could reach as high as 101 dBA through the use of pile drivers. However, a typical construction day includes the operation of multiple pieces of equipment at once. For assessment purposes, a construction noise level at 50 feet from the source was estimated using RCNM and was based on an excavator, dozer, and jackhammer operating simultaneously. These pieces of

equipment generate some of the highest noise levels during demolition and grading phases of construction. As shown in Table 4.6-8, the combined noise level (dBA, L_{eq}) from these pieces of equipment is estimated at 84 dBA L_{eq} at 50 feet.

Table 4.6-8 Typical Construction Noise Level at 50 Feet

Equipment	L_{eq} , dBA at 50 Feet
Excavator, Dozer, Jackhammer	84

See Appendix G for RCNM results.

Construction noise levels would vary depending on the type of equipment, the duration of use, the distance to receivers, and the potential for pile driving. Engine noise reduction technology, including silencers, continues to improve, but heavy construction equipment still generates noise exceeding ambient levels that could cause intermittent annoyance to nearby receivers. Noise associated with construction of development under the Housing Element Update would be typical of residential construction, but could exceed the eight-hour 80 dBA L_{eq} daytime significance threshold at residences.

As previously discussed in *Methodology* of this section, housing development accommodated under the Housing Element Update that could result in construction noise would tend to include relatively lengthy construction durations (i.e., longer than 18 months), two or more subterranean levels, use of multiple pieces of heavier equipment (i.e., cranes, excavators, dozers), simultaneous use of multiple pieces of equipment, and generally noisier activities, such as the potential for pile driving. While these larger projects are not considered typical, they could potentially result in significant noise impacts, particularly upon potentially adjacent residential zones or other nearby sensitive receivers, and temporarily increase ambient noise levels above FTA noise limits. The type of construction equipment, proximity of sensitive receivers to the site, and the overall duration of construction are key factors in determining whether construction-related noise would be significant at the project-level as opposed to determining construction noise impacts at the programmatic level. Based on typical construction equipment noise levels, the anticipated duration of construction activities, and type of equipment used for larger housing developments, the Housing Element Update could result in potentially significant construction noise impacts on a project-specific basis at nearby sensitive receivers. With implementation of the following mitigation measures, impacts would be reduced to a less than significant level .

Mitigation Measures

The following mitigation measures are required to reduce construction-related noise impacts to sensitive receivers near subsequent development projects.

NOI-1a Shielding and Silencing

Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and silencing devices consistent with manufacturer’s standards or the Best Available Control Technology. Equipment shall be properly maintained, and the project applicant or owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer’s specifications.

NOI-1b Enclosures and Screening

All outdoor fixed mechanical equipment shall be enclosed or screened from off-site noise-sensitive uses. The equipment enclosure or screen shall be impermeable (i.e., solid material with minimum weight of 2 pounds per square feet) and break the line-of-sight from the equipment and off-site noise-sensitive uses.

NOI-1c Construction Staging Areas

Construction staging areas shall be located as far from noise-sensitive uses as reasonably possible and feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints.

NOI-1d Smart Back-Up Alarms

Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.

N-1e Equipment Idling

Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.

N-1f Workers' Radios

All noise from workers' radios, including any on-site music, shall be controlled to a point that they are not audible at off-site noise-sensitive uses.

NOI-1g Use of Driven Pile Systems

Driven (impact), sonic, or vibratory pile drivers shall not be used, except in locations where the underlying geology renders alternative methods infeasible, as determined by a soils or geotechnical engineer and documented in a soils report.

NOI-1h Temporary Sound Barriers

Temporary sound barriers, such as walls or sound blankets, shall be positioned between construction activities and noise-sensitive uses when construction equipment are located within a line-of-sight to and within 500 feet of off-site noise-sensitive uses. Sound barriers shall break the line-of-sight between the construction noise source and the receiver where modeled levels exceed applicable standards. Placement, orientation, size, and density of acoustical barriers shall be specified by a qualified acoustical consultant.

NOI-1i Noise Complaint Response

Project applicants shall designate an on-site construction project manager who shall be responsible for responding to any complaints about construction noise. This person shall be responsible for responding to concerns of neighboring properties about construction noise disturbance and shall be available for responding to any construction noise complaints during the hours that construction is to take place. They shall also be responsible for determining the cause of the noise complaint (e.g., bad silencer) and shall require that reasonable measures be implemented to correct the problem. A toll-

free telephone number and email address shall be posted in a highly visible manner on the construction site at all times and provided in all notices (mailed, online website, and construction site postings) for receiving questions or complaints during construction and shall also include procedures requiring that the on-site construction manager to respond to callers and email messages. The on-site construction project manager shall be required to track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction and shall notify the City's Community Development Director of each complaint occurrence.

NOI-1j Project-Specific Construction Noise Study

A Construction Noise Study, prepared by a qualified noise expert to meet the requirements herein, shall be required for housing development projects located within 500 feet of noise-sensitive land uses identified in the Burbank2036 General Plan Noise Element (i.e., residences, parks, motels, hotels, movies studios, school, and hospitals), and that have one or more of the following characteristics:

- Two subterranean levels or more (generally more than 20,000 cubic yards of excavated soil material);
- Construction durations of 18 months or more (excluding interior finishing);
- Use of large, heavy-duty equipment rated 300 horsepower or greater;
- The potential for pile driving; or
- Located within 1,000 feet of other construction projects with overlapping construction schedules.

The Construction Noise Study shall characterize sources of construction noise, quantify noise levels at noise-sensitive uses (e.g., residences, parks, motels, hotels, movies studios, school, and hospitals) and identify measures to reduce noise exposure. The Construction Noise Study shall identify reasonably available noise reduction devices or techniques to reduce noise levels to acceptable levels and/or durations including through reliance on any relevant federal, state or local standards or guidelines or accepted industry practices. Noise reduction devices or techniques may include but not be limited to silencers, enclosures, sound barriers, and/or placement of restrictions on equipment or construction techniques (e.g., alternative installation methods to pile driving such as cast-in-place systems or pile cushioning). Each measure in the Construction Noise Study shall identify anticipated noise reductions at noise-sensitive land uses.

Project applicants shall be required to comply with all requirements of Mitigation Measures NOI-1a through NOI-1i in addition to any additional requirements identified and recommended by the Construction Noise Study and shall maintain proof that notice of, as well as compliance with, the identified measures have been included in contractor agreements.

Significance After Mitigation

It is anticipated that, with implementation of Mitigation Measures NOI-1a through NOI-1i, construction noise levels associated with smaller housing development could be reduced below the eight-hour 80 dBA L_{eq} daytime residential noise limit per FTA guidelines. However, noise generated by larger housing development may still exceed the FTA noise limit. This would most commonly occur when a development project requiring larger equipment generates high noise levels (e.g., pile driving) on a property abutting a sensitive receiver. Nonetheless, for such larger housing developments, Mitigation Measure NOI-1j would reduce construction noise impacts whenever a development project is located within 500 feet of a noise-sensitive land use. It is anticipated that,

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with implementation of Mitigation Measure NOI-1j, reasonably available noise reduction devices or techniques would be identified to reduce noise levels to acceptable levels and/or durations including through reliance on any relevant federal, state or local standards or guidelines or accepted industry practices. Therefore, noise impacts from construction activities related to the Housing Element Update would be less than significant with mitigation.

Threshold 1: Would the project result in generation of a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Impact NOI-2 HOUSING DEVELOPMENT ACCOMMODATED UNDER THE HOUSING ELEMENT UPDATE COULD INCLUDE MECHANICAL EQUIPMENT (I.E., HVAC), DELIVERY AND TRASH TRUCKS, AND OTHER NOISE-GENERATING ACTIVITIES. HOWEVER, SUCH ACTIVITIES WOULD BE TYPICAL OF THE URBAN ENVIRONMENT. IN ADDITION, ON-SITE ACTIVITIES WOULD BE REQUIRED TO COMPLY WITH APPLICABLE NOISE STANDARDS IN THE BURBANK MUNICIPAL CODE. FURTHERMORE, WHILE HOUSING DEVELOPMENT WOULD GENERATE VEHICLE TRIPS IN THE CITY, THE INCREASE IN MOBILE NOISE WOULD NOT RESULT IN A PERCEPTIBLE 3-DBA INCREASE. THEREFORE, PERMANENT NOISE INCREASES DUE TO OPERATION OF THE HOUSING ELEMENT UPDATE WOULD BE LESS THAN SIGNIFICANT.

Housing development accommodated under the Housing Element Update would include residential development at increased intensity and density throughout the city that would generate on-site operational noise from stationary sources and off-site operational noise from vehicle trips. Typical noise sources associated with residential uses include stationary HVAC equipment, on-site vehicle movement (e.g., delivery and trash hauling), outdoor activities, and off-site traffic.

On-site Operational Noise

HVAC EQUIPMENT

Based on manufacturer’s specifications, a Carrier 38HDR060 split-system with a sound power level of 72 dBA would generate a noise level of approximately 57 dBA at a distance of seven feet. As shown in Table 4.7-5, the ambient base noise level is 55 dBA during the daytime and 45 dBA during the nighttime for residential-zoned areas. Therefore, in the case where the actual ambient conditions are not known, noise from HVAC equipment could exceed the city’s presumed ambient noise conditions when compared to a reference noise level 57 dBA at a distance of seven feet from the HVAC equipment source. However, noise levels from HVAC equipment associated with housing development would be comparable to noise levels of HVAC equipment associated with the existing urban environment. Furthermore, the design and placement of new HVAC equipment would be required to comply with Section 9-3-208.A of the BMC, which prohibits noise from any machinery, equipment, pump, fan, air conditioning apparatus from exceeding the ambient noise levels of adjacent noise-sensitive properties by more than 5 dBA. On-site equipment would be typically designed such that it would be shielded by sound barriers that block the line-of-sight to sensitive receivers or it would include installation of appropriate noise-muffling devices to reduce noise. The operation of HVAC equipment would have a less than significant noise impact.

VEHICLE ACTIVITY (DELIVERY AND TRASH HAULING)

Future residential development would increase the number of delivery and trash hauling trucks traveling through the city to individual development sites. Increased delivery and trash hauling

trucks could intermittently expose various sensitive receivers to increased truck noise. Section 23130 of the California Motor Vehicle Code establishes maximum sound levels of 86 dBA L_{eq} at 50 feet for trucks operating at speeds less than 35 miles per hour. While individual delivery truck and/or loading or trash pick-up operations would likely be audible at properties adjacent to individual development, such operations are already a common occurrence in the urban environment. In addition, solid waste pick-up operations are typically scheduled during daytime hours when people tend to be less sensitive to noise. Furthermore, these noise events from trucks are typically transient and intermittent, and do not occur for a sustained period of time. Therefore, the project would not result in a substantial permanent increase in ambient noise levels from trash and delivery trucks due their prevalence in the city, resulting in a less than significant impact.

OUTDOOR ACTIVITY AREAS

Housing developments would generate noise from conversations, music, television, or other outdoor sound-generating equipment (e.g., leaf blowers), particularly in the event future residents maintain open windows or such activities take place on balconies. However, these noise-generating activities would be similar to those of the existing urban environment. Moreover, Section 9-3-208.A of the BMC prohibits the operation of leaf blowers from exceeding the ambient noise level of adjacent noise-sensitive properties by more than 20 dBA. In addition, Section 9-2-213 of the BMC prohibits the operation radios, musical instruments, television sets, and other sound-amplifying devices from exceeding the ambient noise levels of adjacent noise-sensitive properties by more than 5 dBA. Required compliance with code enforcement would reduce operational noise impacts related to conversations and sound-generating equipment to a less than significant level.

Off-site Operational Noise

The overall increase in traffic noise from the project was estimated using vehicle trip (VT) data from the Transportation Assessment prepared by F&P for existing conditions (Year 2021) and future with Project conditions (i.e., Year 2029 with the Housing Element Update). These daily VT scenarios are shown in Table 4.7-9.

Table 4.7-9 Daily Vehicle Trip Summary

	Total Daily Vehicle Trips
Baseline Conditions (2021)	697,358
Future with Housing Element Update (2029)	788,283
Change in Vehicle Trips	+90,925
Percent Change in Vehicle Trips (%)	13%

Source: F&P 2021

As shown in Table 4.7-9, daily VT would increase by approximately 13 percent over existing 2021 conditions by the year 2029 under the Housing Element Update. A 13 percent increase in traffic on a roadway would equate to an increase of 0.5 dBA. Therefore, the project would not double the existing mobile noise source and would not increase noise levels by even the most conservative threshold of 3 dBA, which is considered a barely perceptible noise increase. Although a 13 percent or more increase in traffic may occur at local level in areas where substantial new housing is proposed, a doubling of traffic is still not anticipated to occur based on the citywide increase of 13 percent. Therefore, off-site traffic noise impacts would be an anticipated less than significant.

Land Use Compatibility

Agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents. In *California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal. 4th 369*, the California Supreme Court explained that an agency is only required to analyze the potential impacts to future residents if the project would exacerbate those existing environmental hazards or conditions. CEQA analysis is therefore concerned with a project's impact on the environment, rather than with the environment's impact on a project and its users or residents. Therefore, bringing a population into an area where noise currently exists is not a significant environmental impact under CEQA unless doing so would exacerbate noise conditions. Nonetheless, the following analysis of potential exposure to excessive noise is provided for informational purposes.

Implementation of the Housing Element Update would expose future housing development to ambient noise levels that characterize the city, predominantly associated with vehicular traffic. According to the baseline noise contour map in the Burbank2035 General Plan Noise Element, and shown in Figure 4.7-2, land uses along major arterial roadways are exposed to noise levels of approximately 70 CNEL. As shown by Figure 4.8-3, with the city's projected transportation noise increases (e.g., an increase in traffic from future residential, commercial, and industrial uses), a few roadway segments are anticipated to experience a noise level increase between 1 to 4 dBA by the year 2035 based on citywide growth accompanied by an increase in citywide traffic volumes for the year 2035. Based on the City's land use compatibility standards shown in Table 4.7-3, ambient noise up to 60 CNEL is normally acceptable for single-family residences whereas ambient noise up to 65 CNEL is normally acceptable for multi-family residences. Therefore, new housing development could be exposed to noise levels above the normally acceptable range for residences.

The City also has an interior noise standard of 45 CNEL for residences, which is consistent with the State's interior noise standard. According to the 2019 CBC, Title 24, Part 2, Section 1206.4, the proposed multi-family residences must be constructed and designed such that interior noise levels do not exceed 45 CNEL. Generally, any large structure blocking the line of sight (e.g., a concrete block wall on a property's boundary) will provide at least a 5-dBA reduction in source noise levels at the receiver (FHWA 2011). Building materials can also substantially reduce occupants' exposure to noise. The FHWA's guidelines indicate that modern building construction generally provides an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows (FHWA 2011). Modern residential buildings in California are typically constructed with storm windows, single- or double-glazed, that achieve the required energy saving on heating and cooling, which also provide an exterior-to-interior noise level reduction of at least 20 dBA. Based on a noise exposure level of approximately 70 CNEL and a noise attenuation of at least 20 dBA, the interior noise level within new housing development could be up to 50 CNEL. Nonetheless, housing development would be required to comply with the Burbank2035 General Plan Noise Element policies and 2019 CBC, Title 24, Part 2, Section 1206.4, which would collectively govern excessive noise exposure and require that sensitive uses achieve an interior noise level of 45 dBA or less in any habitable room through appropriate sound insulation (e.g., dual-paned windows, exterior doors with solid core and perimeter weather stripping).

Mitigation Measures

No mitigation measures are required.

Threshold 2: Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Impact NOI-3 HOUSING DEVELOPMENT ACCOMMODATED UNDER THE HOUSING ELEMENT UPDATE IS NOT ANTICIPATED TO INVOLVE OPERATIONAL ACTIVITIES THAT WOULD RESULT IN SUBSTANTIAL VIBRATION LEVELS (E.G., USE OF HEAVY EQUIPMENT). HOWEVER, CONSTRUCTION ACTIVITIES UNDER THE HOUSING ELEMENT UPDATE, SPECIFICALLY PILE DRIVING, COULD POTENTIALLY GENERATE VIBRATION EXCEEDING THRESHOLDS FOR BUILDINGS OR STRUCTURES SUSCEPTIBLE TO DAMAGE (E.G., HISTORIC STRUCTURES). HOWEVER, TEMPORARY-CONSTRUCTION RELATED VIBRATION IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

It is not anticipated that operation of housing development would involve activities that would result in substantial vibration levels, such as use of heavy equipment. Operational groundborne vibration in the vicinity of development associated with the Housing Element Update would be primarily generated by vehicular travel on the local roadways. According to the FTA *Transit Noise and Vibration Impact Assessment* (2018) guidance document, rubber tires and suspension systems dampen vibration levels from trucks to a level that is rarely perceptible. Therefore, traffic vibration levels associated with the expected additional trips from the Housing Element Update would not be perceptible by sensitive receivers. Impacts related to operational groundborne vibration would be less than significant. The remainder of this analyses focuses on impacts relate to construction activities associated with future housing development.

Construction activities associated with housing development accommodated by the Housing Element Update would result in varying degrees of groundborne vibration depending on the equipment and methods employed. Operation of construction equipment causes vibration that spreads through the ground and diminishes in strength with distance. Buildings with foundations in the soil in the vicinity of a construction site respond to these vibrations with varying results ranging from no perceptible effects at the lowest levels, low rumbling sounds and perceptible vibrations at moderate levels, and slight damage at the highest levels. Construction vibration is a localized event and is typically only perceptible to a receiver that is in close proximity to the vibration source. Construction for all housing development would require heavy equipment, particularly development on sites with certain geologic conditions that may require pile driving. Such heavy equipment could potentially operate within 25 feet of nearby buildings. As shown in Table 4.7-10, construction equipment would typically generate vibration levels up to 0.21 in./sec. PPV (i.e., vibratory roller) at 25 feet, although pile driving could generate a vibration level of approximately 0.64 in./sec. PPV at 25 feet. Vibration levels shown in bolded and underlined text exceed one or more of the Caltrans criteria shown in Table 4.7-1 and Table 4.7-2.

Table 4.7-10 Construction Equipment Noise Levels

Equipment	PPV (in./sec.)				
	25 Feet	50 Feet	75 Feet	100 Feet	125 Feet
Pile Driver (Impact)	<u>0.644</u>^{1,2,3,5}	<u>0.300</u>^{1,5}	<u>0.192</u>¹	<u>0.140</u>¹	<u>0.110</u>¹
Pile Driver (Sonic)	<u>0.170</u>¹	0.079	0.051	0.037	0.029
Vibratory Roller	<u>0.210</u>¹	0.098	0.063	0.046	0.036
Hoe Ram	0.089	0.042	0.027	0.019	0.015
Large Bulldozer	0.089	0.042	0.027	0.019	0.015
Caisson Drilling	0.089	0.042	0.027	0.019	0.015

Equipment	PPV (in./sec.)				
	25 Feet	50 Feet	75 Feet	100 Feet	125 Feet
Loaded Truck	0.076	0.036	0.023	0.017	0.013
Jackhammer	0.035	0.016	0.011	0.008	0.006
Small Bulldozer	0.003	0.001	<0.001	<0.001	<0.001

Notes: Vibration levels shown in bolded and underlined text exceed one or more of the Caltrans criteria shown in Table 4.8-1 and Table 4.8-2. Superscripts specify the threshold exceeded by each piece of equipment.

¹ Exceeds the 0.1 in./sec. Caltrans damage threshold for historic sites (and other critical locations).

² Exceeds the 0.5 in./sec. Caltrans damage threshold for historic and other/similar old buildings.

³ Exceeds the 0.5 in./sec. Caltrans damage threshold for older residential structures.

⁴ Exceeds the 1.0 in./sec. Caltrans damage threshold for newer residential structures.

⁵ Exceeds the 0.25 in./sec. Caltrans human annoyance threshold.

Sources: FTA 2018; Caltrans 2020

According to Caltrans impact criteria shown in Table 4.7-1, the damage threshold for historic sites (which are most sensitive to impacts from groundborne vibration) is 0.12 in./sec. PPV. Groundborne vibration from hoe rams, bulldozers, caisson drilling, loaded trucks, and jackhammers would not exceed the 0.1 in./sec. PPV threshold for sensitive historic sites. While groundborne vibration from vibratory rollers would only exceed the threshold for building damage for historic sites at 25 feet from the source, vibration levels from pile driving would exceed one or more of the building damage thresholds shown in Table 4.7-1 for historic sites, general old buildings, and older and newer residential structures. Furthermore, vibration levels associated with pile driving would also exceed the threshold of 0.25 in./sec. PPV for human annoyance at various distances up to 75 feet, as shown in Table 4.7-10.

As discussed in Section 4.3, *Cultural Resources/Tribal Cultural Resources*, the Downtown TOD inventory possesses 36 parcels with known historic-period buildings whereas the GSSP inventory contains 32 parcels with known historic-period buildings. Although all buildings would be subject to potential impacts from construction vibration, buildings with historic significance would each have varying degrees of susceptibility to groundborne vibration damage depending on the structural integrity of said buildings. Therefore, new residential development accommodated under the Housing Element Update could result in a potentially significant impact related to construction vibration without implementation of the following mitigation measure.

Mitigation Measure

NOI-3 Vibration Control Plan

For construction activities involving vibratory rollers within 50 feet of a structure or pile drivers (impact or sonic) within 140 feet of a structure, the applicant shall prepare a Vibration Control Plan prior to the commencement of construction activities. The Vibration Control Plan shall be prepared by a licensed structural engineer and shall include methods required to minimize vibration, including, but not limited to:

- Alternative installation methods for pile driving (e.g., pile cushioning, drilled piles, cast-in-place systems) within 140 feet of a building to reduce impacts associated with seating the pile
- Vibration monitoring prior to and during pile driving operations occurring within 140 feet of a building

- Use of rubber-tired equipment rather than metal-tracked equipment
- Avoiding the use of vibrating equipment when allowed by best engineering practices

The Vibration Control Plan shall include a pre-construction survey letter establishing baseline conditions at potentially affected extremely fragile buildings/historical resources and/or residential structures. The survey letter shall determine conditions that exist prior to the commencement of construction activities for use in evaluating potential damages caused by construction. Fixtures and finishes susceptible to damage shall be documented photographically and in writing prior to construction. The survey letter shall provide a shoring design to protect such buildings and structures from potential damage. At the conclusion of vibration causing activities, the qualified structural engineer shall issue a follow-up letter describing damage, if any, to impacted buildings and structures. The letter shall include recommendations for any repair, as may be necessary, in conformance with the Secretary of the Interior Standards. Repairs shall be undertaken and completed by the contractor and monitored by a qualified structural engineer in conformance with all applicable codes including the California Historical Building Code (Part 8 of Title 24).

A Statement of Compliance signed by the applicant and owner shall be submitted to the City' Building and Safety Division at plan check and prior to the issuance of any permit. The Vibration Control Plan, prepared as outlined above shall be documented by a qualified structural engineer, and shall be provided to the City upon request.

Significance After Mitigation

Although most construction activities located in the city are not anticipated to have significant vibration impacts, it is possible that some development projects under the Housing Element Update could have significant vibration impacts during construction. This would most commonly occur when a development project using equipment that generates high vibration levels (e.g., pile driving or vibratory roller) would be located next to a historical resource constructed of fragile building materials, which is more sensitive to vibration damage, than structures that were built based on more recent building codes. However, Mitigation Measure NOI-3 would reduce vibration impacts associated with construction activities involving vibratory rollers within 50 feet of a structure or pile drivers (impact or sonic) within 140 feet of a structure. It is anticipated that Mitigation Measure NOI-3 would substantially reduce/control construction such that vibration levels would not exceed the Caltrans vibration criteria for building damage. Therefore, the vibration impacts from construction activities related to the Housing Element Update would be less than significant with mitigation.

Threshold 3: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Impact NOI-4 HOUSING DEVELOPMENTS ACCOMMODATED UNDER THE HOUSING ELEMENT UPDATE COULD BE EXPOSED TO INTERMITTENT NOISE LEVELS FROM OVERHEAD FLIGHT PATTERNS FROM SEVERAL AIRPORTS IN THE CITY OR ITS VICINITY. WHILE THE PROJECT WOULD NOT EMPHASIZE BUILDING HOUSING IN THE IMMEDIATE VICINITY OF THE AIRPORT, ALL RESIDENTIAL DEVELOPMENT WOULD, NONETHELESS, BE REQUIRED TO INCORPORATE NOISE INSULATION FEATURES PER STATE AND LOCAL STANDARDS TO REDUCE INTERIOR NOISE LEVELS TO BELOW 45 DBA. THEREFORE, THE IMPACT OF AIRPORT OR AIRSTRIP OPERATIONS ON NEW DEVELOPMENT WOULD BE LESS THAN SIGNIFICANT.

As discussed in Section 4.6, *Hazards and Hazardous Materials*, the Burbank2035 General Plan Safety Element outlines safety policies for the Hollywood-Burbank Airport Influence Area. Similarly, the General Plan Noise Element includes Goal 5, which emphasizes compatibility between airport-generated noise and adjacent land uses and the reduction of aircraft noise on residential areas and noise-sensitive land uses (City of Burbank 2013).

Although the Housing Element Update would not increase air traffic or associated noise from aircraft overflights, housing development accommodated by the Housing Element Update could be proposed within two miles of the Hollywood Burbank Airport. As shown in Figure 2-3, the proposed project includes rezoning within the Burbank Airport Influence Area of the city. The Airport Influence Area is consistent with the airport's 65 CNEL contour shown in Figure 4.7-4. In particular, one of the potential GSSP sites (i.e., the 678-unit Valhalla site) falls within this area. Therefore, any development at this site, as well as with other housing development located within the Airport Influence Area/65 CNEL contour, would be required to comply with the Burbank2035 General Plan policies, the Los Angeles County ALUP, and 2019 CBC, Title 24, Part 2, Section 1206.4 which collectively govern excessive noise from airport operations and require that sensitive uses achieve an interior noise level of 45 dBA or less in any habitable room. This impact would be less than significant.

Mitigation Measures

No mitigation measures are required.

4.7.4 Cumulative Impacts

The geographic area to analyze cumulatively considerable noise impacts includes the city and immediately adjacent areas that could be indirectly affected by noise generated in the city.

Construction Noise

Construction of future development projects in the city would produce temporary noise impacts that would be localized to a project site and sensitive receivers within the immediate vicinity. Therefore, only sensitive receivers located in close proximity to each construction site would be potentially affected by each activity. Nonetheless, construction activities associated with individual housing development projects accommodated under the Housing Element Update may overlap for some time with construction activities for other development projects. Typically, if a development site is 500 feet or more away from another site then noise levels would have attenuated to a point that they would not combine to produce a cumulative noise impact. Therefore, construction noise

levels would typically become cumulative only if two development sites were to have construction occurring within 500 feet of each other. However, under a worst-case scenario, noise from construction activities for two projects within 1,000 feet of each other could contribute to a cumulative noise impact for sensitive receivers located equidistant between the two construction sites with concurrent on-site activities.

Construction activities associated with future development would comply with Section 9-1-1-105.10 of the BMC and would not occur during nighttime hours between 7:00 p.m. and 7:00 a.m. Monday through Friday, between 5:00 p.m. and 8:00 a.m. on Saturdays, or at any time on Sundays or national holidays. It is anticipated that, with implementation of Mitigation Measures NOI-1a through NOI-1j, construction noise levels associated with housing development could be reduced below the applicable FTA noise limits for construction noise on a case-by-case basis. Nonetheless, larger development projects could combine together, or combine with smaller development projects, to substantially increase noise levels at specific neighboring noise-sensitive receivers. While Mitigation Measures NOI-1a through NOI-1j would reduce construction noise impacts from developments to the extent feasible. Therefore, concurrent construction of development projects accommodated under the Housing Element Update could be cumulatively considerable without implementation of mitigation.

On-site Operational Noise

On-site operational noise impacts are localized to an individual development site and sensitive receivers within the immediate vicinity. Future development in the city would include mechanical equipment, loading, trash pick-up, and other noise-generating activities. However, such activities would be typical of the urban environment in the city and on-site activities would be required to comply with applicable provisions of the BMC. The incremental effect of the Housing Element Update with respect to on-site operational noise would not be cumulatively considerable and cumulative impacts would be less than significant.

Off-site Operational Noise

Cumulative development through the year 2029 would generate vehicle trips, thereby increasing traffic on area roadways. As shown in Table 4.7-8, future daily VT levels by the year 2029 with future development from the Housing Element Update, which accounts for cumulative residential development in the city, would not double existing VT levels or increase mobile noise by more than 3 dBA. Therefore, the effect of the Housing Element Update on off-site traffic noise would not be cumulatively considerable and cumulative impacts would be less than significant.

Groundborne Vibration

Operational groundborne vibration impacts are localized to a project site and sensitive receivers within the immediate vicinity. However, it is not anticipated that new residential development within the city would include substantial sources of operational ground-borne vibration. Therefore, cumulative impacts related to operational ground-borne noise and vibration at any sensitive receiver would not be significant. Impacts related to operational groundborne vibration would not be cumulatively considerable and cumulative impacts would be less than significant.

Construction of future development projects in the city would produce temporary vibration impacts that would be localized to a project site and sensitive receivers in the immediate vicinity. Therefore, only sensitive receivers located in close proximity to each construction site would be potentially affected by each individual activity. Nonetheless, construction activities associated with individual

housing development projects from the Housing Element Update may overlap for some time with construction activities for other development projects. For the combined vibration impact from simultaneous construction projects to reach cumulatively significant levels, intense construction from these projects would have to occur simultaneously in close proximity to a sensitive receiver. As such, concurrent construction of development projects accommodated under the Housing Element Update could be cumulatively considerable without implementation of mitigation.

Airport Noise

Aircraft-related noise impacts occur only in the vicinity of airports or airstrips. Although citywide growth could increase the number of people who are exposed to aircraft-related noise impacts, such impacts would be localized in nature. In addition, new residential development would not result in a direct increase to aircraft operations that would increase noise exposure to aircraft overflight patterns within and outside the city. The Housing Element Update would have no contribution to any cumulative impact related to airport hazards or noise. Impacts related to airport or airstrip noise would not be cumulatively considerable and cumulative impacts would be less than significant.

Mitigation Measure

NOI-C1 Construction Building Permits

The City's Community Development Department shall review the locations and anticipated construction timing for housing development projects with respect to the locations of other pending development projects. The City shall stagger the issuance of building permits for development projects with overlapping construction schedules that meet both of the following criteria:

- The development project is located within 1,000 feet of another separate development project; and
- The development project is located 500 feet or less from a sensitive receiver.

In these instances, the Community Development Department shall review the findings of any site-specific noise and vibration studies pertaining to future development projects to compare their locations to sensitive receivers identified therein.

Significance After Mitigation

Under a worst-case cumulative scenario, individual development projects located within 1,000 feet of each other would not generate cumulative construction noise or vibration levels upon sensitive receivers located 500 feet (i.e., equidistant) from these projects. Furthermore, due to the attenuation of construction noise and vibration, intervening buildings and/or structures, the construction noise levels of more distant projects (i.e., with distances greater than 500 feet of each other) would not contribute to a significant cumulative construction noise impact. Mitigation Measure NOI-C1 would substantially reduce/control construction such that vibration levels would not exceed the Caltrans vibration criteria for building damage. Therefore, with implementation of Mitigation Measure NOI-C1, construction noise and vibration impacts would not be cumulative considerable and cumulative impacts would be less than significant with mitigation.

4.8 Population/Housing

This section analyzes the impacts related to population and housing growth.

4.8.1 Environmental Setting

a. City of Burbank

Table 4.8-1 shows the 2021 estimates of population and housing units for Burbank and Los Angeles County. Burbank’s current (2021) estimated population is 103,969 persons, a 1.8 percent decrease from its 2020 population of 105,861 (California DOF 2021). The City’s population constitutes approximately one percent of the countywide population of 10,044,458; and the City’s 45,069 housing units constitute approximately 1.2 percent of the County’s 3,614,809 total housing units. The average number of persons per household in the City in 2021 is estimated at 2.45, which is about 16 percent lower than the countywide average of 2.92 persons per household in 2021.

Table 4.8-1 2021 Population, Households, and Housing Unit Estimates

	City of Burbank	Los Angeles County
Population	103,969	10,044,458
Housing Units (Total)	45,069	3,614,809
Housing Units (Occupied) ¹	42,282	3,382,896
Persons/Household Ratio ²	2.45	2.92

¹ Estimated by applying a derived civilian vacancy rate to the estimated civilian housing units. Vacancy rates are based on 2021 DOF data, adjusted to incorporate the directional changes described by the latest available American Community Survey (ACS) data.

²This is a ratio of persons (household) to an occupied housing unit.

Source: California DOF 2021

Table 4.8-2 shows the City and County employment, housing, and population estimates and forecasts from the Southern California Association of Governments (SCAG) SCAG 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Demographics & Growth Forecast. SCAG projections indicated an increase of 10,431 persons (10 percent), in the City’s population over the next 25 years, for an estimated 2045 population of 115,400 residents. This forecasted growth represents approximately 417 new residents per year. Additionally, SCAG projections indicate an increase in the City’s number of households by 6,700 (16 percent) over the next 25 year for an estimated 48,600 households in 2045. This forecasted growth represents 268 new households per year (SCAG 2020). There were 2.7 jobs per household in the City in 2016. This ratio is about 89 percent higher than the SCAG estimate of 1.4 jobs per household for Los Angeles County in the same year. This suggests that Burbank is a “jobs rich” community in which more workers commute to the City from other communities for their jobs than residents commute to points outside the City for their jobs. The City’s higher ratio in comparison to the County is expected to continue in future years, based on SCAG forecasts.

Table 4.8-2 SCAG Population, Housing, and Employment Forecasts

City of Burbank	2016	2030	2035	2045
Population	105,000	110,200	113,320	115,400
Housing Units	41,900	45,250	47,260	48,600
Employment	114,000	126,350	130,055	138,700
Employment/Housing Ratio	2.7	2.8	2.8	2.9
Los Angeles County	2016	2030	2035	2045
Population	10,110,000	10,900,000	11,174,000	11,674,000
Housing Units	3,319,000	3,749,000	3,885,000	4,119,000
Employment	4,743,000	5,060,000	5,172,000	5,382,000
Employment/Housing Ratio	1.4	1.4	1.3	1.3

Source: SCAG 2020

4.8.2 Regulatory Setting

a. State

Housing Element Law: California Government Code Section 65584(a)(1)

Pursuant to California Government Code Section 65584(a)(1), the California Department of Housing and Community Development (HCD) is responsible for determining the regional housing needs assessment (segmented by income levels) for each region’s planning body known as a “council of governments” (COG), SCAG being the COG serving the Southern California area. HCD prepares an initial housing needs assessment and then coordinates with each COG to arrive at the final regional housing needs assessment. To date, there have been five previous housing element update “cycles.” California is now in its sixth “housing element update cycle.” The SCAG RHNA and the City’s General Plan Housing Element are discussed further below.

The Sustainable Communities and Climate Protection Act of 2008 (SB 375, Steinberg)

Senate Bill (SB) 375 focuses on aligning transportation, housing, and other land uses to achieve regional greenhouse gas (GHG) emission reduction targets established under the California Global Warming Solutions Act, also known as Assembly Bill (AB) 32. SB 375 requires Metropolitan Planning Organizations (MPO) to develop a Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP), with the purpose of identifying policies and strategies to reduce per capita passenger vehicle-generated GHG emissions. As set forth in SB 375, the SCS must: (1) identify the general location of land uses, residential densities, and building intensities within the region; (2) identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period; (3) identify areas within the region sufficient to house an eight-year projection of the regional housing need; (4) identify a transportation network to service the regional transportation needs; (5) gather and consider the best practically available scientific information regarding resource areas and farmland in the region; (6) consider the state housing goals; (7) establish the land use development pattern for the region that, when integrated with the transportation network and other transportation measures and policies, will reduce GHG emissions from automobiles and light-duty trucks to achieve

GHG emission reduction targets set by the California Air Resources Board (CARB), if there is a feasible way to do so; and (8) comply with air quality requirements established under the Clean Air Act.

The City of Burbank is located in the jurisdiction of SCAG, a Joint Powers Agency established under California Government Code Section 6502 et seq. Pursuant to Federal and State law, SCAG serves as a Council of Governments, a Regional Transportation Planning Agency, and the MPO for Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial Counties. SCAG is responsible for preparing the RTP/SCS and RHNA in coordination with other State and local agencies. These documents include population, employment, and housing projections for the region and its 15 subregions.

Existing law requires local governments to adopt a housing element as part of their general plan and update the housing element every four to eight years. SB 375 requires the RHNA to allocate housing units within the region in a manner consistent with the development pattern adopted by the SCS.

On September 3, 2020, SCAG adopted its Connect SoCal: The 2020-2045 RTP/SCS, which is an update to the previous 2016 RTP/SCS (SCAG 2020a). Using growth forecasts and economic trends, the RTP/SCS provides a vision for transportation throughout the region for the next 25 years that achieves the statewide reduction targets and in so doing identifies the amount and location of growth expected to occur within the region.

Housing Crisis Act of 2019 – (SB 330, Skinner)

The Housing Crisis Act of 2019 (SB 330) seeks to speed up housing production in the next half decade by eliminating some of the most common entitlement impediments to the creation of new housing, including delays in the local permitting process and cities enacting new requirements after an application is complete and undergoing local review—both of which can exacerbate the cost and uncertainty that sponsors of housing projects face. In addition to speeding up the timeline to obtain building permits, the bill prohibits local governments from reducing the number of homes that can be built through down-planning or down-zoning or the introduction of new discretionary design guidelines. The bill is in effect as of January 1, 2020 and expires on January 1, 2030.

Fair Employment and Housing Act (FEHA)

The FEHA of 1959 (Government Code Section 12900 et seq.) prohibits housing discrimination on the basis of race, color, religion, sexual orientation, marital status, national origin, ancestry, familial status, disability, or source of income.

The Unruh Civil Rights Act

The Unruh Civil Rights Act of 1959 (Civ. Code Section 51) prohibits discrimination in “all business establishments of every kind whatsoever.” The provision has been interpreted to include businesses and persons engaged in the sale or rental of housing accommodations.

AB 1763

AB 1763, effective January 1, 2020, amends the State Density Bonus Law (Section 65915) to allow for taller and denser 100 percent affordable housing developments, especially those near transit, through the creation of an enhanced affordable housing density bonus.

Housing Element Law: California Government Code Section 65583(c)(7)

Section 65583 of the California Government Code requires cities and counties to prepare a housing element, as one of the state-mandated elements of the General Plan, with specific direction on its content. Pursuant to Section 65583(c)(7), the Housing Element must develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households.

Housing Element Law: California Government Code Section 65583.2(g)(3)

Pursuant to California Government Code Section 65583.2(g)(3), the Housing Element is required to include a program to impose housing replacement requirements on certain sites identified in the inventory of sites. Under these requirements, the replacement of units affordable to the same or lower income level, consistent with those requirements set forth in State Density Bonus Law (Government Code Section 65915(c)(3)), would be required.

Relocation Assistance: California Government Code Section 7261(a)

Section 7261(a) of the California Government Code requires that programs or projects undertaken by a public entity must be planned in a manner that (1) recognizes, at an early stage in the planning of the programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses, and farm operations, and (2) provides for the resolution of these problems in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion. The displacing agency must ensure the relocation assistance advisory services are made available to all persons displaced by the public entity. If the agency determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result of the displacement, the agency may also make the advisory services available to that person.

b. Regional

Regional Housing Needs Assessment

California's Housing Element law requires that a local jurisdiction accommodate a share of the region's projected housing needs for the planning period. This share, called RHNA, is important because State law mandates that jurisdictions provide sufficient land to accommodate a variety of housing opportunities for all economic segments of the community. Compliance with this requirement is measured by the jurisdiction's ability to provide adequate land to accommodate the RHNA. SCAG, as the regional planning agency, is responsible for allocating the RHNA to individual jurisdictions within the six-county region: Los Angeles, Orange, Riverside, San Bernardino, Ventura, and Imperial. For the 2021-2029 Housing Element, the RHNA will cover the planning period October 2021 through October 2029. The RHNA is distributed by income category. For the City's 2021-2029 Housing Element update, Burbank is allocated a RHNA of 8,772 units, as shown in Table 4.8-3. During the current RHNA reporting period (2014-2021), the City has adopted the 2017 Affordable Housing Strategy to facilitate the building of 12,000 units through 2035, acquired and rehabilitated 27 very low-income units with affordability covenants, approved three mixed-use projects providing 1,089 new apartments (including 82 moderate income units), adopted new accessory dwelling units (ADU) producing more than 350 ADUs as of April 2021 approved development of 96 affordable

housing units with 86 additional lower income units currently under review, initiated the Golden State and Downtown Burbank Metrolink Station Transit Oriented Development specific plans, adopted a Homelessness Plan for 2018-2021, adopted an eviction moratorium for non-payment of rent related to the COVID-19 pandemic and a Rent Repayment Ordinance, and maintained ongoing dialogue with property owners to extend affordability controls on two at-risk projects.

Table 4.8-3 Burbank 2021-2029 Regional Housing Needs Assessment

Income Group	RHNA Allocation (units)	Percent of Total
Very Low	2,553	29%
Low	1,418	16%
Moderate	1,409	16%
Above Moderate	3,392	39%
Total	8,772	100%

Source: SGAG 2021

Regional Transportation Plan/Sustainable Communities Strategy

SCAG’s RTP/SCS is a long-range regional transportation and land use network plan that looks ahead 20+ years and provides a vision of the region’s future mobility and housing needs with economic, environmental, and public health goals. The RTP identifies major challenges as well as potential opportunities associated with growth, transportation finances, the future of airports in the region, and impending transportation system deficiencies that could result from growth that is anticipated in the region. SCAG adopted its current RTP/SCS on September 3, 2020 (SCAG 2020).

c. Local Regulations

Burbank 2014-2021 Housing Element

The City’s Housing Element fulfills the 2014-2021 update cycle for jurisdictions in the SCAG region that covers the planning period from January 1, 2014 through October 1, 2021. The Housing Element ensures that the City establishes policies, procedures and incentives in its land use planning and development activities that result in the maintenance and expansion of the housing supply to adequately accommodate the City’s housing needs. As required by State law, the Housing Element identifies strategies and programs that focus on: (1) conserving and improving existing affordable housing; (2) providing adequate housing sites to accommodate future housing needs for all income segments of the community; (3) assisting in the development of affordable housing; (4) removing governmental constraints to housing development; and (5) promoting equal housing opportunities for all Burbank residents (Burbank 2014).

4.8.3 Environmental Impacts

a. Thresholds of Significance

Thresholds of significance are based on the questions in Appendix G of the CEQA Guidelines. The Initial Study prepared for the Project (Appendix B) determined that a potentially significant impact might occur under the following threshold.

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1. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)
2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere

The Initial Study found no potentially significant impacts related to displacement; therefore, this issue is not studied further herein.

b. Methodology

Although CEQA requires an EIR to consider its growth-inducing impacts, CEQA provides that the EIR “should not assume that growth is necessarily beneficial, detrimental, or of little significance.” The underlying purpose of the Housing Element Update is to accommodate housing needs, which includes needs as a result of population growth and existing growth in the City. Even substantial growth is not a significant impact if it accommodates growth projections for the City that can be accommodated by existing or planned facilities and services, and is consistent with the City’s General Plan, as well as State and regional policies and regulations. As such, a significant impact for purposes of this threshold is whether the updates to the Housing Element will induce unplanned growth.

c. Project Impacts

Threshold 1: Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Impact POP-1 REASONABLY FORESEEABLE DEVELOPMENT UNDER THE HOUSING ELEMENT UPDATE WOULD BE CONSISTENT WITH THE 2021-2029 RHNA AND THE 2035 GENERAL PLAN BUT WOULD EXCEED SCAG 2020 RTP/SCS POPULATION FORECASTS. THE HOUSING ELEMENT UPDATE WOULD UPDATE THE 2035 GENERAL PLAN TO BE CONSISTENT WITH BURBANK’S RHNA, AND SCAG’S NEXT RTP/SCS WOULD INCORPORATE THE CITY’S GENERAL PLAN UPDATES. THE CITY WOULD HAVE ADEQUATE HOUSING CAPACITY TO FACILITATE THE 10,456 NEW UNITS ASSUMED AS PART OF THE HOUSING ELEMENT UPDATE. THE HOUSING ELEMENT UPDATE WOULD NOT INDUCE UNPLANNED GROWTH DIRECTLY OR INDIRECTLY, AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Burbank is a largely built-out community with few remaining vacant parcels open for future development. As such, the Housing Element would primarily accommodate new housing units on infill sites, which would increase development density in portions of the City. The RHNA allocation is intended to accommodate forecasted population growth.

As described in Section 2.5.2, *RHNA Allocation*, the estimated net housing units that can be counted based on entitled and pending projects, opportunity sites with existing General Plan and zoned capacity, accessory dwelling units, and committed assistance, would fall short of the RHNA allocation by 2,391 units. To make up for this shortfall, the Housing Element includes a housing program to amend the General Plan and adopt the Downtown TOD and the GSSP within three years from the start of the eight-year 2021-2029 planning period, which would provide the necessary zoning, objective development standards, and processing procedures to facilitate the production of housing required to accommodate the City’s RHNA along with the required sites buffer. In addition to the housing accommodated under the Housing Element Update, the proposed zone changes

would accommodate up to about 1.4 million square feet of additional commercial development and 1,534 associated jobs (please see Table 2-5 for the calculation of square footage and jobs). These additional jobs would primarily be in the office/media production, retail, and service industry and would likely be filled by the existing labor force or by the new residents anticipated in the new housing units accommodated by the Housing Element Update.

The City of Burbank has a current population of 103,969 with an average household size of 2.45 (DOF 2021). Based on the average household size of 2.45, the increase of 10,456 residential units would generate a population increase of approximately 25,617 residents. This would increase the City's population to 129,586. This population increase would be approximately 12 percent higher than SCAG's forecast population of 115,400 persons by 2045. Although the Housing Element Update would facilitate development beyond RTP/SCS forecasts, the next RTP/SCS update would reflect new forecasts for each jurisdiction in the region based on their RHNA allocation.

Burbank's Land Use Element forecasts an estimated city-wide buildout capacity of 61,647 residential units (City of Burbank 2013). With the addition of the 10,456 new units anticipated through this Housing Element update, the City would have 55,525 total residential units, 6,122 lower than Burbank's estimated residential capacity. Adoption and implementation of the Housing Element would not induce growth beyond that already anticipated in the current Land Use Element.

The Housing Element Update would be consistent with State requirements for the RHNA. Although the Housing Element Update would facilitate development beyond what is forecast in SCAG's 2020 RTP/SCS, it would bring the forecasts for the City's General Plan and the RTP/SCS into consistency since the RTP/SCS will be updated to reflect new forecasts for each city in the region. Additionally, the Housing Element Update would be consistent with ongoing planning in the City through the adoption of the Downtown TOD and the GSSP.

The State requires that all local governments adequately plan to meet the housing needs of their communities. The proposed element provides appropriate guidance for the residential growth that would occur with or without project implementation. The Housing Element Update focuses on expanding housing opportunities for all segments of the population and improving the quality of existing housing stock. Therefore, the Housing Element would not induce substantial unplanned population growth in the City by identifying future actions to increase capacity for the future development of new dwelling units, as necessary to meet State housing law requirements, and impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

4.8.4 Cumulative Impacts

The Housing Element Update would accommodate all projected citywide population and housing growth through 2029. Employment growth associated with commercial development primarily in the Downtown TOD and the GSSP would be mostly filled by the existing workforce and new residents anticipated in the new housing units and would not induce substantial population growth. Therefore, cumulative impacts relating to population and housing would be the same as project impacts under Impact POP-1 and would be less than significant. The Housing Element Update incorporates regional growth anticipated by SCAG's RHNA projections and thus considers cumulative growth.

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State laws require local governments to regularly assess and plan for future growth. For example, SCAG is required to update its RTP/SCS and accompanying growth projections every four years and the City is required to update its Housing Element, and correspondingly conduct a RHNA, every other RTP/SCS cycle, or every eight years. In turn, individual development projects that exceed zoning code and land use designation requirements would be assessed for consistency with SCAG projections through the environmental review process. Therefore, it is not anticipated that future cumulative development would induce population growth exceeding projections incorporated into the City's Housing Element Update planning efforts.

The Housing Element would provide for a planned increase in the City's housing capacity to meet the City's RHNA allocation and additional units for the unmet need from the 5th Cycle Housing Element. The Housing Element Update would not propose any housing development but would include zone changes that would facilitate increased residential and commercial density and intensity on selected opportunity sites consistent with Project objectives. The Housing Element would identify a series of implementation actions to facilitate future housing development, as necessary to meet the City's housing obligations per State law. Future housing development facilitated by the Project would be subject to City development review and permitting and would be required to undergo applicable CEQA review and compliance with the City's General Plan before their approval. This would ensure that any potential environmental effects stemming from their development would be minimized to the extent feasible. The projected growth of housing units associated with future development facilitated by the Housing Element would also be less than the City's estimated housing capacity under the existing General Plan. As previously mentioned, due to the active global pandemic related to COVID-19, and the resulting slowdown in the national, state, and local economy, which is projected to result in a significant and sustained recession, it is likely that the initial growth forecasts from the State and SCAG as presented in this analysis are overstated and that actual population growth will end up being less. Cumulative impacts associated with Housing Element implementation would therefore be less than significant.

4.9 Public Services

This section analyzes impacts related to the provision of public services, including fire protection services, police protection services, schools, parks, and library facilities.

4.9.1 Environmental Setting

a. Fire Protection

The Burbank Fire Department (BFD) provides fire protection services in Burbank. The BFD consists of seven divisions, including: Fire Prevention Bureau, Fire Suppression, Emergency Medical Services, Emergency Management, Fire Apparatus and Equipment, Training and Safety, and Administration. A total of 136 personnel makes up the BFD, which has jurisdiction over all fires and life-threatening incidents within the City (BFD 2021). The firefighter-to-1,000 resident population ratio citywide and for the fire stations in Burbank is 1.31 firefighters/1,000 residents. If the City has a fire emergency for which the BFD does not have sufficient resources, a statewide system of mutual aid can provide services. These aid requests are processed through the California Emergency Management Agency and under this system, the City is to rely on its own resources and neighboring jurisdiction's resources before calling for outside assistance. BFD also has mutual aid agreements with the Los Angeles County Fire Department and Los Angeles City Fire Department. Additionally, BFD has automatic mutual aid through Area C Unified Response with the cities of Alhambra, Arcadia, Hollywood-Burbank Airport, Glendale, Montebello, Monrovia, Monterey Park, Pasadena, San Gabriel, San Marino, Sierra Madre, South Pasadena, and Vernon.

The BFD, reviews site plans, construction plans, and architectural plans prior to occupancy to ensure that required fire protection safety features, including building sprinklers and emergency access, are implemented. Development with modern materials and in accordance with current standards, inclusive of fire-resistant materials, fire alarms and detection systems, automatic fire sprinklers, would enhance fire safety and would support fire protection services (Title 24, Cal. Code Regs. Part 9).

The City is divided into six geographical fire districts. Each fire district is served by a fire station and defines the first-due response area for each station. The Burbank Fire Headquarters and the six fire stations are described below.

Burbank Fire Headquarters

The Burbank Fire Headquarters is located at 311 East Orange Grove Avenue. This building is a combined Police and Fire Headquarters building.

Fire Station 11

Fire Station 11 is located at 311 East Orange Grove Avenue. This station houses Engine 11, Truck 11, Rescue Ambulance 11, and Battalion 1. The BFD's mechanic shop is also located within Fire Station 11. Truck 11 includes four staff persons (Captain, Engineer and two Firefighters). Engine 11 includes four staff persons (Captain, Engineer and two Firefighters). Rescue Ambulance 11 includes two Firefighters/Paramedics. Battalion 1 includes one Battalion Chief.

Fire Station 12

Fire Station 12 is located at 644 North Hollywood Way. This station houses an engine and truck company. Engine 12 includes four staff persons (Captain, Engineer and two Firefighters). Truck 12 includes four staff persons (Captain, Engineer and two Firefighters). Hazmat 12 includes four staff persons (Captain, Engineer and two Firefighters). Hazmat 12 is also Staffed by crossover personnel from Truck 12. The Hazardous Materials Division is also located in this station. The crew of Engine 12 will switch to Hazardous Materials 12 as needed. This station is first in response to Warner Bros. Studios and the Warner Bros. Ranch, as well as several high-rise office buildings.

Fire Station 13

Fire Station 13 is located at 2713 Thornton Avenue. This station houses an engine and a rescue ambulance. Engine 13 includes four staff persons (Captain, Engineer and two Firefighters). Rescue ambulance 13 includes is staffed by two Firefighters/Paramedics.

Fire Station 14

Fire Station 14 is located at 2305 West Burbank Boulevard. This station is home to a single fire engine. Engine 14 includes 3 staff persons (Captain, Engineer and one Firefighter). This station maintains and repairs the self-contained breathing apparatus (SCBA), as well as tests all firefighters in the correct fit of the SCBA masks.

Fire Station 15

Fire Station 15 is located at 1420 West Verdugo Avenue. This station is home to Engine 15 and Rescue Ambulance 15. Engine 15 includes three staff persons (Captain, Engineer and one Firefighter). Rescue ambulance includes two staff Firefighters/Paramedics. This station handles the majority of the Emergency Medical Services.

Fire Station 16

Fire Station 16 is located at 1600 North Bel Aire Drive. This station houses an engine and a water tender. Station 16 includes three staff persons (Captain, Engineer and one Firefighter).

b. Police Protection

The Burbank Police Department (BPD) provides police protection services within the City limits. BPD currently has 160 sworn officers. Based on Burbank's current population of 103,969, the BPD employs 1.54 officers per 1,000 residents. The BPD is made up of five divisions, including: patrol, investigations, administrative services, support services, and budget and finance. The Patrol Division receives and responds to all calls for emergency services, conducts initial investigations and appropriate follow-up, prevents crime through directed and non-directed patrols, and prepares documentation on all calls for service and police reports. The BPD operates five facilities: a Police Headquarters, an animal shelter, a police pistol range, the City Jail, and a heliport in Sun Valley. Similar to the BFD, the BPD maintains mutual aid relationships with police departments for the Cities of Los Angeles, San Fernando, Glendale, and Pasadena. As part of the State Emergency Aid System, the BPD will also provide officers and equipment to other jurisdictions in the event of an emergency. The Los Angeles County Sheriff's Department of the California Emergency Management Agency can also provide aid, if needed.

c. Schools

The City is within the jurisdiction of the Burbank Unified School District (BUSD), which provides public school services to Burbank residents for grades kindergarten through 12. BUSD oversees eleven elementary schools, three middle schools, three high schools, and alternative schools that offer child development, special education, independent learning, and adult education programs. Schools within BUSD have a combined student capacity of 16,028. Table 4.9-1 shows the current enrollment and capacity of the schools within the BUSD.

Table 4.9-1 BUSD Student Enrollment and Capacity

School Name	Current Enrollment	Enrollment Capacity	Remaining Capacity
Elementary Schools			
Bret Harte	557	600	43
George Washington	468	496	28
Joaquin Miller	724	760	36
Providencia	404	440	36
R. L. Stevenson	600	632	32
Ralph Emerson	606	632	26
Theodore Roosevelt	585	600	15
Thomas Edison	526	600	74
Thomas Jefferson	726	736	10
Walt Disney	401	444	43
William McKinley	454	468	14
Total	6,051	6,408	357
Middle Schools			
Dolores Huerta	1,061	1,250	189
John Muir	1,424	1,500	76
Luther Burbank	897	1,200	303
Total	3,382	3,950	568
High Schools			
Burbank	2,487	2,700	213
John Burroughs	2,450	2,700	250
Monterey High School	108	270	162
Total	5,045	5,670	625
Additional Schools in District			
Community Day School	17	50	33
Total	17	50	33
Grand Total	14,478	16,028	1,550

BUSD 2021

d. Parks

Burbank contains nearly 2,700 acres of designated open space, including approximately 732 acres of improved parkland. Wildwood Canyon Park and Stough Canyon Park are the two largest parks in the

City, at 500 acres and approximately 100 acres, respectively. These regional parks are located in the Verdugo Mountains and are less developed than other parks in the City, particularly those located in the flat developed portions of Burbank. The remaining open space is located primarily in the Verdugo Mountains. This acreage connects to approximately 60,000 acres of additional open space managed by the Santa Monica Mountains Conservancy. 26 parks are located within Burbank, ranging in size from pocket parks less than 0.25 acre up to a 500-acre regional park. Based on the existing population of 103,969 in 2021, there are approximately 7.0 acres of parkland for every 1,000 Burbank residents.

e. Libraries

The Burbank Public Library was founded in 1913 and has three locations: Central, Buena Vista, and Northwest. The Library lends material in a variety of formats, including eBooks, and offers programs for all ages on subjects ranging from arts and literature to science, technology, and current events. Flagship programs include a volunteer-based tutoring program for adults who read below an 8th grade level, the Spark! Digital Media Lab, and the Burbank in Focus collection of digitized historical photos. The Library is supported by a volunteer corps and Friends of the Library group and also coordinates the Sister City program on behalf of the City of Burbank. During the 2018-2019 fiscal year, the Burbank Public Library received 720,994 visits to the branches (Burbank Public Library 2020)

4.9.2 Regulatory Setting

a. Federal Policies

Occupational Safety and Health Administration

The Federal Occupational Safety and Health Administrations (OSHA) as well as California OSHA (Cal-OSHA) enforce the provisions of the Federal and State Occupational Safety and Health Acts, respectively, which collectively require safety and health regulations for construction under Part 1926 of Title 29 Code of Federal Regulations (CFR). The fire-related requirements of the Federal Occupational Safety and Health Act are specifically contained in Subpart F, Fire Protection and Prevention, of Part 1926. Examples of general requirements related to fire protection and prevention include maintaining fire suppression equipment specific to construction on-site; providing a temporary or permanent water supply of sufficient volume, duration, and pressure; properly operating the on-site fire-fighting equipment; and keeping storage sites free from accumulation of unnecessary combustible materials.

Federal Emergency Management Act (FEMA)

FEMA was established in 1979 via executive order and is an independent agency of the federal government. In March 2003, FEMA became part of the U.S. Department of Homeland Security with the mission to lead the effort in preparing the nation for all hazards and effectively manage federal response and recovery efforts following any national incident. FEMA also initiates proactive mitigation activities, trains first responders, and manages the National Flood Insurance Program and the U.S. Fire Administration.

Disaster Mitigation Act of 2000

Disaster Mitigation Act (42 United States Code [U.S.C.] Section 5121) provides the legal basis for FEMA mitigation planning requirements for state, local, and Indian Tribal governments as a condition of mitigation grant assistance. It amends the Robert T. Stafford Disaster Relief Act of 1988 (42 U.S.C. Section 5121-5207) by repealing the previous mitigation planning provisions and replacing them with a new set of requirements that emphasize the need and creates incentives for state, tribal, and local agencies to closely coordinate mitigation planning and implementation efforts. This Act reinforces the importance of pre-disaster infrastructure mitigation planning to reduce disaster losses nationwide and the streamlining of the administration of Federal disaster relief and programs to promote mitigation activities. Some of the major provisions of this Act include:

- Funding pre-disaster mitigation activities
- Developing experimental multi-hazard maps to better understand risk
- Establishing state and local government infrastructure mitigation planning requirements
- Defining how states can assume more responsibility in managing the Hazard Mitigation Grant Program (HMGP)
- Adjusting ways in which management costs for projects are funded

The mitigation planning provisions outlined in Section 322 of this Act establish performance-based standards for mitigation plans and require states to have a public assistance program (Advance Infrastructure Mitigation [AIM]) to develop county government plans. The consequence for counties that fail to develop an infrastructure mitigation plan is the chance of a reduced Federal share of damage assistance from 75 percent to 25 percent if the damaged facility has been damaged on more than one occasion in the preceding 10-year period by the same type of event.

b. State Policies

Fire Services

California Occupational Safety and Health Administration

In accordance with California Code of Regulations Title 8 §1270 "Fire Prevention" and §6773 "Fire Protection and Fire Equipment" the California Occupational Safety and Health Administration has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all fire-fighting and emergency medical equipment.

2010 California Strategic Fire Plan (Fire Plan)

The Fire Plan is a cooperative effort between the State Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection. By placing the emphasis on what needs to be done before a fire starts, the Fire Plan looks to reduce firefighting costs and property losses, increase firefighter safety, and to contribute to overall ecosystem health. The central goals that are critical to reducing and preventing the impacts of fire revolve around both suppression efforts and fire prevention efforts. The Fire Plan addresses:

- Improved availability and use of information on hazard and risk assessment

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- Land use planning: Development of wildland and Wildland Urban Interface protection policies, incorporating minimum key elements of a fire safe community, and promote the consolidation of project-level land use planning and wildland fire occurrence data
- Shared vision among communities and the multiple fire protection jurisdictions, including county-based plans and community-based plans such as Community Wildfire Protection Plans
- Establishing fire resistance in assets at risk, such as homes and neighborhoods Shared vision among multiple fire protection jurisdictions and agencies
- Levels of fire suppression and related services
- Post-fire recovery

California Fire Code (Title 24, Part 9, California Code of Regulations)

The California Fire Code incorporates the Uniform Fire Code (UFC) with necessary California amendments. This Code prescribes regulations consistent with nationally recognized good practices for the safeguarding, to a reasonable degree, of life and property from the hazards of fire explosion. It also addresses dangerous conditions arising from the storage, handling, and use of hazardous materials and devices; conditions hazardous to life or property in the use or occupancy of buildings or premises; and provisions to assist emergency response personnel.

California Building Code

The 2019 California Building Code (CBC) became effective January 1, 2017, including Part 9 of Title 24, the California Fire Code. Section 701A.3.2 of the CBC requires that new buildings located in any Fire Hazard Severity Zone in State Responsibility Areas, any Local Agency Very-High Fire Hazard Severity Zone, or any Wildland-Urban Interface Fire Area designated by the enforcing agency for which an application for a building permit is submitted, comply with all sections of the Chapter.

California Health and Safety Code (Sections 13000 et seq.)

This Code establishes State fire regulations, including regulations for building standards (also set forth in the California Building Code), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training.

California 2015 Emergency Services Act

The State passed legislation authorizing the Office of Emergency Services (OES) to prepare a Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

Police Services

California Penal Code

All law enforcement agencies within the State of California are organized and operated in accordance with the applicable provisions of the California Penal Code. This code sets forth the authority, rules of conduct, and training for peace officers. Under State law, all sworn municipal and county officers are state peace officers.

California Constitution Article XIII, Section 35

Section 35 of Article XIII of the California Constitution was adopted by the voters in 1993 under Proposition 172. Proposition 172 directed the proceeds of a 0.50-percent sales tax to be expended exclusively for local public safety services. California Government Code Sections 30051-30056 provide rules to implement Proposition 172. Public safety services include police protection. Section 30056 provides that cities are not allowed to spend less of their own financial resources on their combined public safety services in any given year compared to the 1992-93 fiscal year. Therefore, an agency is required to use Proposition 172 to supplement its local funds used on police protection, as well as other public safety services. Section 35 at subdivision (a)(2) provides: "The protection of public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services." In *City of Hayward v. Board of Trustees of California State University* (2015) 242 Cal. App. 4th 833, the court found that Section 35 of Article XIII of the California Constitution requires local agencies to provide public safety services, including police protection, and that it is reasonable to conclude that the city will comply with that provision to ensure that public safety services are provided.

School Services

California Government Code Section 65995 (California Government Code, Title 7, Chapter 4.9)

California Government Code Section 65995 authorizes school districts to collect impact fees from developers of new residential and commercial/industrial building space. Section 65995 was established under the School Facilities Act of 1986 and refined and amended by the Leroy F. Greene School Facilities Act of 1998 (SB 50) to provide further guidance and restrictions on fee limits and fee types. The maximum fees authorized under SB 50 apply to zone changes, general plan amendments, zoning permits and subdivisions. The payment of school impact fees by developers are deemed to provide full and complete mitigation of school facilities impacts, notwithstanding any contrary provisions in CEQA or other State or local laws. BUSD determines fees annually in accordance with California Government Code Section 65995.

Comprehensive School Safety Plan

It Comprehensive School Safety Plan's intent that all California public schools that offer kindergarten and/or grades 1 through 12 that are inclusive and that are operated by school districts develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process. The schools must work in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence (California Education Code, Title 1, §32280).

California Education Code

Educational services and school facilities are subject to the rules and regulations of the California Education Code, the California Department of Education (CDE) and governance of the State Board of Education (CBE) (Gov. Code Section 33000, et seq.). The CDE is the government agency responsible for public education throughout the State. With the State Superintendent of Public Instruction, the CDE is responsible for enforcing education law and regulations and for continuing to reform and improve public elementary school, secondary school, childcare programs, adult education, and

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preschool programs. The CDE oversees funding, and student testing and achievement levels for all state schools. A sector of the CDE, the SBE is the 11-member governing and policymaking body of the California Department of Education (CDE) that sets Kindergarten through 12th Grade (K–12) education policy in the areas of standards, instructional materials, assessment, and accountability. The State also provides funding through a combination of sales and income taxes. In addition, pursuant to Proposition 98, the State is also responsible for the allocation of educational funds that are acquired from property taxes. Further, the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities.

Senate Bill 50

The Leroy F. Greene School Facilities Act of 1998 (known as the Greene Act), enacted in 1998, is a program for funding school facilities largely based on matching funds. For new school construction, grants provide funding on a 50/50 State and local match basis. For school modernization, grants provide funding on a 60/40 State and local match basis. Districts that are unable to provide some, or all, of the local match requirement and are able to meet the financial hardship provisions may be eligible for additional State funding.

The Greene Act permits the local district to levy a fee, charge, dedication, or other requirement against any development project within its boundaries, for the purpose of funding the construction or reconstruction of school facilities. The Act also sets a maximum level of fees a developer may be required to pay. Pursuant to Government Code Section 65996, the payment of these fees by a developer serves to mitigate all potential impacts on school facilities that may result from implementation of a project to a less-than-significant level.

Class Size Reduction Kindergarten-University Public Education Facilities Bond Act of 1998

Proposition 1A, the Class Size Reduction Kindergarten-University Public Education Facilities Bond Act of 1998 (Ed. Code, Section 100400–100405) is a school construction funding measure that was approved by the voters on the November 3, 1998 ballot. This Act created the School Facility Program where eligible school districts may obtain state bond funds.

c. Local Regulations

Burbank Development Impact Fees

The City of Burbank requires the payment of development impact fees (DIFs) that are meant to offset the impacts of new developments on City facilities. As stated in BMC Article 22, Community Facility Fees (also known as DIFs) are collected for the purpose of financing capital improvements within the following categories: transportation improvement fees, library fees, park and recreation fees (except fees charged in lieu of park land dedication pursuant to Government Code Section 66477), police fees, and fire fees. Per BMC Section 10-1-2204, Definitions, DIFs are collected for the purpose of defraying all or a portion of the cost of certain capital improvements related to a development project. Per BMC Section 10-1-2208, DIFs shall be used exclusively for the capital improvements for which the development fees were collected. These fees do not usurp Park and Recreation fees charged in lieu of park land dedication pursuant to Government Code Section 66477, Quimby Act. The current rates for DIFs are specified within Article VIII, Electrical and Building

Permits, Section 3, Development Impact Fees, of the City's Adopted Citywide Fee Schedule. Fees are determined at a rate per square foot; the square footage of the development determines the total fee to be paid. A portion of development fees collected by the City are distributed to public facilities, including fire protection facilities, library facilities, parks and recreation facilities, and police protection facilities.

Burbank Fire Department Plan Checks and Building Inspections

Fire system plan checks are required and performed by the BFD Fire Prevention Bureau for all commercial and residential occupancies. Plan checks of fire systems include automatic fire sprinkler systems, fire alarm systems, and architectural plan reviews. Fire system plans must be submitted by a contractor who has paid the Contractor's City Business Tax.

The BFD Fire Prevention Bureau is also responsible for conducting life safety inspections of new building construction, building tenant improvements or re-models, fire sprinkler systems, fire alarm systems and special protection systems for compliance with the California Fire Code as amended by the BMC. The fee for these inspections must be paid by the project applicant.

Burbank Municipal Code Title 9, Chapter 2 – Fire Prevention

This City code section discusses fire prevention and building regulations as they apply to fire prevention. The section points to the California Fire Code as a reference.

City of Burbank Natural Hazard Mitigation Plan (2011)

The hazard mitigation plan addresses natural hazards such as wind storms, localized stormwater drainage floods, earthquakes, fires, landslides, and major floods. The Plan is designed to meet requirements set by the Federal Emergency Management Agency (FEMA) regarding FEMA funding for mitigation projects.

Burbank2035 General Plan

The Burbank2035 General Plan Safety Element's main objective is to introduce safety considerations into the planning process to reduce the potential loss for life, injuries, damage to property, or economic and social dislocation resulting from fire, geologic hazard, or seismic hazards. The Safety Element's discussion of fire services is generally geared toward planning for effective confrontation of wildfires (Burbank2035 2013).

Table 4.9-2 details specific policies relating to fire protection, police protection, crime prevention, and open space and conservation within the General Plan's Safety Element and Open Space and Conservation Element.

Table 4.9-2 Burbank2035 General Plan Policies Relating to Public Services

General Plan Policy	Description of Policy
Police Protection	
Policy 2.1	Maintain an average police response time of less than 4 minutes to emergency calls for service.
Policy 2.2	Ensure adequate staffing, facilities, equipment, technology, and funding for the Burbank Police Department to meet existing and projected service demands and response times.
Policy 2.3	Provide and use up-to-date technology to improve crime prevention.
Policy 2.4	Develop and support crime prevention programs throughout the city, including the Crime Prevention Through Environmental Design (CPTED) and Neighborhood Watch programs.
Policy 2.5	Provide public education from neighborhood safety programs to encourage active participation by Burbank residents and businesses.
Crime Prevention	
Policy 3.1	Adapt to changing safety needs of the community.
Policy 3.2	Reduce opportunities for criminal activity through physical design standards such as CPTED and youth programs, recreation opportunities, education programs, and counseling services.
Fire Protection	
Policy 4.1	Maintain a maximum response time of 5 minutes for fire suppression services. Require new development to ensure that fire response times and service standards are maintained.
Policy 4.2	Provide adequate staffing, equipment, technology, and funding for the Burbank Fire Department to meet existing and projected service demands and response times.
Policy 4.3	Implement fire prevention and suppression programs in areas of high fire hazard risk, including both urban and wildland areas.
Policy 4.4	Maintain adequate fire breaks in areas within and adjacent to areas of high wildfire risk.
Policy 4.5	Coordinate firefighting efforts with local, state, and federal agencies.
Policy 4.6	Reduce fire hazards associated with older buildings, multi-story structures, and industrial facilities.
Policy 4.7	Maintain adequate fire suppression capability in areas of intensifying urban development, as well as areas where urban uses and open spaces mix.
Open Space and Conservation	
Policy 2.1	Identify areas of the city that are currently underserved and focus park expansion and open space acquisition in these areas.
Policy 2.2	Provide a community or neighborhood park within 1/2 mile of all Burbank residences.
Policy 2.3	Provide park and recreation facilities at a minimum level of 3 acres per 1,000 persons, with the goal of 5 acres per 1,000 persons.
Policy 2.4	Seek opportunities to develop additional parks and open space in areas where needed, including pocket parks, dog parks, athletic fields, amphitheaters, gardens, and shared facilities.
Policy 3.1	Improve and rehabilitate existing parks and recreation facilities.
Policy 3.2	Improve existing athletic fields with lights, equipment, and seating.
Policy 3.3	Develop a clear and unified system of identification and directional signs for all park and recreation facilities.
Policy 3.4	Provide low-maintenance, vandal-resistant parks, recreation facilities, and equipment.
Policy 3.5	Provide adequate lighting in parking areas to ensure user safety.

General Plan Policy	Description of Policy
Policy 3.6	Improve and maintain access to accommodate persons with disabilities at all parks.
Policy 3.7	Ensure that the public transit system connects parks and recreation facilities to the rest of the community.
Policy 4.1	Provide a variety of arts, cultural, historical, fitness, and environmental education programs at parks and recreation facilities.
Policy 4.2	Enhance and expand existing recreation programs in response to changing community demographics and needs.
Policy 4.3	Continue the joint use of facilities owned by the Burbank Unified School District.
Policy 4.4	Continue the use of “drop-in” centers in existing and future recreation facilities.
Policy 4.5	Ensure that buildings, equipment, fields, and other recreation amenities are in full use and capable of accommodating changing program demands.

Source: Burbank 2013

4.9.3 Environmental Impacts

a. Thresholds of Significance

Thresholds of significance are based on the questions in Appendix G of the CEQA Guidelines. The Initial Study prepared for the proposed Project (Appendix B) determined that a potentially significant impact might occur under the following threshold and therefore will be analyzed in this section of the EIR.

1. Result in substantial adverse physical impacts associated with the need for or provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other objectives for:
 - a. Fire protection
 - b. Police protection
 - c. Schools
 - d. Parks
 - e. Other public facilities (such as libraries)

b. Methodology

This analysis considers the State CEQA Guidelines Appendix G thresholds, as described above, in determining whether the proposed Project, including future development accommodated by the Housing Element Update, would result in impacts related to the provision of public services. The evaluation was based on reviewing the regulations and determining their applicability to the proposed Project. Public services information was acquired through review of relevant documents, questionnaires sent to the BUSD and other service providers, and consultation with City staff, BFD, BPD, and BUSD. The determination that the proposed Project would or would not result in "substantial" adverse effects concerning public services considers the relevant policies and regulations established by local and regional agencies, the proposed Project's compliance with such policies, and whether the Project would create the need for new or expanded facilities, the construction of which could result in environmental impacts.

In *City of Hayward v. Trustees of California State University* (2015) 242 Cal.App.4th 833, the Court of Appeal held that significant impacts under CEQA consist of adverse changes in any of the physical conditions within the area of a project and potential impacts on public safety services are not an environmental impact that CEQA requires a project applicant to mitigate: “[T]he obligation to provide adequate fire and emergency medical services is the responsibility of the city. (Cal. Const., art. XIII, § 35, subd. (a)(2) [“The protection of the public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services.”]). Thus, the need for additional fire and police protection services is not an environmental impact that CEQA requires a project proponent to mitigate.

Generation rates for the potential future elementary, middle, and high school students assumed as part of the proposed Project was based on the 2020 BUSD School Fee Justification Study. Generation rates for multi-family residential units include: 0.1039 for elementary school students (grades K-5), 0.0547 for middle school students (grades 6-8), and 0.0818 for high school students (grades 9-12).

c. Project Impacts

Threshold 1a: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Impact PS-1 DEVELOPMENT ACCOMMODATED BY THE HOUSING ELEMENT UPDATE WOULD RESULT IN AN INCREASE IN POPULATION IN THE CITY, WHICH WOULD INCREASE DEMAND FOR FIRE PROTECTION SERVICES, RESULTING IN THE NEED FOR ADDITIONAL AND/OR EXPANDED FIRE PROTECTION FACILITIES. HOWEVER, DEVELOPMENT IMPACT FEES AND SALES TAXES WOULD OFFSET HOUSING ELEMENT UPDATE DEMAND FOR NEW FIRE PROTECTION FACILITIES, THE NEED FOR WHICH WOULD BE DUE TO CUMULATIVE GROWTH IN THE AREA. THE LOCATIONS OF FUTURE NEW OR EXPANDED FACILITIES IS NOT KNOWN AT THIS POINT IN TIME AND ENVIRONMENTAL IMPACTS WOULD BE SPECULATIVE. HOWEVER, COMPLIANCE WITH APPLICABLE CODES AND REGULATIONS AND COMPLIANCE WITH GENERAL PLAN GOALS AND POLICIES WOULD REDUCE POTENTIAL IMPACTS RELATED TO FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES TO A LESS THAN SIGNIFICANT IMPACT.

As discussed in Section 4.8, *Population/Housing*, housing development accommodated by the Housing Element Update would add an estimated 25,617 residents to the City (based on the average household size in Burbank of 2.45), increasing Burbank’s population from 103,969 to 129,586 persons. Most of this population growth would occur in Burbank’s downtown area and around Hollywood Burbank Airport due to the zone changes proposed in the Downtown Transit Oriented Development (TOD) Specific Plan area and the Golden State Specific Plan (GSSP) area. This population increase would incrementally increase demand for fire protection services.

Increased development, density, population, and traffic accommodated by the proposed Project would increase calls for service throughout the City for issues including, but not limited to, emergency medical service, structure fires, and traffic collisions. The direct effect on the BFD would include evaluation of staffing and resource deployment to accommodate the increase in call volume throughout the community including all six fire stations. The increase in calls for service directly affects the use, lifespan and deterioration of infrastructure, facilities, and equipment. Additionally,

housing development would increase the BFD's staffing need to fulfill their obligations for fire prevention and safety (Hatch; BFD 2021).

BFD is responsible for enforcing fire codes, providing fire inspections, assisting in planning and enforcing development standards for Very High Fire Hazard Severity Zones (VHFHSZ), and implementing the Fire Hazard Reduction Program (Brush Clearance) to ensure that a defensible space is incorporated into newly constructed homes within the VHFHSZ (BFD 2021). All development carried out under the proposed Project would be required to comply with all applicable fire code and ordinances requirements for construction, emergency/fire, access, water mains, fire flows, and hydrants, and would be subject to review and approval by the BFD prior to building permit and certificate of occupancy issuance. Development with modern materials and in accordance with current standards, inclusive of fire-resistant materials, fire alarms and detection systems, automatic fire sprinklers, would enhance fire safety and support fire protection services.

Future housing development under the Housing Element Update would be required to submit a service questionnaire to the BFD in conjunction with their applications to ensure fire protection services are available to serve the proposed housing development and would be required to adhere to the 2019 California Fire Code. The City would review future housing development applications to ensure compliance with the established regulatory framework. Additionally, prior to issuance of occupancy permits, applicants of future housing developments would be required to pay City fees for Fire Code plan review and inspections.

General Plan Policies 4.1 through 4.7 are intended to reduce fire risk in the City by allocating resources to meet projected demands and response times, maintaining adequate fire resources areas vulnerable to fires in VHFHSZ and dense urban areas, and coordinating firefighting efforts with other local, state, and federal agencies. The BFD receives its funding through property taxes, fees for service, and grant funding and can fund expanded services as new development occurs. All new development projects would be required to pay fire protection development impact fees to fund additional facilities and equipment. These funds, in addition to General Fund property and sales tax revenues, would help pay for costs associated with the development of new fire stations, if needed, including any required environmental analysis. As a result of new housing and population growth consistent with the Housing Element, the City will consider long term capital facility needs and associated staffing needs to maintain optimal rates of emergency service personnel per capital to ensure continuity of service at levels that protect the public health, safety, and general welfare consistent with CA Constitution Article XIII Section 35 subdivision (a)(2).

Construction of a future fire station or an expansion to an existing station could result in one or more potentially significant impacts. However, no sites have yet been selected by the City. It is anticipated that a future fire station or an expansion to an existing station will be subject to CEQA review at the time a site is identified and a specific design proposed. Additionally, implementation of the Safety Element Update could provide additional improvements regarding emergency access and evacuation beyond the current Safety Element. Therefore, impacts related to the provision of fire services would be less than significant.

Mitigation Measures

No mitigation measures are required.

Threshold 1b: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Impact PS-2 DEVELOPMENT ACCOMMODATED UNDER THE HOUSING ELEMENT UPDATE WOULD RESULT IN AN INCREASE IN POPULATION IN THE CITY, WHICH WOULD INCREASE DEMAND FOR POLICE PROTECTION SERVICES, RESULTING IN THE NEED FOR ADDITIONAL STAFF AND EQUIPMENT. HOWEVER, CONFORMANCE WITH GENERAL PLAN POLICIES AND PROGRAMS RELATED TO POLICE PROTECTION WOULD REQUIRE THE CITY TO CONTINUE TO PROVIDE FUNDING AND ADEQUATE STAFFING, FACILITIES, EQUIPMENT, AND TECHNOLOGY TO MEET EXISTING AND PROJECTED SERVICE DEMANDS AND RESPONSE TIMES. THEREFORE, THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

As discussed in Section 4.8, *Population/Housing*, housing development accommodated by the Housing Element Update would add an estimated 25,617 residents to the City, increasing Burbank's population from 103,969 to 129,586 persons. Based on BPD's current staffing level of 160 sworn officers, the BPD's officer/resident ratio would drop from 1.54 to approximately 1.23 sworn officers per 1,000 residents. This ratio is below the City's goal of 1.55.

Policies 2.1 and 2.2 in Burbank's Safety Element require the BPD to ensure that there is adequate staffing, facilities, equipment, technology, and funding to meet existing services demands and maintain an average response time of four minutes to emergency calls for service. There are no proposed updates to police protection policies in the Safety Element update. Additional demand for police service would be accommodated through the expansion of police personnel and facilities to continue to meet the BPD's service standards. New facilities would be required to comply with applicable Federal, State, and local regulations and policies discussed in this EIR. Police protection service levels would continue to be evaluated and maintained by BPD in accordance with existing policies, procedures and practices as development occurs over the lifetime of the Housing Element Update. Future housing developers would be required to submit a service questionnaire to the BPD in conjunction with their applications to ensure that police protection services are available to serve the proposed housing development. Additionally, new development projects would be required to pay police protection development impact fees to help fund additional facilities and equipment. These funds, in addition to General Fund property and sales tax revenues, would help pay for costs associated with the development of new police stations, if needed, including any required environmental analysis.

Planning for new or physically altered BPD stations is based on an assessment of the cumulative need for new facilities. The proposed Project itself would not result in the need for new or expanded facilities. The incremental contribution to demand for increased BPD protection services would be offset by payment of proportionate property taxes and sales taxes and development impact fees to the City of Burbank by developers and the addition of new residents.

Mitigation Measures

No mitigation measures are required.

Threshold 1c: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

Impact PS-3 DEVELOPMENT ACCOMMODATED BY THE HOUSING ELEMENT UPDATE WOULD RESULT IN AN INCREASE IN POPULATION IN THE PLANNING AREA, RESULTING IN THE NEED FOR ADDITIONAL AND/OR EXPANDED SCHOOL FACILITIES. HOWEVER, GOVERNMENT CODE 65995 (B) WOULD REQUIRE FUNDING FOR THE PROVISION OR EXPANSION OF NEW SCHOOL FACILITIES TO OFFSET IMPACTS FROM NEW RESIDENTIAL. ADDITIONALLY, ACCOMMODATING GROWTH PURSUANT TO THE RHNA MAY REQUIRE ADJUSTMENTS TO THE RATE OF INTER-DISTRICT PERMITS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

The proposed Project would not directly affect local schools but would generate new students entering the BUSD. Implementation of the proposed Project would add an estimated 25,617 residents and some of those residents would be school-aged children. Based on student generation rates for the BUSD, the proposed Project could generate an estimated 6,158 students, including 2,662 elementary school students (grades K-5), 1,401 middle school students (grade 6-8), and 2,095 high school students (grades 9-12).¹ As shown in Table 4.9-1, enrollment capacity in the BUSD as of school years 2020 and 2021 would not adequately accommodate additional students assumed as part of the proposed Project. However, to offset a project's potential impact to schools as discussed in Regulatory Setting, Government Code 65995 (b) establishes the base amount of allowable developer fees a school district can collect from development projects located within its boundaries. The fees obtained by BUSD are used to maintain the desired school capacity and the maintenance and/or development of new school facilities. Any development facilitated by the proposed Housing Element Update and associated rezonings would be subject to these State-mandated school impact fees and collected at the time of building permit issuance. Pursuant to Section 65995 (3)(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory fees "is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization." Additionally, BUSD utilizes an inter-district permit policy to keep overall enrollment and average daily attendance numbers at levels sufficient to maintain the level of funding necessary for ongoing operations of schools, including staffing, supplies, and programming. Between 2016 and 2021, the District's resident-based enrollment decreased by approximately 5.3 percent (a decrease of 745 students); during the same period, there was an increase in the number of inter-district permits that the District issued to address the decrease and sustain necessary average daily attendance. BUSD will continue to evaluate demand, capacity, and plans for facility needs as future projects under the Housing Element are built out, including any required adjustments to the number of inter-district permits relative to new student population generated from additional housing development in the City.

There are no planned improvements to add capacity through expansion. To accommodate additional students brought into the District from new housing development(s), BUSD would place students at other District schools in the event their home school enrollment was at capacity (Kukta 2021). It is important to note that student daily attendance has a direct effect on State funds in the form of "average daily attendance numbers." The average daily attendance for individual schools

¹ Generation rates based on the 2020 Burbank Unified School District (BUSD) School Fee Justification Study. Generation rates for multi-family residential units include: 0.1039 for elementary school students (grades K-5), 0.0547 for middle school students (grades 6-8), and 0.0818 for high school students (grades 9-12).

and the district as a whole can affect the availability of state money received to help fund daily operations that include school staffing needs. In the event that BUSD constructs a new school or physically alter an existing facility, a project-specific environmental analysis would be required under CEQA to address site-specific environmental concerns. As described above, existing laws and regulations would require funding for the provision or expansion of new school facilities to offset impacts from new residential development and impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Threshold 1d: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

Impact PS-4 DEVELOPMENT ACCOMMODATED UNDER THE HOUSING ELEMENT UPDATE WOULD RESULT IN AN INCREASE IN POPULATION IN THE CITY, WHICH WOULD INCREASE DEMAND FOR PARKS AND RECREATION SERVICES. HOWEVER, CONFORMANCE WITH GENERAL PLAN POLICIES AND PROGRAMS RELATED TO OPEN SPACE WOULD REQUIRE PROVISION OF NEW PARKS AND RECREATION FACILITIES AND ONGOING PARKLAND MAINTENANCE TO PREVENT DETERIORATION. THEREFORE, THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

As identified in the Burbank2035 General Plan, the City contains 26 parks that total approximately 732 acres of parkland. Stough Canyon Park and Wildwood Canyon Park are the two largest parks in the City. They each serve as recreational and cultural focal points for the community at large.

General Plan Policy 2.3 establishes a minimum level of 3 acres per 1,000 persons, with a goal of 5 acres per 1,000 persons. The Housing Element Update would add an estimated 25,617 residents to the City, increasing Burbank’s population from 103,969 to 129,586 persons. With this increased population, the parkland ratio would decrease from 7.0 acres of parkland for every 1,000 Burbank residents to 5.6 acres of parkland for every 1,000 Burbank residents. Therefore, service ratios would still be above the General Plan goal.

Policies in Burbank’s Open Space and Conservation Element would ensure that adequate parks and recreational facilities are provided to accommodate the anticipated increase in new residents. Policy 2.2 establishes a standard to provide a community or neighborhood park within ½ mile of all residences in the city. Policy 2.4 encourages the City to provide additional types of park facilities such as pocket parks, dog parks, athletic fields, amphitheatres, gardens, and shared facilities. Policies 3.1 through 3.6 provide specific guidance to the City to maintain existing parks and recreation facilities by rehabilitating facilities, installing improvements (e.g., field lighting). Program OSC-2 requires the development of a Park, Recreation, and Community Services Master Plan which would direct long-term acquisition, operation, management, and programming for parks, open spaces, and recreation facilities. The Master Plan is intended to guide the in-lieu fee structure for the acquisition and management of recreation land in connection with the development review process. Program LU-8 would review and revise the community facilities fee program to ensure that new development adequately offsets impacts related to fire, police, library, and park and recreation services. These policies and programs maintain existing levels of service for park and recreation facilities for both existing and new residents, including maintenance to prevent deterioration of existing parks. Implementation of these policies and programs would direct construction of new parks and provide ongoing park maintenance to prevent deterioration of existing facilities. The

proposed updates to the Safety Element would not directly or indirectly impact park facilities. Increased demand associated with an increase in population would not significantly accelerate the deterioration of existing park areas or recreational facilities because development would be required to pay the applicable Development Impacts Fees as well as provide on-site private and common open space, consistent with applicable development standards. Therefore, impacts to parks and recreation facilities would be less than significant.

Mitigation Measures

No mitigation measures are required.

Threshold 1e: Would the Project result in substantial adverse physical impacts associated with the provision of other public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

Impact PS-5 HOUSING DEVELOPMENT ACCOMMODATED UNDER THE HOUSING ELEMENT UPDATE WOULD RESULT IN AN INCREASE IN POPULATION IN THE CITY, WHICH WOULD INCREASE DEMAND FOR OTHER PUBLIC FACILITIES, RESULTING IN THE NEED FOR ADDITIONAL AND/OR EXPANDED FACILITIES. THE BURBANK LIBRARY WOULD MEET THE CITY'S LIBRARY NEEDS PROJECTED UNDER THE HOUSING ELEMENT UPDATE. THEREFORE, IMPACTS RELATED TO THE CITY'S LIBRARY SYSTEM WOULD BE LESS THAN SIGNIFICANT.

As discussed in Section 4.8, *Population/Housing*, housing development accommodated by the Housing Element Update would increase Burbank's population from 103,969 to 129,586 persons, an approximately 25 percent increase from the City's estimated 2021 population. Given that not all new residents would visit the library every month, the increase in monthly visitation would be lower than 25 percent.

The Burbank Public Library has three locations: Central, Buena Vista, and Northwest. These three sites were collectively open 155.5 hours per week. During the 2018-2019 fiscal year, the Burbank Public Library received 720,994 visits to the branches and had 30,000 attendees in 615 programs (Burbank Public Library 2020). Compared to other libraries in the region (Glendale, Pasadena, Santa Monica, Thousand Oaks, Torrance), Burbank is low on space (ranks 5 of 6 at 0.74 square feet per capita, with only Torrance lower) and is moderately well-staffed (ranks 3 of 6 at 0.60 staff FTE per 1,000 population, slightly ahead of Thousand Oaks and Torrance). A less than 25 percent increase in monthly visitation would warrant the need for additional and/or expanded facilities.

While a less than 25 percent increase would be a large increase to the usage of the libraries, this is in line with SCAG's growth projections for the area and the growth is also anticipated to occur over the next eight years and would not occur all at once. Additionally, Program LU-8 in the Burbank General Plan provides development impact fees for libraries. As mentioned under Impact PS-1, impacts from development would be offset by payment of development impact fees in addition to property taxes and sales taxes to the City. Additionally, potential environmental impacts related to the construction of new or expanded library facilities would be assessed on a project-specific level under CEQA. Therefore, Housing Element Update impacts to public library facilities would be less than significant.

Mitigation Measures

No mitigation measures are required.

4.9.4 Cumulative Impacts

As discussed in the *Impact Analysis*, the addition of approximately 25,617 new residents to the City would not significantly reduce service times or ratios experienced to fire protection, police protection, schools, or other associated public facilities such as libraries. Additionally, the increase of approximately 25,617 new residents would not reduce recreation land service ratios below five acres per 1,000 persons. This increase would not exacerbate the existing need for new or expanded recreational facilities over time. In the absence of new parks, the citywide and regional population (i.e. surrounding cities and unincorporated areas) increase would increase park demand and therefore would be expected to accelerate the deterioration of existing parks, which would be a potentially significant cumulative impact.

As discussed under Impacts PS-1, PS-2, PS-3 and PS-5 reasonably foreseeable development under the Housing Element Update could increase demand for fire protection and emergency medical services; would increase demand for police protection service; would increase demand for public facilities such as libraries; and would likely result in an increase in student enrollment that exceeds overall district capacity. However, development impact fees and property taxes collected from potential housing development proposed under the Housing Element Update would go towards any necessary facility upkeep or expansion. Therefore, the increase to these services would not constitute a cumulatively considerable contribution to the significant cumulative impact related to the deterioration of acceptable service ratios, response times, or other performance objectives for any of the public services listed above. Cumulative impacts would be less than significant.

As discussed under Impact PS-4, reasonably foreseeable development under the Housing Element Update would not result in a potentially significant impact related to the deterioration of existing parks or open space serving the urban areas, since there is adequate space to provide sufficient recreational acreage to meet the projected increase in demand for parks based on the City's adopted standards. Therefore, this would not constitute a cumulatively considerable contribution to the significant cumulative impact related to park deterioration, and the cumulative impact would be less than significant.

Based on the above information, the incremental effect of the Housing Element Update with respect to the deterioration of public services and recreation facilities would not be cumulatively considerable, and cumulative impacts would be less than significant.

4.10 Recreation

This section analyzes the potential impacts on and from recreational resources resulting from implementation of the Burbank Housing and Safety Element Update (proposed Project) using information from the Burbank2035 General Plan and Municipal Code (BMC).

4.10.1 Environmental Setting

a. Existing Conditions

The Housing and Safety Element Update would apply to the entire geographic area located within the boundaries of the City, which encompasses 17.1 square miles. Burbank is located in the central portion of Los Angeles County, approximately 12 miles north of downtown Los Angeles. The northeastern part of the City is located along the foothills of the Verdugo Mountains and the western edge of the City is located near the eastern part of the San Fernando Valley. The City is bisected by the Interstate 5 (I-5) and is adjacent to the developed areas of the cities of Los Angeles and Glendale.

The City of Burbank Parks and Recreation Department owns and operates parks and recreational facilities throughout the City. These include 26 park sites, totaling approximately 732 acres (City of Burbank 2013). The types of parks in the City range from smaller “pocket” parks to regional parks. The breakdown of these park classifications is based primarily on size, as listed below. Figure 4.10-1 provides a map of all the parks in the City.

- Pocket parks – based on acreage totals for parks which are less than 1 acre in size
- Neighborhood parks – based on acreage totals for parks which are 1 – 10 acres in size
- Community parks – based on acreage totals for parks which are 10 – 50 acres in size
- Regional parks – based on acreage totals for parks which are 50+ acres in size

While pocket and neighborhood parks are generally meant to serve the areas adjacent to these parks, residents often use parks, parkland, and recreational facilities in areas outside of their general community. A breakdown of parks, recreational, and open space totals within City limits is shown in Table 4.10-1.

Table 4.10-1 City of Burbank Parks, Recreation, and Open Space

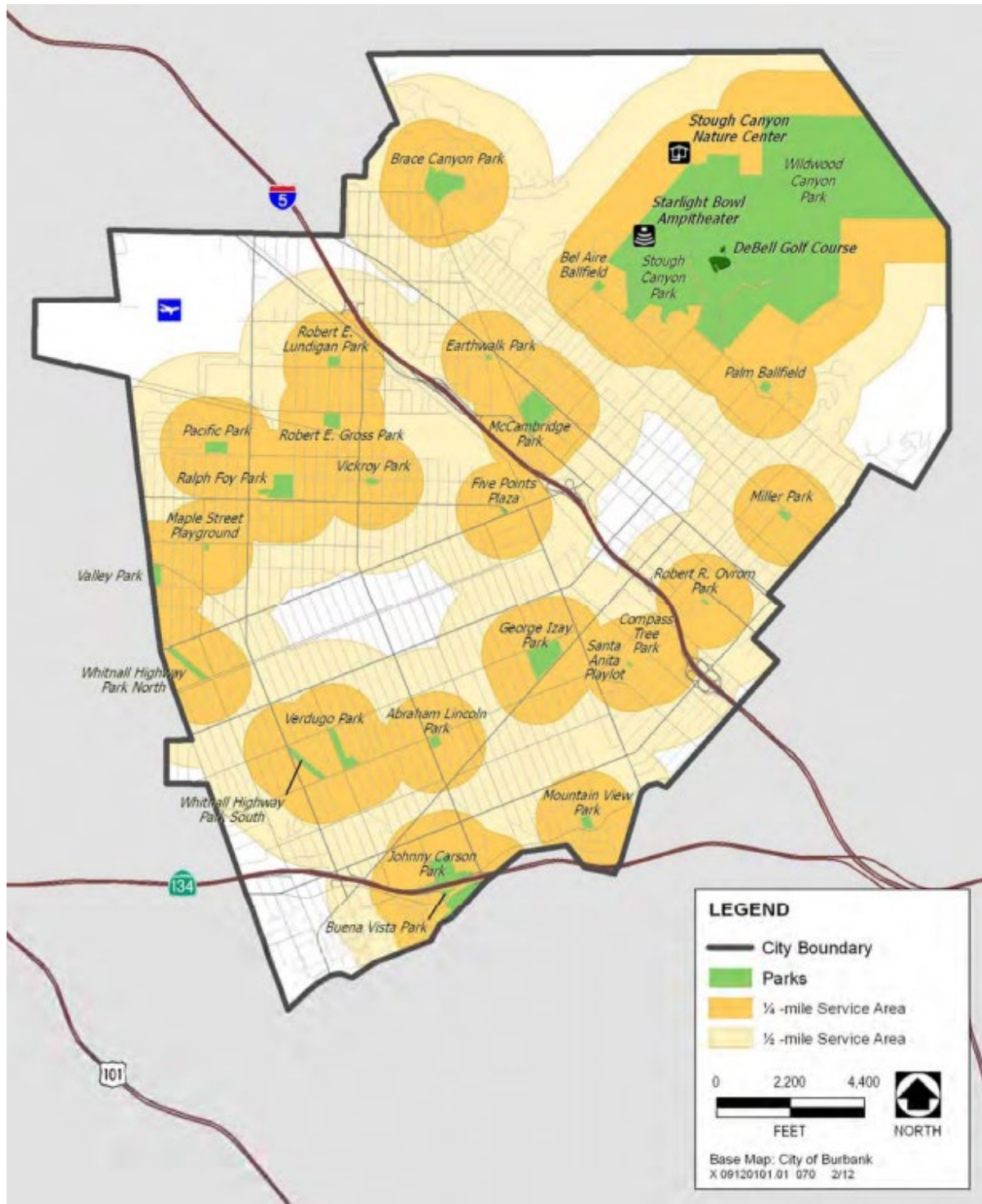
Park Type	Total Acreage	Acres per 1,000 Persons	Recommended Ratio ¹	Meets Recommended Ratio?
Pocket	2.02	0.02	0.04	No
Neighborhood	55.43	0.52	1.5	No
Community	70.83	0.67	2.0	No
Regional	603.57	5.69	8.0	No
Total	731.85	6.9		

¹ Acres per 1,000 residents

Service levels recommended by National Recreation and Park Association

Source: City of Burbank 2013

Figure 4.10-1 Parks in the City of Burbank



The City’s Burbank2035 General Plan has a citywide parkland level of service goal of five acres of parkland per 1,000 persons. Based on the current 2021 citywide population of 103,969 persons (California Department of Finance [DOF] 2021) and a total of approximately 732 available acres of parkland, the City currently provides approximately seven acres of parkland per 1,000 residents. Total park acreage includes regional parks, recreation centers, pools and bathhouses, senior centers, lakes, trails, picnic areas, and playgrounds. As shown in Table 4.10-2, available parkland currently meets the City’s parkland level of service goal.

Table 4.10-2 City of Burbank Parkland Ratio

Total Existing Parkland Acres ¹	Population ²	Acres per 1,000 Persons	Goal	Meets Goal?
732	103,969	7.0	5 acres of parkland per 1,000 persons	Yes

¹ City of Burbank 2013

² DOF 2021

As shown in Table 4.10-1, there are approximately 732 acres of recreational space in the City, including pocket, neighborhood, community, and regional parks. The City has two regional parks, Stough Canyon Park and Wildwood Canyon Park, which are both located in the Verdugo Mountains and comprise the majority of parkland in the City. These two regional parks are undeveloped open space providing passive recreational opportunities including trails and observation points. The rugged topography of these regional parks makes it difficult to develop any recreation buildings or sports fields. Moreover, the location of these two regional parks in the Verdugo Mountains makes them less accessible to most Burbank residents, who generally live in flatter, more developed portions of the City. As stated in the Burbank2035’s General Plan *Open Space and Conservation Element*, without including the two regional parks in the calculation of parkland acreage ratio, the ratio would be 1.2 acres per 1,000 residents, which is considered low by most nationally accepted parkland standards (City of Burbank 2013).

Burbank is a largely built out city, which makes locating new parks difficult. As stated in the Burbank2035’s General Plan *Open Space and Conservation Element*, the City will prioritize new parks in locations where residences are not located within 1/2 mile of a park, to the extent feasible, and will seek vacant and underutilized lots as they become available, and as funding allows. In addition, the City will prioritize accessibility as a major factor in the selection of future park sites to prevent locations that are inaccessible, lack usable open space, or otherwise constrained (City of Burbank 2013). Established City standards included in the Burbank2035’s General Plan *Open Space and Conservation Element* for the acquisition of new parkland include:

- The service area should not be divided by natural or human-made barriers such as arterial highways, railroads, freeways, and commercial or industrial areas that would render the site inaccessible or undesirable as a park.
- Neighborhood parks should be located adjacent to elementary schools whenever possible. The primary consideration should be whether the existing school has adequate play space to serve both its educational needs and the needs of the neighborhood for playground space.
- The site for a community park should be of sufficient size to include a recreation building unless adjacent school facilities can be designated to serve public uses when school is not in session.
- Neighborhood parks should have street frontage. If a park is located where adjacent streets are insufficient for parking, the site should have a parking lot. Community park sites should be readily accessible from pedestrian and bicycle routes.

- All neighborhood and community park sites should be accessible by foot or by bicycle.

4.10.2 Regulatory Setting

a. State

Quimby Act

The Quimby Act was established by the California legislature in 1965 to provide parks for growing communities in California. The Act authorizes cities to adopt ordinances addressing park land and/or fees for residential subdivisions for the purpose of providing and preserving open space and recreational facilities and improvements. The Act requires the provision of three acres of park area per 1,000 persons residing within a subdivision, unless the amount of existing neighborhood and community park area exceeds that limit, in which case the City may adopt a higher standard not to exceed five acres per 1,000 residents. The Act also specifies acceptable uses and expenditures of such funds.

State Public Park Preservation Act

The primary instrument for protecting and preserving parkland is the State Public Park Preservation Act. Under the Public Resource Code, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provides for no net loss of parkland or facilities.

b. Local

Burbank2035 General Plan

The *Open Space and Conservation Element* of the Burbank2035 General Plan includes several objectives, policies, and actions relating to recreational open space as listed below:

Goal 2: Parks, open space and recreation facilities contribute to the high quality of life enjoyed by Burbank residents and the economic value of the community.

Policy 2.1: Identify areas of the City that are currently underserved and focus park expansion and open space acquisition in these areas.

Policy 2.2: Provide a community or neighborhood park within 1/2 mile of all Burbank residences.

Policy 2.3: Provide park and recreation facilities at a minimum level of 3 acres per 1,000 persons, with the goal of 5 acres per 1,000 persons.

Policy 2.4: Seek opportunities to develop additional parks and open space in areas where needed, including pocket parks, dog parks, athletic fields, amphitheaters, gardens, and shared facilities.

Goal 3: Parks and recreation facilities are improved and maintained to ensure they meet the needs of the community.

Policy 3.1: Improve and rehabilitate existing parks and recreation facilities.

Policy 3.2: Improve existing athletic fields with lights, equipment, and seating.

Policy 3.3: Develop a clear and unified system of identification and directional signs for all park and recreation facilities.

Policy 3.4: Provide low-maintenance, vandal-resistant parks, recreation facilities, and equipment.

Policy 3.5: Provide adequate lighting in parking areas to ensure user safety.

Policy 3.6: Improve and maintain access to accommodate persons with disabilities at all parks.

Policy 3.7: Ensure that the public transit system connects parks and recreation facilities to the rest of the community.

Goal 4: Burbank provides a variety of recreation opportunities that meet the needs of all members of the community.

Policy 4.1: Provide a variety of arts, cultural, historical, fitness, and environmental education programs at parks and recreation facilities.

Policy 4.2: Enhance and expand existing recreation programs in response to changing community demographics and needs.

Policy 4.3: Continue the joint use of facilities owned by the Burbank Unified School District.

Policy 4.4: Continue the use of “drop-in” centers in existing and future recreation facilities.

Policy 4.5: Ensure that buildings, equipment, fields, and other recreation amenities are in full use and capable of accommodating changing program demands.

Goal 5: Parks, trails, and open spaces are connected within the city and to regional open spaces.

Policy 5.1: Develop a comprehensive trails network linking hiking, biking, and equestrian trails to parks and open spaces both within and outside the city.

Policy 5.4: Require that new development projects provide public access to adjacent open space areas.

Burbank Municipal Code (BMC)

Under BMC Article 13, Section 11-1-1301, developers of most residential development projects requesting a subdivision or a zone change are required to either dedicate land for recreation and park purposes, pay an in-lieu fee as designated in the Burbank Fee Resolution, or do both. The in-lieu fees need to be spent on providing park and recreation facilities to serve the development that paid the fee.

4.10.3 Impacts Analysis

a. Thresholds of Significance

Based on Appendix G of the CEQA Guidelines, implementation of the Housing and Safety Element Update would have a significant impact related to parks and recreational facilities if it would:

1. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment

As discussed in the Initial Study (Appendix B), the proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Therefore, this impact was found to be less than significant and is not discussed further.

b. Methodology

The recreation analysis focuses on determining whether development under the Housing and Safety Element Update would create the need for new parks, the construction of which could result in significant environmental impacts. This analysis calculates the projected parkland ratio for Burbank under the Housing and Safety Element Update using the 2021 DOF persons/household ratio and population data for Burbank, the projected housing units under the proposed Project, and Burbank's total parkland acreage, and compares it to the City's goal of five acres of parkland per 1,000 residents to assess whether the proposed Project would result in the need for new park facilities.

c. Project Impacts

Threshold 1: Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Impact REC-1 DEVELOPMENT FACILITATED BY THE HOUSING AND SAFETY ELEMENT UPDATE MAY REQUIRE THE CONSTRUCTION OR EXPANSION OF ADDITIONAL PARKS AND OPEN SPACE, BUT IMPLEMENTATION OF POLICIES CONTAINED IN THE BURBANK2035 GENERAL PLAN AND BMC WOULD AVOID OR ADEQUATELY MITIGATE ADVERSE PHYSICAL EFFECTS ON THE ENVIRONMENT. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

Development under the Housing and Safety Element Update would increase the population of the City by an estimated 25,617 residents by 2029¹, resulting in a total City population of approximately 129,586 residents and a parkland ratio of 5.6 acres per 1,000 residents. This ratio would still meet the City's goal of five acres of parkland per 1,000 residents. However, the *Open Space and Conservation Element* of the Burbank2035 General Plan establishes a requirement for three acres of new parkland per 1,000 new residents. This requirement applies to large residential developments and would result in parkland dedications, improvements, or in-lieu payments if a project applicant is not able to dedicate land or the land is considered unsuitable for park or recreation use (BMC 2021).

The proposed Project includes large residential developments that would need to comply with this requirement. Figures 2-3 and 2-4 in Section 2, *Project Description* indicate the locations of approved and pending projects and housing opportunities under the Housing and Safety Element Update. Based on these figures, parks located in/near the Downtown District, Golden State Specific Plan District, and the southwest corner of the City would be most impacted by the proposed Project. A majority of the large residential development sites under the Housing and Safety Element Update are located within a quarter- or half-mile of an existing community, neighborhood, or pocket park. The Valhalla (678 units) and Empire (581 units) Golden State Specific Plan housing opportunity sites are adjacent to the Pacific Park and Robert E. Gross Park, respectively. Furthermore, the Burbank Town Center (1,020 units) Downtown housing opportunity site and the Lima/Avon (334 units) and North Hollywood Way (505 units) Golden State Specific Plan housing opportunity sites are not located within a quarter- or half-mile of an existing community, neighborhood, or pocket park. As previously discussed in Section 4.10.1, *Environmental Setting*, the City is largely built out, which makes locating new parks difficult. Developers of the large residential development projects under the Housing and Safety Element Update would need to provide dedicated parkland on the project site, parkland improvements, or pay in-lieu fees if they are unable to dedicate land or if the land is

¹ 10,456 (Projected residential units) *2.45 (Persons/household ratio from DOF 2021)

considered unsuitable for park or recreation use in order to comply with the Burbank2035 General Plan's requirement of three acres of new parkland per 1,000 new residents.

Construction and operational impacts to air, noise, and traffic, as well as other impacts of new developments are discussed throughout this EIR. Impacts from the construction of new or expanded parks in the City would be similar to those identified in this EIR for construction or operations. Similar to other types of development, the construction of new or expanded park facilities could potentially contribute to the significant historic resource and construction noise impacts identified in Section 4.3, *Cultural Resources/Tribal Cultural Resources*, and Section 4.7, *Noise*, of this EIR. Construction would be required to adhere to the policies contained in the Burbank2035 General Plan and BMC. Policies include noise control during construction and operation of the project, air pollutant reduction by incorporating best available air quality and greenhouse gas mitigation in project design, and the prohibition of development that jeopardizes the integrity of sensitive or protected plant and animal communities. Based on the City's urban location and the limited land available, the construction or expansion of park facilities would result in less than significant impacts with adherence to the City's policies and project specific design features.

Mitigation Measures

No mitigation measures would be required, as implementation of the policies contained in the Burbank2035 General Plan and BMC, as well as existing City review processes, would avoid or adequately mitigate potential environmental impacts relating to the development of new parks.

4.10.4 Cumulative Impacts

The geographic area to analyze cumulatively considerable recreation impacts includes the entire City of Burbank and surrounding areas. Planned cumulative development under the Housing and Safety Element Update would accommodate all planned housing and population growth within the City through 2029. Based on the citywide Project area for the Housing and Safety Element Update, potential Project and cumulative impacts would be the same. Overall development intensity would increase throughout the City, which would increase the use of existing parks and would likely result in the construction or expansion of parks. Developers of the large residential developments under the proposed Project would be required to provide parkland dedications, improvements, or in-lieu payments to comply with the Burbank2035 General Plan requirement of three acres of new parkland per 1,000 new residents. Due to the City's urban location and limited land availability, the construction or expansion of park facilities would likely result in less than significant impacts with adherence to the City's policies and project specific design features. Therefore, the Project's contribution to cumulative recreation impacts would be less than significant.

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4.11 Transportation

This section analyzes the potential effects of the Housing Element Update with respect to transportation. Topics addressed in this chapter include the environmental setting, circulation and mobility systems, regulatory framework, thresholds of significance, methodology, and mitigation measures related to transportation impacts.

The analysis of vehicle miles traveled (VMT) was prepared based on standard guidance from the Governor's Office of Planning and Research's (OPR's) *Technical Advisory on Evaluating Transportation Impacts in CEQA* and interim guidance from the City of Burbank as the lead agency. This guidance reflects the new State of California requirements that transportation impacts be evaluated based on VMT rather than level of service (LOS) or any other measure of a project's effect on automobile delay.

4.11.1 Environmental Setting

a. Circulation System

Overview

The study area is defined by the boundaries of the City of Burbank (City), which encompasses 17 square miles. The City is served by a circulation system that facilitates travel by multiple modes, including walking, bicycling, public transit, and motor vehicles, and includes a network of freeways, highways, railways, local streets, and bicycle facilities. The City of Burbank General Plan Mobility Element, discussed in greater depth in the *Regulatory Setting* section, contains definitions, goals and objectives, and regulatory requirements for a variety of roadway classifications that make up the City's roadway system.

Regional Access

The roadway network in the City includes two freeways that connect the City to neighboring cities and communities: Interstate 5 in the north-south direction and State Route 134 in the east-west direction. Existing freeways, state highways, and arterial streets are presented in Figure 4.11-1.

Local Roadway Network

The City contains public streets that accommodate motorized vehicles, including private motorized vehicles, taxis, freight vehicles, and transit vehicles. Walking and cycling are also important components of the local roadway network. Most roadways in the city organized on a few grid systems. Below is a brief description of the types of facilities in the City based on the *Burbank2035* General Plan Mobility Element and Complete Our Streets Plan.¹

¹ Complete Streets Plan. Adopted June 16, 2020. Available:
<https://www.burbankca.gov/web/community-development/complete-streets-plan>

Figure 4.11-1 Existing Regional and Local Roadway Network

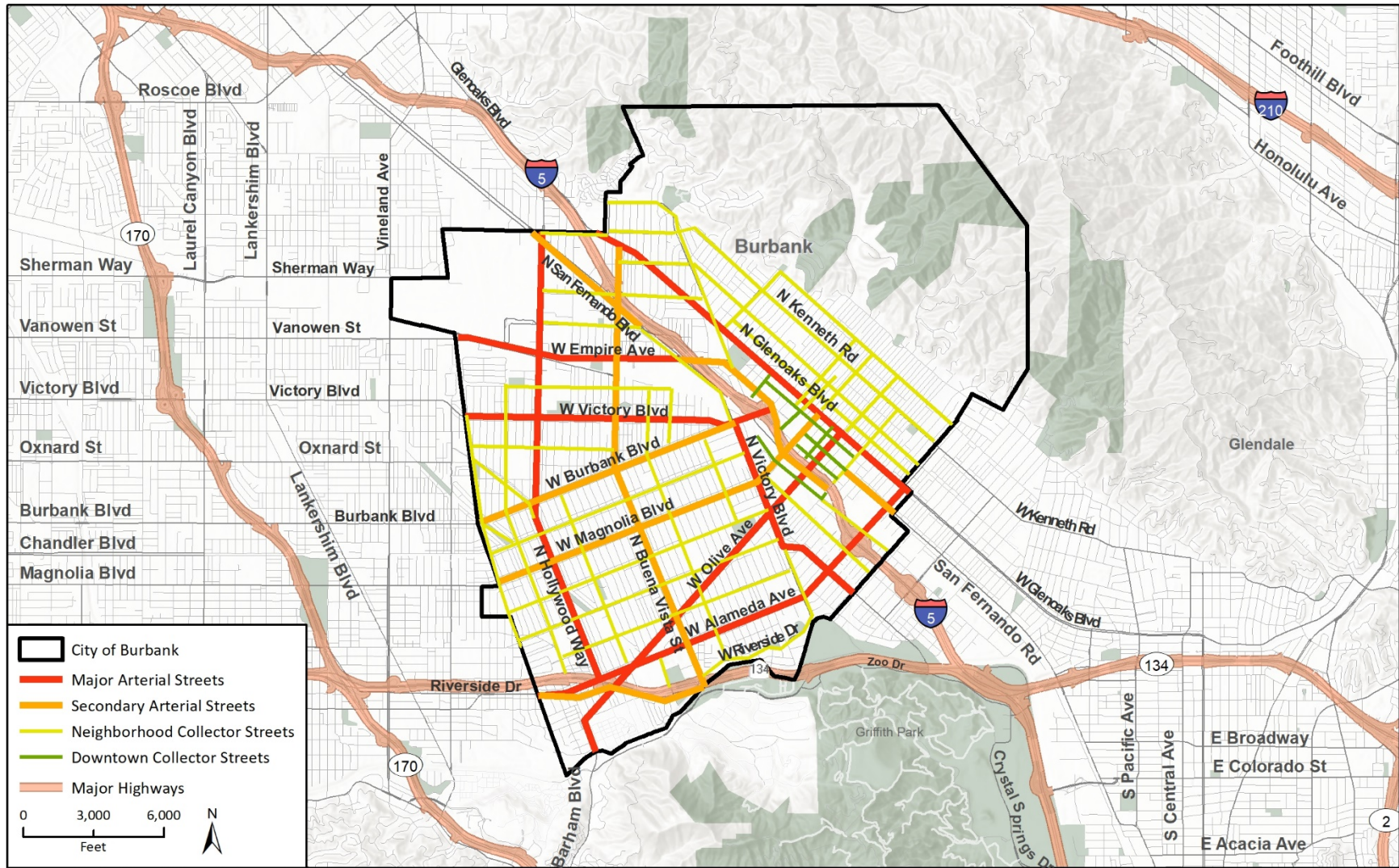


Fig 14.2-1 Existing Regional and Local Roadway Network

Major and Secondary Arterial Streets are generally defined as having at least two lanes in each direction along with a median turn lane. The width of Major and Secondary Arterial Streets is usually 68-76 feet with a typical parkway width of 6-16 feet.

Downtown Collectors are generally defined as having one lane in each direction along with a median turn lane. The width of Downtown Collectors is usually 44-60 feet with a typical parkway width of 12-15 feet. Such streets are in the downtown commercial core of the City and prioritize people walking over all other modes.

Neighborhood Collectors or Locals are generally defined as having one lane in each direction and no median turn lane. The width of Neighborhood Collectors or Locals is usually 36 feet with a typical parkway width of 12 feet. Such streets are typically intended for vehicle trips that start or end in the immediate vicinity of the street.

Signalized Intersections and Traffic Control Devices. The City of Burbank's Intelligent Transportation System (ITS) is a computer-based traffic signal control system that monitors traffic conditions and system performance to allow ITS operations to manage signal timing to improve traffic flow conditions. This system allows monitoring and control of the signals from a central operations center. The importance of linking to the ITS system is the ability to coordinate the signals in relationship with other signals along a travel corridor. Signal coordination minimizes delay due to stops and enhances vehicle flow. In addition, City staff can manually adjust traffic signals remotely from the central operations center to respond to collisions, weather, special events, and other major incidents. The ITS network is located along most arterial streets. The City's traffic signal system is interconnected with the Los Angeles County traffic signal Information Exchange Network (IEN) and shares information with Los Angeles City and County, and the cities of Glendale and Pasadena. Traffic signal timing is also coordinated with the California Department of Transportation (Caltrans).

Existing arterial streets (Major and Secondary) are illustrated in Figure 4.11-1 along with freeways and state highways.

Public Transit

Transit service is provided by multiple transit operators, including LA Metro, Burbank Bus, Metrolink, Amtrak, and other local operators, with networks connecting communities within and outside the City of Burbank. Figure 4.11-2 illustrates existing transit routes for LA Metro, Burbank Bus, and Metrolink.

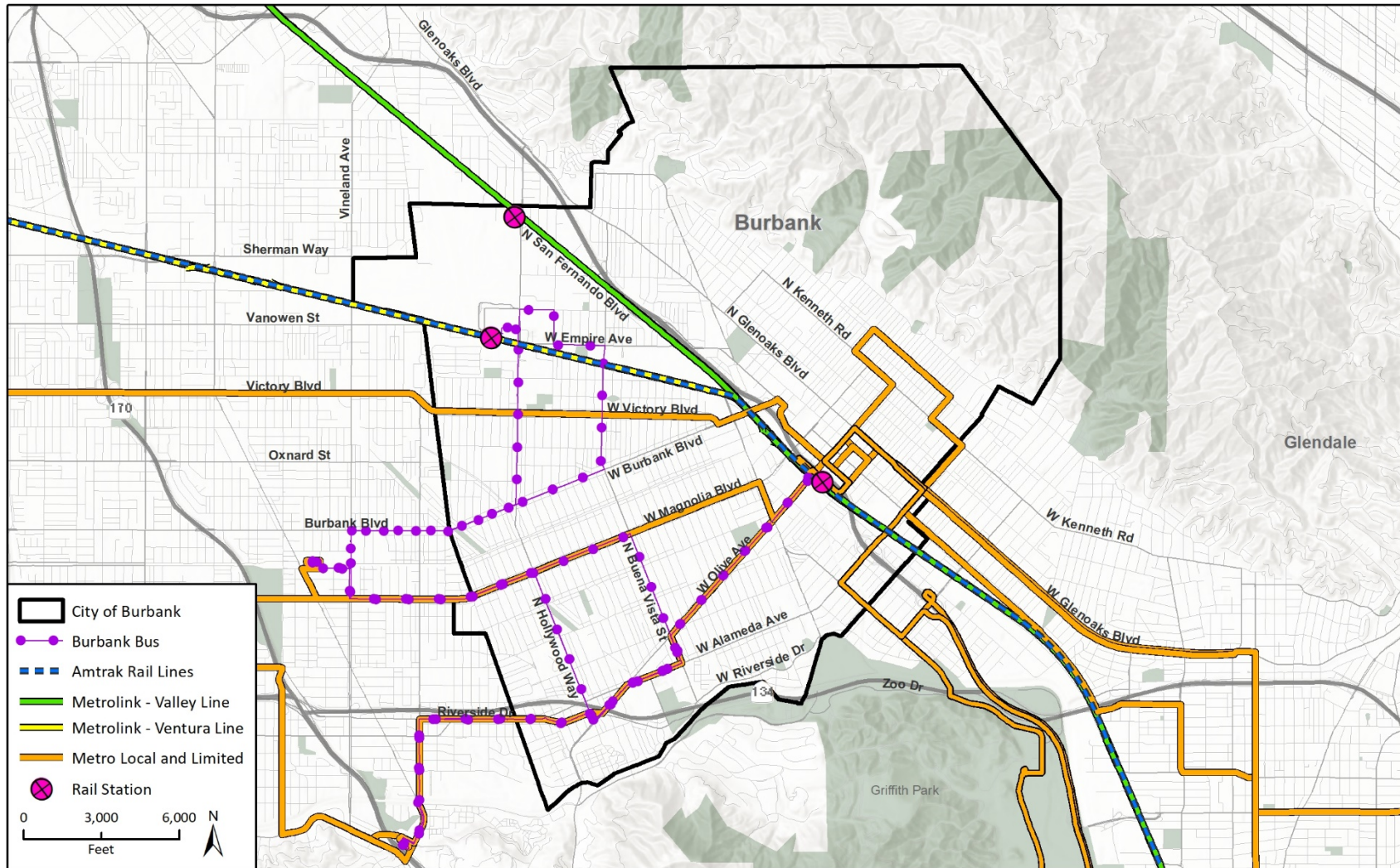
Below are brief descriptions of the three primary transit operators that provide service within the City:

- **LA Metro** is the primary transit operator in Los Angeles County, providing bus, light rail, and subway services. LA metro provides Local bus lines within the City of Burbank.
- **Burbank Bus** provides additional local bus service within the City of Burbank. The three routes comprising the Burbank Bus system connect key destinations, including: the Media District, two LA Metro subway stations, two Metrolink stations, and the Hollywood Burbank Airport.
- **Metrolink** provides commuter rail service throughout the greater Los Angeles region. The Metrolink system includes three stations within the City of Burbank. Metrolink service focuses on the peak commute hours but also provides some off-peak service.
- **Amtrak** provides regional and inter-regional rail service via the Pacific Surfliner route and connects San Diego, Orange County, Los Angeles, Ventura, Santa Barbara, and San Luis Obispo.

Burbank Housing and Safety Element Update

Service is provided to Burbank via the Burbank Airport South Metrolink Station, along with limited stops at the Downtown Burbank Station. Amtrak offers four daily round trips serving Burbank.

Figure 4.11-2 Existing Public Transit Network



Imagery provided by Microsoft Bing and its licensors © 2022.

Additional data provided by LA County Department of Transportation, 2021

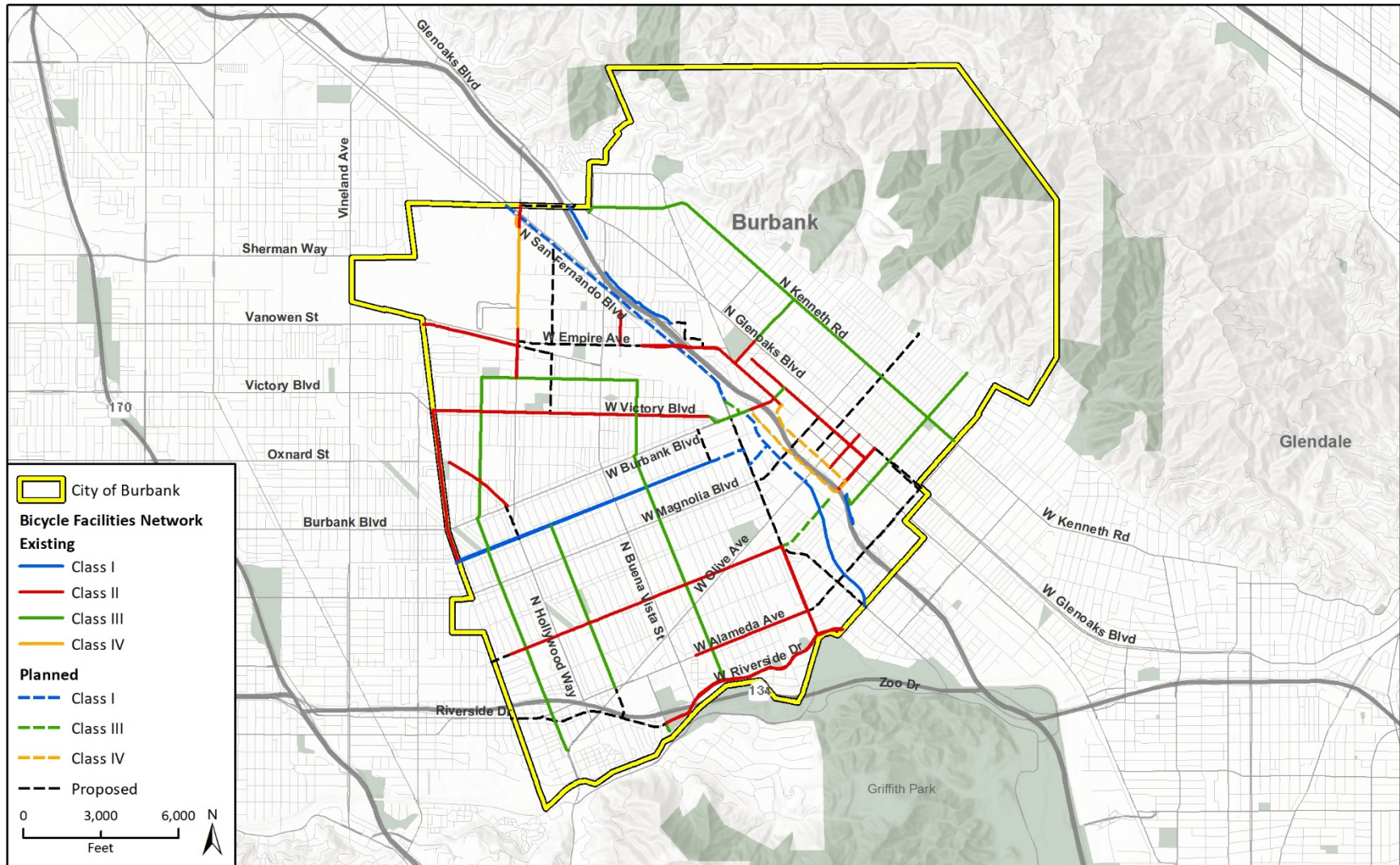
Fig X Transportation 20220126

Bicycle Network and Pedestrian Facilities

The City's existing bicycle network consists of on- and off-street facilities. Bicycle facilities are defined as off-street bicycle paths (Class I), on-street signed and striped bicycle lanes (Class II), on-street signed bicycle routes (Class III), and protected bicycle lanes or cycle tracks (Class IV). Existing bicycle facilities are presented in Figure 4.11-3.

Pedestrian travel in the City varies based on the circulation network in any given area. Areas that have pedestrian-oriented uses fronting the sidewalk offer a pedestrian-friendly atmosphere whereas other areas characterized by long blocks fronting surface parking lots and auto-oriented uses offer few pedestrian amenities. In general, sidewalks range from 6 to 16 feet wide.

Figure 4.11-3 Existing Bicycle Facilities Network



Imagery provided by Microsoft Bing and its licensors © 2022.
 Additional data provided by LA County Department of Transportation, 2021

Fig 4.11-3 Bicycle Facilities Network 2022.01.25

4.11.2 Regulatory Setting

There are several plans, regulations, and programs that include policies, requirements, and guidelines regarding transportation at the Federal, State, regional, and City of Burbank levels.

a. Federal Regulations

Americans with Disabilities Act (ADA) of 1990

Titles I, II, III, and V of the ADA have been codified in Title 42 of the United States Code, beginning at Section 12101. Title III prohibits discrimination based on disability in “places of public accommodation” (businesses and non-profit agencies that serve the public) and “commercial facilities” (other businesses). The regulation includes Appendix A through Part 36 (Standards for Accessible Design), establishing minimum standards for ensuring accessibility when designing and constructing a new facility or altering an existing facility. Examples of key guidelines include detectable warnings for pedestrians entering traffic where there is no curb, a clear zone of 48 inches for the pedestrian travel way, and a vibration-free zone for pedestrians.

b. State Regulations

Complete Streets Act

Assembly Bill 1358, the Complete Streets Act (Government Code Sections 65040.2 and 65302), was signed into law by Governor Arnold Schwarzenegger in September 2008. As of January 1, 2011, the law requires cities and counties, when updating the part of a local general plan that addresses roadways and traffic flows, to ensure that those plans account for the needs of all roadway users. Specifically, the legislation requires cities and counties to ensure that local roads and streets adequately accommodate the needs of bicyclists, pedestrians and transit riders, as well as motorists.

At the same time, the California Department of Transportation (Caltrans), which administers transportation programming for the State, unveiled a revised version of Deputy Directive 64 (DD-64-R1 October 2008), an internal policy document that explicitly embraces the Complete Streets Act and its incorporation into all phases of state highway projects, from planning to construction to maintenance and repair.

Assembly Bill 32 (AB 32) and Senate Bill 375 (SB 375)

With the passage of AB 32, the Global Warming Solutions Act of 2006, the State of California committed itself to reducing statewide greenhouse gas (GHG) emissions to 1990 levels by 2020. The California Air Resources Board (CARB) is coordinating the response to comply with AB 32.

On December 11, 2008, CARB adopted its Scoping Plan for AB 32. This scoping plan included the approval of SB 375 as the means for achieving regional transportation related GHG targets. SB 375 provides guidance on how curbing emissions from cars and light trucks can help the state comply with AB 32.

There are five major components to SB 375. First, regional GHG emissions targets: CARB’s Regional Targets Advisory Committee guides the adoption of targets to be met by 2020 and 2035 for each Metropolitan Planning Organization (MPO) in the State. These targets, which MPOs may propose

themselves, are updated every eight years in conjunction with the revision schedule of housing and transportation elements.

Second, MPOs are required to prepare a Sustainable Communities Strategy (SCS) that provides a plan for meeting regional targets. The SCS and the Regional Transportation Plan (RTP) must be consistent with each other, including action items and financing decisions. If the SCS does not meet the regional target, the MPO must produce an Alternative Planning Strategy that details an alternative plan to meet the target. The RTP and SCS are further described below.

Third, SB 375 requires that regional housing elements and transportation plans be synchronized on 8-year schedules. In addition, Regional Housing Needs Assessment (RHNA) allocation numbers must conform to the SCS. If local jurisdictions are required to rezone land as a result of changes in the housing element, rezoning must take place within three years.

Fourth, SB 375 provides CEQA streamlining incentives for preferred development types. Certain residential or mixed-use projects qualify if they conform to the SCS. Transit-oriented developments (TODs) also qualify if they (1) are at least 50 percent residential, (2) meet density requirements, and (3) are within 0.5 mile of a transit stop. The degree of CEQA streamlining is based on the degree of compliance with these development preferences.

Finally, MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission (RTC). Regional transportation planning agencies, cities, and counties are encouraged, but not required, to use travel demand models consistent with the CTC guidelines.

California Vehicle Code (CVC)

The CVC provides requirements for ensuring emergency vehicle access regardless of traffic conditions. Sections 21806(a)(1), 21806(a)(2), and 21806(c) define how motorists and pedestrians are required to yield the right-of-way to emergency vehicles.

Senate Bill (SB) 743

On September 27, 2013, Governor Jerry Brown signed SB 743, which went into effect in January 2014. SB 743 directed OPR to develop revisions to the CEQA guidelines by July 1, 2014 to establish new criteria for determining the significance of transportation impacts and define alternative metrics instead of traffic LOS. This law significantly changes the transportation impact analysis required under CEQA. These changes include elimination of auto delay, LOS, and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant transportation impacts for land use projects and plans in California. According to the legislative intent contained in SB 743, these changes to current practice were necessary to “more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions.”

On January 20, 2016, OPR released the *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*, which was an update to *Updating Transportation Impacts Analysis in the CEQA Guidelines, Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743*, which had been released on August 6, 2014. Of note was the updated text of the proposed new CEQA Guidelines Section 15064.3 that relates to the determination of the significance of transportation impacts, alternatives, and mitigation measures. Specifically, CEQA Guidelines Section 15064.3, discussed further below, establishes VMT as the most

appropriate measure of transportation impacts. In November 2018, the California Natural Resources Agency finalized the updates to the CEQA Guidelines, and the updated guidelines became effective on December 28, 2018.

CEQA Guidelines Section 15064.3

As discussed above, recent changes to CEQA include the adoption of Section 15064.3, Determining the Significance of Transportation Impacts. CEQA Guidelines Section 15064.3 establishes VMT as the most appropriate measure of transportation impacts. Generally, land use projects within 0.5 mile of either an existing major transit stop² or a stop along an existing high-quality transit corridor³ should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact. A lead agency has discretion to choose the most appropriate methodology to evaluate VMT, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may also use models to estimate VMT and may revise those estimates to reflect professional judgment supported by substantial evidence. For example, for programmatic planning documents covering a large geographical area (such as the Project), a lead agency may use regional models such as the RTP/SCS SCAG travel demand model since it includes land use and transportation assumptions for specific cities in its jurisdiction and the greater SCAG region.

c. Regional Regulations

Southern California Association of Governments 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy

In compliance with SB 375, on September 3, 2020, the SCAG Regional Council adopted the Connect SoCal 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS), a long-range visioning plan that incorporates land use and transportation strategies to increase mobility options and achieve a more sustainable growth pattern while meeting greenhouse gas reduction targets set by the CARB. The 2020-2045 RTP/SCS contains baseline socioeconomic projections that are used as the basis for SCAG's transportation planning, as well as the provision of services by the SCAG six-county region. SCAG policies are directed towards the development of regional land use patterns that contribute to reductions in vehicle miles and improvements to the transportation system.

The 2020-2045 RTP/SCS builds on the long-range vision of SCAG's prior 2016-2040 RTP/SCS to balance future mobility and housing needs with economic, environmental and public health goals. A substantial concentration and share of growth is directed towards Priority Growth Areas (PGAs), which include high-quality transit areas (HQTAs), Transit Priority Areas (TPAs), job centers, Neighborhood Mobility Area (NMAs) and Livable Corridors. These areas account for four percent of SCAG's total land area. HQTAs are corridor-focused PGAs within 0.5 mile of an existing or planned fixed guideway transit stop or a bus transit corridor where buses pick up passengers at a frequency of every 15 minutes (or less) during peak commuting hours. TPAs are PGAs that are within 0.5 mile of a major transit stop that is existing or planned. Job centers are defined as areas with significant

² "Major transit stop" is defined in Public Resources Code Section 21064.3 as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

³ "High-quality transit corridors" are defined in Public Resources Code Section 21155 as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

higher employment density than surrounding area. NMAs are PGAs with robust residential to non-residential land use connections, high roadway intersection densities, and low-to-moderate traffic speeds. Livable Corridors are arterial roadways where local jurisdictions may plan for a combination of the following elements: high-quality bus frequency; higher density residential and employment at key intersections; and increased active transportation through dedicated bikeways.

d. Local Regulations

Burbank2035 General Plan Mobility Element

In February 2013, the Burbank City Council adopted the Burbank2035 General Plan, which includes the City's Mobility Element. The Mobility Element incorporates "complete streets" principles and lays the policy foundation for how the city's residents interact with the city's transportation network. The Mobility Element includes nine main goals that define the City's high-level mobility priorities:

1. Balance
2. Sustainability
3. Complete Streets
4. Transit
5. Bicycle and Pedestrian Mobility
6. Neighborhood Protection
7. Parking
8. Transportation Demand Management
9. Safety, Accessibility, Equity

Each of the goals contains objectives and policies to support the achievement of those goals.

4.11.3 Impact Analysis

This section explains the metrics used to measure the potential VMT impacts of the Housing Element Update. The metrics used are based on standard OPR guidance and interim guidance from the City.

a. Performance Metrics

Under the new SB 743 guidelines, the focus of transportation impact analyses has shifted from a measurement of vehicle congestion to measurement of vehicle-miles-traveled (VMT). The reason for this is that under SB 743 the environmental impact caused by vehicle transportation is not the inconvenience and delay caused by congestion, but the greenhouse gas emissions generated by operating these vehicles. Key terms for this new type of analysis are defined as follows, with methodology specifics outlined in the following *Methodology* section:

- **Vehicle Trips.** VT are defined as the number of trips undertaken in an automobile, such as in single occupancy vehicles, private automobiles, and vehicles that contain two or more travelers, such as carpools, taxis, or ride-share vehicles. A reduction in VT over time can

indicate a reduced reliance on the automobile as well as more travel by carpools and active transportation.

- **Vehicle Miles Traveled.** VMT is a measurement of miles traveled (e.g., private automobiles, trucks and buses) by all land uses (e.g., residential, retail, office) within a defined region, such as the City of Burbank. A reduction in VMT over time can indicate a reduced reliance on vehicular travel, primarily by private automobiles.
- **VMT per Capita.** VMT per capita is a metric comprising all VMT generated by residents including only trips originating from the residents' home location divided by the total resident population. This does not include trips by residents that did not originate from their home location, such as a lunch trip from their office location or a trip from a hotel.
- **VMT per Employee.** VMT per employee is a metric comprising all VMT attracted to office locations including only trips originating from the employees' home location divided by the total employee population. This does not include visitor or delivery trips to an office location.
- **Service Population.** Service population is the sum of population and employment within a defined region, such as the City of Burbank
- **VMT per Service Population.** VMT per service population is a metric comprising all VMT within a defined region divided by the total service population. This includes not only trips that are attracted and produced by home and work trips, but also trips that fit in neither category (i.e., school to grocery store) as well as freight/delivery trips.

b. Thresholds of Significance

Thresholds of significance are based on the questions in Appendix G of the CEQA Guidelines. The Initial Study prepared for the Project (Appendix B) determined that a potentially significant impact might occur under the following thresholds and therefore will be analyzed in this section of the EIR.

1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities
2. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)
4. Result in inadequate emergency access

Threshold 2, listed above, relates to the new SB 743 guidelines requiring VMT (instead of LOS) as the primary metric to assess potential transportation impacts in CEQA documents. The following is an excerpt from CEQA Guidelines Section 15064.3, Subdivision (b):

“Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the

project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, et cetera. For many projects, a qualitative analysis of construction traffic may be appropriate.

Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section."

As of July 1, 2020, the City of Burbank is required to analyze transportation impacts using VMT. In response to this requirement, the City of Burbank developed interim guidance on how projects should be analyzed for VMT impacts. This guidance is based heavily on the State of California Office of Planning and Research (OPR) guidance. Based on standard OPR guidance and City interim guidance applied to programmatic planning documents like the Housing Element, the Housing Element Update would have an impact related to transportation if it would result in VMT per service population, VMT per capita, or VMT per employee that exceeded an applicable threshold of significance. OPR recommends that a per capita or per employee VMT that is fifteen percent below that of existing development regionally or citywide may be a reasonable threshold. As CEQA generally defers to lead agencies on the choice of methodology to analyze impacts, the City of Burbank has chosen to use the following as part of a three-pronged threshold:

- The Project would result in average total VMT per service population in the plan horizon year that exceeds 15 percent below the regional average total VMT per service population from the most recent regional metric available.
- The Project would result in average VMT per capita in the plan horizon year that exceeds 15 percent below the regional average VMT per capita from the most recent regional metric available.
- The Project would result in average VMT per employee in the plan horizon year that exceeds 15 percent below the regional average VMT per employee from the most recent regional metric available.

The City has chosen to evaluate all three of these metrics because the program-level goals and policies of the Housing Element will impact many types of travel including home-based travel, employment-based travel, and non-home/employment travel such as shopping or recreation.

c. Methodology

The methodology to answer the VMT transportation question in Appendix G of the CEQA guidelines is described in detail below. The other three transportation questions in Appendix G are answered through a qualitative review and assessment.

VMT Methodology

The VMT analysis for the Housing Element Update includes the use of the 2016-2040 RTP/SCS SCAG travel demand model⁴ for the analysis of the 2021 baseline year and the future 2029 scenarios. The SCAG model was chosen because it includes land use and transportation assumptions for both the City of Burbank General Plan and the greater SCAG region. This VMT Methodology section describes the procedures used to assess potential VMT impacts on the transportation system. It includes an overall discussion of methodology and assumptions, followed by a discussion of how the Housing Element Update is expected to perform in comparison to the thresholds described above. In order to determine whether the Housing Element Update would result in an impact, VMT calculated for the 2021 Baseline scenario is compared to the 2029 with Project scenario. This is calculated using the following outputs from the SCAG model.

Vehicle Trips

VT are calculated from outputs of the SCAG model. For this study, the model generated a vehicle trip calculation for both the City of Burbank and SCAG region in both scenario years using estimated population, household and employment values inputted into each Traffic Analysis Zone (TAZ) of the model.

Vehicle Miles Traveled

VMT is calculated by multiplying vehicle trip length by the number of trips estimated through the SCAG model. VMT takes into consideration population, household, and employment values, as well as travel patterns of origins and destinations. The model generates unique travel patterns and VMT results for each scenario, depending on the size and geographic distribution of the socioeconomic data into the model's TAZs.

d. Project Impacts

Threshold 1: Would the proposed project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Impact TRA-1 THE HOUSING ELEMENT UPDATE IS CONSISTENT WITH ALL APPLICABLE PROGRAM, PLAN, ORDINANCE, AND POLICY RELATED TO THE TRANSPORTATION SYSTEM. THEREFORE, IMPACTS RELATED TO CONFLICTS WITH APPLICABLE REGULATIONS WOULD BE LESS THAN SIGNIFICANT.

The Housing Element Update would not conflict with any applicable program, plan, ordinance, or policy relevant to the transportation system, nor would it limit or preclude the City's ability to implement programs and policies in furtherance of climate or equity goals.

The *Burbank2035 General Plan Mobility Element* includes policies supporting the development of alternative transportation programs. Key goals and objectives described by the Mobility Element include:

- Policy 2.1: Improve Burbank's alternative transportation access to local and regional destinations through land use decisions that support multimodal transportation.

⁴ The 2020-2045 RTP/SCS SCAG travel demand model has not yet been released. Therefore, the 2016-2040 RTP/SCS SCAG travel demand model was the latest available regional travel demand model to perform the VMT analysis for this project.

- Policy 4.1: Ensure that local transit service is reliable, safe, and provides high-quality service to major employment centers, shopping districts, regional transit centers, and residential areas.

The Complete Streets Plan also includes goals to promote alternative transportation use by people of all ages and abilities and improve the experience for people taking transit, walking, and bicycling.

In addition, increased alternative transportation usage is a key goal of regional transportation plans and policies:

- The SCAG *Connect SoCal (2020-2045 Regional Transportation Plan/Sustainable Communities Strategy)* (2020) includes specific goals of sustainable mobility. This includes plans to improve air quality and public health, reduce greenhouse gas emissions, and promote transit-friendly development.
- The SCAG *Regional Comprehensive Plan* (2008) includes an adopted policy supporting local jurisdiction programs that encourage the use of transit and thus reduce the need for roadway expansion, reduce the number of auto trips and vehicle miles traveled, and create opportunities for residents to walk and bicycle.

The Project will not interfere with these adopted plans, guidelines, policies, and standards. Additionally, by encouraging development on infill sites or development of existing parcels with greater density in high-resource areas around the city already serviced by public transit, the Project will improve residential transit access and possibly increase transit mode share. The Project will also facilitate the completion of household errands on bike or foot, rather than in a car, which further supports state and local transportation-related climate and congestion goals. Therefore, the impact is less than significant.

Mitigation Measures

No mitigation measures are required.

Threshold 2: Would the proposed project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Impact TRA-2 THE HOUSING ELEMENT UPDATE WOULD REDUCE VMT IN THE THREE TARGET POPULATIONS, HOWEVER IT WOULD NOT REDUCE VMT MORE THAN THE REQUIRED 15 PERCENT. THEREFORE, IMPACTS RELATED TO VMT WOULD BE SIGNIFICANT AND UNAVOIDABLE.

The Housing Element Update would have an impact if its VMT exceeds at least one of the following:

- The Housing Element Update would result in average total VMT per service population for the 2029 City of Burbank Housing Element Plan that exceeds 15 percent below the regional average total VMT per service population from the 2021 SCAG region.
- The Housing Element Update would result in average VMT per capita for the 2029 City of Burbank Housing Element Plan that exceeds 15 percent below the regional average VMT per capita from the 2021 SCAG region.
- The Housing Element Update would result in average VMT per employee for the 2029 City of Burbank Housing Element that exceeds 15 percent below the regional average VMT per employee from the 2021 SCAG region.

Table 4.11-1 shows vehicle trips and VMT for the 2021 SCAG region scenario and the 2029 Housing Element Update scenario. As shown in Table 4.11-1, full buildout of the 2029 Housing Element Update would result in 3 percent less average total VMT per service population, 39 percent less average VMT per capita, and 7 percent less average VMT per employee compared to the 2021 SCAG region baseline. This result exceeds the thresholds of significance for average total VMT per service population and average VMT per employee and does not exceed the threshold of significance for average VMT per capita. The analysis shows that the addition of new housing to the City in conformance with the goals and policies of the Housing Element provides a large reduction in VMT per capita because the Project improves the jobs-to-housing balance in Burbank, allowing more residents to live closer to their work location. The goals and policies of the Housing Element also reduce VMT per employee. However, since a large proportion of employees who work in Burbank live outside of Burbank, the reduction in VMT per employee due to the Project is not as large as the reduction in VMT per capita. In other words, adding housing supply affects resident travel behavior more so than employee travel behavior. Similarly, the Project provides a reduction in total VMT per service population, but to a lesser extent than VMT per capita. This is because total VMT per service population includes non-home-based trips, such as heavy truck delivery trips (i.e., adding housing supply does not directly affect freight/logistics operations in the City). Therefore, while the Housing Element would reduce VMT for all three metrics, it would not reduce them beyond the threshold of 15 percent for two of the metrics. Since the Housing Element Update would exceed two of the three thresholds of significance, the project results in a significant impact.

Table 4.11-1 Project VMT Compared to SCAG Region Baseline

Metric	2021 SCAG Region Baseline	2029 Burbank Housing Element Update	Percent Difference
Average Total Daily VMT per Service Population	34.5	33.5	-3%
Average Daily VMT per Capita	14.9	9.2	-39%
Average Daily VMT per Employee	18.1	16.7	-7%

Source: Fehr & Peers, 2021

Mitigation Measures

Potential mitigation measures that would reduce the average total VMT per service population and average VMT per employee are generally project specific mitigation measures such as:

- Provide bicycle parking at employer locations
- Provide parking cash-out programs
- Provide car-sharing, bike sharing, and ride-sharing programs at employer locations
- Provide transit passes to employees
- Improve or increase transit accessibility to employer locations
- Improve pedestrian or bicycle networks, or transit service
- Provide traffic calming features on City roadways

These mitigation measures can be applied at the project specific level but are not feasible at the program level for a housing element as they are beyond the scope of the document. Therefore, there is no feasible mitigation available to reduce the impacts.

Significance After Mitigation

Impacts would be significant and unavoidable.

Threshold 3: Would the proposed project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Threshold 4: Would the proposed project result in inadequate emergency access?

Impact TRA-3 THE HOUSING ELEMENT UPDATE DOES NOT INCLUDE ANY DEVELOPMENT PROJECTS THAT COULD INCREASE HAZARDS DUE TO DESIGN FEATURES. THEREFORE, IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Adoption of the Housing Element Update analyzes the amount of new housing units the City will accommodate during the document's planning period and sets goals and policies for how this housing is implemented. It does not grant entitlements for any specific project or future development. Thus, the plan for new housing and the goals and policies needed to achieve that housing do not have a specific transportation safety impact or hazard. All future developments would be reviewed by the appropriate City staff to ensure consistency with all applicable City and State design standards, including standards for project access points, location, and design, sight lines, roadway modifications, provisions for bicycle and pedestrian transportation connections, and emergency access. Therefore, the Housing Element Update would not result in increased hazards due to a geometric design feature or incompatible use or inadequate emergency access and the impact is less than significant.

Mitigation Measures

No mitigation measures are required.

4.11.4 Cumulative Impacts

CEQA Guidelines 15130(a) require that the cumulative effect of implementing a project be assessed to determine if the project's incremental effect - together with that of other projects including growth envisioned by the Burbank2035 General Plan and regional growth assumed in the RTP/SCS - would be cumulatively considerable. The Housing Element Update envisions full buildout of the housing accommodated by the plan by 2029, with cumulative impacts being evaluated on full implementation. The significance thresholds used to assess the Housing Element's potential project-level VMT impacts (15% below baseline VMT per capita, VMT per employee, and total VMT per service population) were developed based on OPR guidance and were designed to support the State's long-term environmental goals. Since the project-level significance thresholds were designed to support long-term environmental goals, they inherently also address potential cumulative VMT impacts. Therefore, since the Housing Element has two significant and unavoidable project-level VMT impacts, these are also significant and unavoidable cumulative VMT impacts.

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4.12 Utilities/Service Systems

This section analyzes environmental impacts associated with the provision of infrastructure for water supply, wastewater conveyance, treatment, and disposal, solid waste disposal, and stormwater management, as well as telecommunications facilities, energy, and natural gas. The discussion and analysis contained herein is informed by outputs from the CalEEMod prepared for the proposed Project, as well as publicly available data and reports from the City of Burbank, Burbank Water and Power (BWP), and other publicly available sources of information, as cited throughout the discussions below.

4.12.1 Environmental Setting

The environmental setting for infrastructure related to water supply, wastewater treatment conveyance and treatment, stormwater conveyance and treatment, solid waste conveyance and disposal, electricity and natural gas, and telecommunications, is described below.

a. Water Supply

BWP provides domestic and potable water service in Burbank. The City's water comes from two sources: water purchased from Metropolitan Water District of Southern California (Metropolitan), a regional wholesaler and State Water Project (SWP) contractor, and local groundwater from the San Fernando Valley Groundwater Basin (San Fernando Basin). BWP also uses recycled water to meet some of its water needs such as outdoor irrigation and power plant cooling.

Water purchased from Metropolitan is imported from the Colorado River Aqueduct and the SWP. Metropolitan is a regional wholesaler with no retail customers, which provides treated and untreated water directly to its 26 member agencies. Member agencies include 14 cities, 11 municipal water districts, and one county water authority (Metropolitan 2021). Each of Metropolitan's qualifying member agencies, including BWP, is responsible for implementing its own Urban Water Management Plan (UWMP); see further discussion of UWMPs in Section 4.13.2(a). BWP's 2020 UWMP, adopted in June 2021, includes an assessment of past and future water supplies and demands, evaluation of the future reliability of the region's water supplies over a 20-year planning horizon, discussion of demand management measures and Burbank's water shortage contingency plan, discussion of the use and planned use of recycled water, and an evaluation of distribution system water losses (BWP 2021a).

BWP does not have ownership rights to the naturally occurring groundwater underneath the City, but BWP does have rights to pump groundwater through groundwater credits. Groundwater provided by BWP is managed in accordance with the Upper Los Angeles River Adjudication Judgment, administered by the Upper Los Angeles River Area Watermaster as the Watermaster. The adjudication Judgment limits production from the San Fernando Basin to ensure the long-term reliability of the basin. As with Metropolitan, BWP also maintains an UWMP that forecasts future water demands in Burbank under average and dry year conditions, identifies future water supply projects, and evaluates future supply reliability. The UWMP discusses the provider's supply portfolio, including current and planned water conservation and recycling activities (BWP 2021a).

The Burbank Water Reclamation Plant (BWRP) produces a disinfected tertiary effluent that is approved for all uses, including full body contact, with the exception of human consumption. The BWRP produces up to 10,000 acre-feet per year (AFY) of recycled water, which is available for reuse in any of the following three ways:

Burbank Housing and Safety Element Update

- Flowed via gravity pipeline to the BWP campus
- Pumped into the recycled water distribution system
- Discharged to the Burbank Western Channel adjacent to the BWRP

Recycled water produced at the BWRP is used for power production, landscape irrigation, and evaporative cooling (BWP 2021a). BWP has recently completed a feasibility study of both indirect and direct potable reuse of BWP's excess recycled water.

b. Wastewater

Wastewater generated in Burbank is collected and conveyed by approximately 230 miles of underground pipelines ranging in diameter from six inches to 30 inches. The City's wastewater conveyance system also includes two pump stations and 19 diversion manholes. In addition, the Los Angeles 48-inch North Outfall Sewer (NOS) line runs from west to east through the southern portion of the City. A small number of flows go directly to the NOS.

Wastewater flows to the BWRP, which has a design capacity of 12.5 million gallons per day (mgd) and currently treats 8.5 mgd (BWP 2021a). The disinfected tertiary effluent produced by the BWRP is discharged to either the Burbank Western Channel or to the City's recycled water distribution system for non-potable use. The discharged tertiary effluent meets discharge limitations identified in its National Pollutant Discharge Elimination System (NPDES) permit issued by the Los Angeles Regional Water Quality Control Board (RWQCB). The BWRP's effluent also meets the most stringent water quality criteria for recycled water, as defined in the California Code of Regulations, Title 22, Division 4, Chapter 3 requirement as Disinfected Tertiary Recycled Water. The City of Burbank Department of Public Works is responsible for maintaining, replacing, and upgrading the City's sewer collection system.

c. Stormwater

The City of Burbank Public Works Department (PWD) oversees stormwater management throughout the City. In 2012, the Los Angeles RWQCB adopted the *Final Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County*. Burbank is a co-permittee in fulfilling the requirements of the municipal storm water permit, which regulates discharges of stormwater and urban runoff from storm drain systems. Furthermore, the City has an established Storm Water Quality Management Program that educates existing and future efforts relating to stormwater management across the City. The City's existing stormwater pipeline system is comprised of 42-inch-wide reinforced concrete pipe (RCP) that collects stormwater runoff from throughout the city and ultimately discharges it into the Los Angeles County Flood Control District's (LACFCD) Burbank Western Channel and the Pacific Ocean.

d. Solid Waste

The Street and Solid Waste Division of the Burbank PWD is responsible for the collection of solid waste, green waste, recyclables, and bulky items in the City. City solid waste collection crews service all single-family residences, 50 percent of multifamily residences, and approximately 10 percent of the City's commercial/industrial refuse customers. Businesses and larger multifamily residences can use City solid waste and recycling services as well or hire a private waste collection and hauling company (Burbank 2020).

Solid waste generated in Burbank is transported to and disposed of at any of seven southern California landfills including Burbank Landfill Site No. 3, Chiquita Canyon Sanitary Landfill, Sunshine Canyon City/County Landfill, Simi Valley Landfill and Recycling Center, Puente Hills Landfill, Lancaster Landfill and Recycling Center, and Olinda Alpha Sanitary Landfill (City of Burbank 2013).

The City owns and operates the Burbank Landfill, located in the Verdugo Hills at the eastern edge of Burbank. The facility is located on 86 acres, 48 of which are used for disposal. The landfill has a maximum permitted capacity of 5,933,365 cy (CalRecycle 2019) and as of December 31, 2019, had a remaining capacity of 4,843,582 cy (approximately 82 percent of the maximum permitted capacity) (Los Angeles County 2020). The maximum permitted intake is 240 tons (436 cy) per operating day and average intake is approximately 123 tons (224 cy) per day. Burbank Landfill had an original expected closure year of 2053 but is now estimated to be open through 2150 (Los Angeles County 2020; Burbank Landfill 2021). Routine inspection for compliance with state minimum standards is conducted monthly. As of October 2021, the landfill's best management practices (BMPs) were observed to be fully in place and the site looked to be in satisfactory condition (CalRecycle 2021). One hundred percent of the intake at the landfill is from Burbank (City of Burbank 2013, Los Angeles County 2020). Residential trash collected by the City is deposited of at this facility, including trash collected by the City from all single-family residences, 50 percent of multifamily residences, and 10 percent of commercial/industrial refuse customers. Private waste haulers also collect trash from within the City, and serves the multifamily residential units and commercial/industrial users that are not otherwise served by the City. Solid waste collected by private waste haulers may be transported to any of the landfill facilities.

The City also owns the Burbank Recycle Center, which houses a materials recovery facility and buyback/drop off center, as well as a used oil center, composting information, and a learning center. The Burbank Recycle Center is a private/public partnership with Burbank Recycling Inc. that collects and diverts wastes that contribute to the Burbank Landfill capacity (Burbank 2013).

Hazardous waste requiring disposal is sent to the Kettleman Hills Hazardous Waste Facility, a 1,600-acre hazardous waste and municipal solid waste disposal facility located southwest of Kettleman City in the western San Joaquin Valley. The facility is permitted for the direct landfill of California hazardous waste, Toxic Substances Control Act-regulated polychlorinated biphenyl (PCB) waste and Resource Conservation and Recovery Act (RCRA) wastes (that naturally meet treatment standards) (Waste Management 2015). The facility is regulated and inspected by the United States Environmental Protection Agency (USEPA), California Department of Toxic Substances Control (DTSC), Central Valley RWQCB, Kings County Department of Public Health, San Joaquin Valley Air Pollution District (SJVAPD), and CalRecycle. It has a remaining capacity of six million cy. Permits are currently pending to expand the existing hazardous waste landfill to allow more years of disposal and to develop a new hazardous waste landfill on currently undeveloped land to open after the existing landfill reaches capacity (Waste Management 2018).

e. Telecommunications, Electricity, and Natural Gas

Telecommunications services in Burbank are provided by private companies, including AT&T, EarthLink, and Spectrum, among others. The telecommunications provider used by residents and businesses in Burbank is subject to the user's discretion. Telecommunications facilities are generally available throughout the City.

Electric power supply throughout the City is provided by BWP. According to the California Energy Commission (CEC), in 2020 BWP had a total usage of 995.1 Gigawatt hours (GWh). Residential uses consisted of the second most energy intensive source (287.6 GWh) for BWP, behind commercial and

building (507.8 GWh) (CEC 2020a). BWP's power mix from the power content label (PCL), which shows total generation delivered for a calendar year, divided by retail sales (not renewable energy credits retired) for 2020 consisted of approximately 31 percent renewable resources (wind, geothermal, biomass, solar, and small hydroelectric), 26 percent coal, 31 percent natural gas, eight percent nuclear, two percent hydroelectric, and the remainder from other sources (BWP 2020).

Burbank is in Southern California Gas Company's (SCG) natural gas service area, which provides service to most of southern California (SCG 2021). SCG's service area is equipped with approximately 5.9 million meters of gas transmission pipelines throughout the 24,000-square mile service area (SCG 2021). In 2019, SCG customers consumed a total of 5.2 billion therms of natural gas (CEC 2020b). Residential users accounted for approximately 46 percent of SCG's natural gas consumption. Industrial and commercial users accounted for another 31 percent and 17 percent, respectively. The remainder was used for mining, construction, agricultural, and water pump accounts (CEC 2020). Natural gas is also addressed in Section 4.6, *Energy*.

4.12.2 Regulatory Setting

The regulatory setting for utilities is provided below, organized per the topics addressed in this section, including water supply; wastewater; stormwater; solid waste; telecommunications, electricity, and natural gas.

a. Water Supply

State Regulations

California Water Conservation Bill (Senate Bill X7-7)

The Water Conservation Bill, enacted in 2009, set an overall goal of reducing per capita urban water use in the State by 20 percent by December 31, 2020. Under this bill, the State was required make incremental progress toward the 2020 goal by reducing per capita water use by at least 10 percent by December 31, 2015. The bill also required urban water suppliers (such as the City of Burbank) to reduce per capita water use 20 percent by 2020, establish water conservation targets for the years 2015 and 2020, and include the following information in their water management plans: the baseline daily per capita water use; water use targets; interim water use targets; compliance daily per capita water use.

Senate Bill 610

In 2001, California adopted Senate Bill (SB) 610, thereby amending California Water Code. Under this law, certain types of development projects are now required to provide detailed water supply assessments to planning agencies. Any project that is subject to CEQA and would demand more than 75 AFY of water, or an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling-unit project, is subject to SB 610 and is required to prepare a Water Supply Assessment (WSA). The primary purpose of a WSA is to determine whether the identified water supply or water supplier will be able to meet projected demands for the project, in addition to existing and planned future uses, over a 20-year projection and with consideration to normal, dry, and multi-dry water years.

The Project is subject to CEQA and includes more than 500 dwelling units. However, the Housing Element is a planning document, not a development project, and it therefore does not directly trigger the need for a WSA as defined by California Water Code. Nonetheless, a WSA was prepared

for the Housing Element toward the purpose of providing a well-informed analysis of potential impacts to water supply availability and reliability. The Housing Element WSA, which was prepared in accordance with California Water Code, is provided as Appendix L.

Senate Bill 221

SB 221 also addresses water supply in the land use planning process and focuses on new residential subdivisions in nonurban areas. SB 221 requires the provision of written verification from the water service provider indicating that sufficient water supply is available to serve a proposed subdivision or a finding by the local agency that sufficient water supplies are or will be available prior to completion of a project. SB 221 specifically applies to residential subdivisions of 500 units or more. Government Code Section 66473.7(i) exempts “any residential project proposed for a site that is within an urbanized area and has been previously developed for urban uses, or where the immediate contiguous properties surrounding the residential project site are, or previously have been, developed for urban uses, or housing projects that are exclusively for very low and low-income households.”

The proposed Project involves the update of the Burbank General Plan and does not involve any development application. As such, it does not propose development of 500 or more dwelling units in a nonurban area and is not subject to SB 221.

Urban Water Management Act

The California Urban Water Management Planning Act (California Water Code Division 6, Part 2.6, Sections 10610–10656) requires that all public water suppliers that provide municipal and industrial water to more than 3,000 customers, or supply more than 3,000 AFY of water, adopt an UWMP. An UWMP is intended to forecast future water demand and supply under normal and dry conditions. The UWMP must include a description of existing and planned sources of water available to the water supplier; conservation efforts to reduce water demand; alternative sources of water; assessment of reliability and vulnerability of water supply; and water shortage contingency analysis. It must be updated every five years and submitted to the DWR for review. Metropolitan and BWP both maintain UWMPs for their water systems. BWP’s 2020 UWMP was updated in June 2021 and is therefore used to inform this analysis.

The Urban Water Management Planning Act has been modified several times in response to the water shortages, droughts, and other factors. The Water Conservation Act of 2009 amended the Urban Water Management Planning Act to call for a statewide reduction of 20 percent in urban water use by the year 2020. An amendment in 2014 requires water suppliers to provide narrative descriptions of their water demand management measures and account for system water losses.

California Code of Regulations

CCR Title 24, Part 5, establishes the California Plumbing Code (last updated in 2013) that became effective January 1, 2014. The California Plumbing Code sets forth efficiency standards (i.e., maximum flow rates) for all new federally regulated plumbing fittings and fixtures, including showerheads and lavatory faucets.

CCR Title 22 regulates production and use of recycled water in California by establishing three categories of recycled water: (1) primary effluent, which typically includes grit removal and initial sedimentation or settling tanks; (2) adequately disinfected, oxidized effluent (secondary effluent), which typically involves aeration and additional settling basins; and (3) adequately

Burbank Housing and Safety Element Update

disinfected, oxidized, coagulated, clarified, filtered effluent (tertiary effluent), which typically involves filtration and chlorination. In addition to defining recycled water uses, Title 22 also defines requirements for sampling and analysis of effluent and requires specific design requirements for plants.

CCR Title 24, Part 11, establishes planning and design standards for sustainable site development energy efficiency, water conservation, material conservation, and internal air contaminants. These provisions became effective January 1, 2011.

California Drought Update

In 2014, the governor issued a Drought Declaration and requested a voluntary 20 percent reduction in urban water use statewide, directing the State Board to adopt Emergency Regulations. As a result, the State Board adopted Emergency Regulations for Statewide Urban Water Conservation that were documented in CCR Title 23, Sections 863–865.

In 2015, the governor issued an Executive Order for mandatory statewide water reductions to reduce water usage by 25 percent. The Executive Order directed local water agencies to increase enforcement over wasteful use of water and invest in modern technologies that will make California more drought resilient. The Executive Order establishes several provisions for water saving and increased enforcement against wasteful water use:

- The State Board shall impose restrictions to achieve a statewide 25 percent reduction in potable urban water usage, compared to amount used in 2013, through February 28, 2016;
- The Department of Water Resources (DWR) shall lead a statewide initiative to replace 50 million sf of lawns and ornamental turf with drought tolerant landscapes;
- The CEC, jointly with the Department of the Water Board, shall implement a time-limited statewide appliance rebate program to replace inefficient household devices;
- The State Board shall impose restrictions to require that commercial, industrial, and institutional uses implement water efficiency measures to reduce potable water usage;
- The State Board shall prohibit irrigation with potable water of ornamental turf on public street medians;
- The State Board shall prohibit irrigation with potable water outside of newly constructed homes/buildings that is not delivered by drip or microspray systems; and
- The State Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.

Local Regulations

Metropolitan’s Integrated Water Resources Plan – 2015 Water Tomorrow Update

The proposed Project is located within the services areas of BWP (discussed above) and Metropolitan. Metropolitan’s Integrated Water Resources Plan was first developed in 1996 to establish targets for a diversified portfolio of supply investments. The 2015 Water Tomorrow Update is a plan to provide water supplies under a wide range of potential future conditions and risks. It identifies supply actions including recycled water, seawater desalination, stormwater capture, conservation, and groundwater cleanup to ensure local water supply reliability. The 2015 Water Tomorrow Update was adopted by Metropolitan’s board of directors in January 2016

(Metropolitan 2016b). The 2015 Water Tomorrow Update is separate from Metropolitan's UWMP and is incorporated by reference in the UWMP, as applicable.

Greater Los Angeles County Region IRWMP

The Greater Los Angeles County (GLAC) Integrated Regional Water Management Plan (IRWMP) is a regional plan designed to improve collaboration in water resources management. To make governance and stakeholder involvement manageable, the GLAC Region was organized into five Subregions which consider both geographic and demographic variations over the 2,058 square mile area. These Subregions include: Lower San Gabriel and Los Angeles Rivers (Lower SG & LA); North Santa Monica Bay (North SM Bay); South Bay; Upper Los Angeles River Area (ULARA); Upper San Gabriel and Rio Hondo Rivers (Upper SG & RH). Of these regions, BWP is a member of the ULARA Steering Committee. The first IRWMP for the GLAC Region was published in 2006, following a multi-year collaborative effort between water retailers, wastewater agencies, stormwater and flood managers, watershed groups, businesses, tribes, the agriculture community, and non-profits. In 2014, the IRWM group updated the IRWMP to comply with new State integrated planning requirements and update the content (Leadership Committee of the GLAC IRWMP 2014). The IRWMP provides a mechanism for: 1) coordinating, refining, and integrating existing planning efforts within a comprehensive, regional context; 2) identifying specific regional and watershed-based priorities for implementation projects; and 3) providing funding support for the plans, programs, projects, and priorities of existing agencies and stakeholders.

Burbank 2035 General Plan

The Burbank 2035 General Plan (adopted February 2013) is the primary mechanism for guiding future population growth and development in Burbank and provides a guide for land use decision-making. The General Plan's Open Space and Conservation Element addresses the conservation and enhancement of open space, parks, recreation, and natural resources within the City. The goals and policies of the Open Space and Conservation Element are intended to protect natural resources including water resources (Burbank 2013). The goal and policies applicable to water resources are presented below:

Goal 9: Water Resources

Adequate sources of high-quality water provide for various uses within Burbank.

Policy 9.1: Meet the goal of a 20 percent reduction in municipal water use by 2020.

Policy 9.2: Provide public information regarding the importance of water conservation and avoiding wasteful water habits.

Policy 9.3: Offer incentives for water conservation and explore other water conservation programs.

Policy 9.4: Pursue infrastructure improvements that would expand communitywide use of recycled water.

Policy 9.5: Require on-site drainage improvements using native vegetation to capture and clean stormwater runoff

City of Burbank Sustainable Use Ordinance

Section 8-2, Article 3, Sustainable Water Use Ordinance, of the Burbank Municipal Code (BMC) established procedures for implementing and enforcing sustainable water use practices to mitigate the effect of a shortage of water resources. The ordinance establishes mandatory water use practices related to outdoor uses such as irrigation of outdoor landscaped areas, washing down of driveways and walkways, use of evaporative coolers (mistlers), and the filling or refilling of swimming pools and spas. The ordinance also establishes mandatory restrictions on service of drinking water at restaurants, hotels, and eating establishments if not requested by customers. The ordinance establishes six incremental stages of water use restrictions and penalties in order to discourage wasteful water use practices and achieve reduced water consumption and conservation during drought conditions.

b. Wastewater

Federal Regulations

Clean Water Act (CWA)

The objective of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (CWA), is to restore and maintain the chemical, physical, and biological integrity of the nation's waters and maintain the integrity of wetlands. The CWA seeks to regulate point and nonpoint pollution sources, providing assistance to publicly owned treatment works (commonly known as wastewater treatment plants owned by a governmental agency for the improvement of wastewater treatment).

The CWA established the NPDES, which requires a Stormwater Pollution Prevention Plan (SWPPP) to be developed and implemented for projects that disturb more than 0.5 acre of land. The State Water Resources Control Board (SWRCB) and the nine RWQCBs administer NPDES to regulate and monitor discharged waters and to ensure they meet water quality standards.

State Regulations

Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act), enacted by the State in 1969, includes provisions to address requirements of the CWA. The Porter-Cologne Act is broad in scope and addresses issues relating to the conservation, control, and utilization of the water resources of the State. The SWRCB and the RWQCBs are the State agencies with primary responsibility for the coordination and control of water quality. Porter-Cologne grants the RWQCBs authority to implement and enforce water quality laws, regulations, and plans to protect the groundwater and surface waters.

In 2006, the SWRCB adopted the Statewide General Waste Discharge Requirements for publicly owned sanitary sewer systems with greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a publicly owned treatment facility in California. Under the Statewide General Waste Discharge Requirements, the owners of such systems must comply with the following requirements: (1) acquire an online account from the SWRCB and report all sanitary sewer overflows online; and (2) develop and implement a written Sewer System Management Plan (SSMP) to control and mitigate sanitary sewer overflows and make it available to any member of the public upon request in writing.

SSMP requirements are modeled on proposed Federal capacity, management, operations, and maintenance plans. The SSMP policy requires dischargers to provide adequate capacity in the sewer collection system, take feasible steps to stop sewer overflows, identify and prioritize system deficiencies, and develop a plan for disposal of grease, among other requirements. In addition, wastewater providers must report sanitary sewer overflows to the Los Angeles Regional Water Quality Control Board, must keep internal records of these overflows, and must produce an annual report on overflows. Reporting of overflows from laterals on private property, if caused by an owner, is not required.

California Code of Regulations

The California Water Code requires the Department of Health Services (DHS) to establish water reclamation criteria. In 1975, the DHS prepared Title 22 to fulfill this requirement, regulating production/use of recycled water by establishing three categories of recycled water:

- Primary effluent, that typically includes grit removal and initial sedimentation or settling tanks;
- Adequately disinfected, oxidized effluent (secondary effluent), that typically involves aeration and additional settling basins; and
- Adequately disinfected, oxidized, coagulated, clarified, filtered effluent (tertiary effluent), that typically involves filtration and chlorination.

In addition to defining recycled water uses, Title 22 defines requirements for sampling and analysis of effluent and requires specific design requirements for plants.

CCR Title 24, Part 5, establishes the California Plumbing Code, which became effective January 1, 2014, and sets efficiency standards (i.e., maximum flow rates) for all new federally regulated plumbing fittings and fixtures, including showerheads and lavatory faucets. Accordingly, the maximum flow rate for showerheads is 2.0 gallons per minute (GPM) at 80 pounds per square inch (psi) and for lavatory faucets is 1.5 GPM at 60 psi. In addition, all water closets (i.e., flush toilets) are limited to 1.6 gallons per flush (GPF) and urinals are limited to 0.5 GPF. In addition, Section 1605.3(h) establishes State efficiency standards for non-federally regulated plumbing fittings, including commercial pre-rinse spray valves.

CCR Title 24, Part 11, establishes planning and design standards for sustainable site development energy efficiency, water conservation, material conservation, and internal air contaminants. These provisions became effective January 1, 2011.

Local Regulations

Burbank Sewer System Management Plan

In compliance with SWRCB Order No. 2006-0003-DWQ, the City has adopted a Sewer System Management Plan (SSMP) that also include a Sanitary Sewer Overflow Emergency Response Plan. The SSMP addresses the operation, maintenance, design, and performance of the City's sewers and provides an overflow emergency response plan and a system evaluation and capacity assurance plan to reduce the frequency and volume of sanitary sewer overflows. Implementation of the SSMP, requires the City to (1) properly fund, manage, maintain, and operate its sanitary sewer systems to prevent sanitary sewer overflows; (2) construct and maintain the collection system using trained staff possessing adequate knowledge, skills, and abilities, as demonstrated through validated programs; and (3) fully comply with SWRCB Order No. 2006-003-DWQ.

Burbank Sewer System Evaluation and Capacity Assurance Plan

The City prepared a Sewer System Evaluation and Capacity Assurance Plan (SSECAP) in 2006 (Chapter 8 of the Burbank Sewer System Management Plan). The SSECAP includes hydraulic modeling of the City's existing wastewater system. The SSECAP also identifies areas of future study that are cost-effective and technically feasible to address both potential capacity and operational constraints and are coordinated with other improvement projects. The plan contains the following key objectives:

- Properly fund, manage, operate, and maintain all parts of the wastewater collection system;
- Provide adequate capacity to convey peak sewer flows;
- Minimize the frequency of sanitary sewer overflows (SSOs); and
- Construct and maintain the collection system using trained staff possessing adequate knowledge, skills, and abilities as demonstrated through a validated program.

The SSECAP and the City's capital improvement plan (CIP) provide hydraulic capacity of key sanitary sewer system elements for peak flow conditions, to facilitate design of sufficient capacity to accommodate runoff from storm events.

Burbank Municipal Code (BMC)

Title 8, Chapter 1, Article 1, Sewers, of the BMC establishes regulatory compliance for discharges to the publicly owned treatment works (POTW), sewer system and storm drain system for the City and requires compliance with applicable State and Federal laws, including the CWA (33 United States Code 1251 et seq.) and the general pretreatment regulations (40 Code of Federal Regulations Part 403). Per BMC Section 8-1-301, to connect to the City's main sewer line, an excavation permit and a sewer connection permit must be obtained from the Burbank Public Works Department. For sewer construction entirely on private property, the owner must obtain a plumbing permit from the Building Department, and an excavation permit from the Burbank PWD.

c. Stormwater

Federal Regulations

Clean Water Act (CWA)

The objective of the Federal Water Pollution Control Act, commonly referred to as the CWA, is to restore and maintain the chemical, physical, and biological integrity of the nation's waters and maintain the integrity of wetlands. The CWA seeks to regulate point and nonpoint pollution sources, providing assistance to publicly owned treatment works (commonly known as wastewater treatment plants owned by a governmental agency for the improvement of wastewater treatment).

The CWA established the NPDES, which requires a SWPPP to be developed and implemented for projects that disturb more than 0.5 acre of land. The SWRCB and the nine regional water quality control boards RWQCBs administer NPDES to regulate and monitor discharged waters and to ensure they meet water quality standards.

Clean Water Act Section 303(d)

Section 303(d) of the CWA (CWA, 33 USC 1250, et seq., at 1313(d)) requires states to identify “impaired” waterbodies as those which do not meet water quality standards. States are required to compile this information in a list and submit the list to the USEPA for review and approval. This list is known as the Section 303(d) list of impaired waters. As part of this listing process, states are required to prioritize waters and watersheds for future development of total maximum daily loads (TMDL). The SWRCB and RWQCBs have ongoing efforts to monitor and assess water quality, to prepare the Section 303(d) list, and to develop TMDL requirements.

National Pollutant Discharge Elimination System (NPDES)

The Federal government also administers the NPDES permit program, which regulates discharges into surface waters. The primary regulatory control relevant to the protection of water quality is the NPDES permit administered by the SWRCB. The SWRCB establishes requirements prescribing the quality of point sources of discharge and water quality objectives. These objectives are established based on the designated beneficial uses (e.g., water supply, recreation, and habitat) for a particular surface water body or groundwater basin. The NPDES permits are issued to point source dischargers of pollutants to surface waters pursuant to Water Code Chapter 5.5, which implements the Federal CWA. Examples include, but are not limited to, public wastewater treatment facilities, industries, power plants, and groundwater cleanup programs discharging to surface waters (SWRCB, Title 23, Chapter 9, Section 2200). The RWQCB establishes and regulates discharge limits under the NPDES permits.

Projects that will disturb more than one acre of land during construction are required to file a Notice of Intent with the SWRCB to be covered under the NPDES Construction General Permit for discharges of stormwater associated with construction activity. The project proponent must develop measures that are consistent with the Construction General Permit. Furthermore, a SWPPP must be developed and implemented for each site covered under the Construction General Permit. The SWPPP describes the BMPs the discharger will use to protect stormwater runoff and reduce potential impacts on surface water quality through the construction period. The SWPPP must contain the following:

- A visual monitoring program;
- A chemical monitoring program for nonvisible pollutants (to be implemented if a BMP failure occurs); and
- A sediment monitoring plan if the site discharges directly to a water body on the 303(d) list for sediment.

State Regulations

Porter-Cologne Water Quality Control Act

California’s Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act) established the SWRCB and divided the state into nine regional basins, each with a RWQCB. The Project is located within the jurisdiction of the Los Angeles RWQCB. The SWRCB is the primary state agency with responsibility to protect surface water and groundwater quality. The Porter-Cologne Act authorizes the SWRCB to draft policies regarding water quality in accordance with CWA Section 303. In addition, the Porter-Cologne Act authorizes the SWRCB to issue waste discharge requirements for projects that would discharge to state waters. These requirements regulate discharges of waste to

surface and groundwater, regulate waste disposal sites, and require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, or oil or petroleum product.

The Porter-Cologne Act requires the SWRCB or the RWQCBs to adopt water quality control plans (basin plans) and policies for the protection of water quality. The Basin Plan must conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its State Water Policy. The Basin Plan must:

- Identify beneficial uses for the water to be protected,
- Establish water quality objectives for the reasonable protection of the beneficial uses, and
- Establish an implementation program for achieving the water quality objectives.

Basin plans also provide the technical basis for determining waste discharge requirements, taking enforcement actions, and evaluating clean water grant proposals. Basin plans are updated and reviewed every 3 years in accordance with Article 3 of Porter-Cologne Act and CWA Section 303(c).

California Toxics Rule

The California Toxics Rule is a USEPA-issued federal regulation that provides water quality criteria for potentially toxic constituents in California surface waters with designated uses related to human health or aquatic life. The rule fills a gap in California water quality standards that was created in 1994 when a state court overturned the state's water quality control plans containing water quality criteria for priority toxic pollutants. These federal criteria are legally applicable in the State of California for inland surface waters, enclosed bays, and estuaries for all purposes and programs under the CWA. The California Toxics Rule establishes two types of aquatic life criteria:

- Acute criteria represent the highest concentration of a pollutant to which aquatic life can be exposed for a short period of time without harmful effects; and
- Chronic criteria equal the highest concentration to which aquatic life can be exposed for an extended period of time (4 days) without deleterious effects.
- Due to the intermittent nature of stormwater runoff (especially in southern California), the acute criteria are considered to be more applicable to stormwater conditions than chronic criteria.

State Antidegradation Policy

Under the State Antidegradation Policy, whenever the existing quality of waters is better than what is needed to protect present and future beneficial uses, such existing quality must be maintained. This state policy has been adopted as a water quality objective in all the State's Basin Plans. The State policy establishes a two-step process to determine if discharges with the potential to degrade the water quality of surface or groundwater will be allowed.

The first step requires that, where a discharge would degrade high-quality water, the discharge may be allowed only if any change in water quality would:

- Be consistent with the maximum benefit to the people of the state;
- Not reasonably affect present and anticipated beneficial uses of such water; and
- Result in water quality that is not less than that prescribed in state policies (i.e., Basin Plans).

The second step states that any activity resulting in discharge to high-quality waters is required to use the best practicable treatment or control of the discharge necessary in order to avoid the occurrence of pollution or nuisance and to maintain the “highest water quality consistent with the maximum benefit to the people of the state.” The State policy applies to both surface and groundwater, as well as to both existing and potential beneficial uses of the applicable waters.

In 1999, the SWRCB issued and subsequently amended the General Construction Stormwater Permit that governs discharges from construction sites that disturb 1 acre or more of surface area. Again, on September 2, 2009, the SWRCB adopted a new General Construction Permit that substantially alters the approach taken to regulate construction discharges through (1) requiring the determination of risk levels posed by a project’s construction discharges to water quality and (2) establishing numerical water quality thresholds that trigger permit violations. These new permit regulations took effect on July 1, 2010.

California Code of Regulations – Recycled Water Regulations (Titles 22 and 17)

Titles 22 and 17 of the CCR include regulations for the various uses of recycled water within the state. According to the CCR, recycled water used for the following purposes shall be at least disinfected secondary-23 recycled water: (1) industrial boiler feed, (2) nonstructural firefighting, (3) backfill consolidation around non-potable piping, (4) soil compaction, (5) mixing concrete, (6) dust control on roads and streets, (7) cleaning roads, sidewalks and outdoor work areas, and (8) industrial process water that will not come into contact with workers. The CCR also requires that spray, mist, or runoff of recycled water does not enter dwellings, designated outdoor eating areas, or food handling facilities. Drinking water fountains must also be protected against contact with recycled water spray, mist, or runoff. No irrigation with, or impoundment of, disinfected secondary-2.2 or disinfected secondary-2.3 recycled water can take place within 100 feet of any domestic water supply well.

Municipal Regional Stormwater NPDES Permit

On November 8, 2012, the RWQCB adopted Order R4-2012-0175, the MS4 Permit. Order R4-2012-0175 became effective on December 28, 2013 and serves as the NPDES permit for coastal watershed stormwater and non-stormwater discharges originating from the Los Angeles County region. The permit covers the land areas in the Los Angeles County Flood Control jurisdiction, unincorporated areas of Los Angeles County, and 84 cities in the County. The City of Burbank is included in the MS4 Permit as a permittee under Order R4-2012-0175.

In coordination with permittees under MS4 Permit, RWQCB staff performs annual performance reviews and evaluations of the City’s stormwater management program and NPDES compliance activities.

Local Regulations

City of Burbank Low Impact Development (LID) Ordinance

On June 16, 2015, the Burbank City Council adopted a LID Ordinance in compliance with the requirements of the MS4 Permit. The City uses the LID Ordinance to review and permit development and redevelopment projects that qualify under the triggering requirements of the ordinance. Qualifying development projects are directed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention,

and/or rainfall harvest and use. The intent of the LID ordinance is to retain stormwater runoff on site in a manner that is similar to predevelopment conditions.

Los Angeles County Department of Public Works Hydrology Manual

The Los Angeles County Department of Public Works Hydrology Manual (2006) contains the Standard Urban Stormwater Mitigation Plan (SUSMP) that applies to development and re-development projects in Los Angeles County. The SUSMP is described in detail below. The Hydrology Manual also includes TMDLs for pollutants per Section 303 of the CWA and BMPs for managing stormwater quality during construction. As the holder of the MS4 Permit, the RWQCB is responsible for enforcing these BMPs.

Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP)

The SUSMP is a comprehensive stormwater quality program to manage urban stormwater and minimize pollution of the environment in Los Angeles County. The purpose of the SUSMP is to reduce the discharge of pollutants in stormwater by outlining BMPs that must be incorporated into the design plans of new development and redevelopment. The SUSMP requirements contain a list of minimum BMPs that must be employed to infiltrate or treat stormwater runoff, control peak flow discharge, and reduce the post-Project discharge of pollutants from stormwater conveyance systems. The SUSMP requirements define, based upon land use type, the types of practices that must be included and issues that must be addressed as appropriate to the development type and size. The SUSMP requirements apply to all development and redevelopment projects that fall into one of the following categories:

- Single-family hillside residences
- One acre or more of impervious surface area for industrial/commercial developments
- Automotive service facilities
- Retail gasoline outlets
- Restaurants
- Ten or more residential units
- Parking lots of 5,000 square feet or greater or with 25 or more spaces
- Projects located in or directly discharging to an Ecologically Sensitive Area

The SUSMP requirements are administered, implemented, and enforced through the Community Development Department Building and Safety Division and final review would be conducted by the Chief Building Official. During the review process, individual development project plans are reviewed for compliance with stormwater requirements.

Water Quality Control Plan for the Los Angeles Region (Basin Plan)

The County of Los Angeles is under the jurisdiction of RWQCB Region 4 (Los Angeles Region). The RWQCB provides permits for projects that may affect surface waters and groundwater locally, and is responsible for preparing the Water Quality Control Plan for the Los Angeles Region (Basin Plan). The Basin Plan designates beneficial uses of water in the region and establishes narrative and numerical water quality objectives. Water quality objectives, as defined by the CWA Section 13050(h), are the "limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses or the prevention of nuisance within a specific area." The State has developed TMDLs that are a calculation of the maximum amount of a

pollutant that a water body can have and still meet water quality objectives established by the region.

Enhanced Watershed Management Program (EWMP) Plan

Conditions of the MS4 Permit require that all permittees develop a watershed management plan on an individual or joint basis that will address water quality issues in the permittee's jurisdictional area. The City of Burbank is a member of the Los Angeles River Watershed Management Group's EWMP. The EWMP submitted its Revised EWMP Plan to the RWQCB for review in January 2016 and the Plan was approved in April 2016. The EWMP Plan, along with a Coordinated Monitoring Plan, serves as a guiding document for implementing water quality improving infrastructure, policies, and programs.

City of Burbank General Plan 2035

On February 19, 2013, the City of Burbank approved the updated elements of the Burbank 2035 General Plan, except for the Housing Element which was adopted in January 2014. The General Plan is certified through 2035. The updates are intended to refine policies regarding long-term growth in the community through the year 2035 and to ensure that the General Plan reflects current State law (Burbank 2013). The goal and policies applicable to stormwater are presented below.

Goal 6: Flood Safety

Potential risks—such as injury, loss of life and property, and economic and social disruption—caused by flood and inundation are minimized.

Policy 6.5: Enforce regulations prohibiting the draining of rainwater into the sewer system.

Policy 6.6: Prepare and update a stormwater master plan to ensure proper maintenance and improvements to storm drainage facilities.

Policy 6.7: Employ strategies and design features to reduce the area of impervious surface in new development projects.

Goal 9: Water Resources

Adequate sources of high-quality water provide for various uses within Burbank.

Policy 9.5: Require on-site drainage improvements using native vegetation to capture and clean stormwater runoff

d. Solid Waste

State Regulations

Assembly Bill 1327

The California Solid Waste Reuse and Recycling Access Act of 1991 or Assembly Bill (AB) 1327, as amended, requires each local jurisdiction in the State to adopt an ordinance requiring commercial, industrial, or institutional buildings; marinas; or residential buildings having five or more living units to provide an adequate storage area for the collection and removal of recyclable materials. The City passed an ordinance in 1997.

Assembly Bill 939 and Senate Bill 1016

The California Integrated Waste Management Act of 1989, or Assembly Bill (AB) 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of all solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. In 2006, SB 1016 updated the requirements. The updated per capita disposal and goal measurement system moves the emphasis from an estimated diversion measurement number to using an actual disposal measurement number as a factor, along with evaluating program implementation efforts. These two factors will help determine each jurisdiction's progress toward achieving its AB 939 diversion goals. The 75 percent diversion requirement is now measured in terms of per-capita disposal expressed as pounds per person per day.

Assembly Bill 341

The purpose of AB 341 is to reduce GHG emissions by recycling commercial solid waste rather than diverting it for landfill disposal, and to expand the opportunity for additional recycling services and recycling manufacturing facilities in California. In addition to Mandatory Commercial Recycling, AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Construction and Demolition Waste Materials Diversion Program Requirements (SB 1374)

In 2002, Construction and Demolition Waste Materials Diversion Requirements (SB 1374) added California Public Resources Code Section 42912, requiring jurisdictions to include in their annual AB 939 report a summary of the progress made in diverting construction and demolition waste. The legislation also requires that CalRecycle adopt a model ordinance for diverting 50 to 75 percent of all construction and demolition waste from landfills.

Zero Waste California

Zero Waste California is a State program launched by CalRecycle in 2002 to promote a new vision for the management of solid waste. Zero waste provides that wasting resources is inefficient and that the efficient use of natural resources should be achieved. The concept requires maximizing existing recycling and reuse efforts, while ensuring that products are designed for the environment and have the potential to be repaired, reused, or recycled. The Zero Waste California program promotes the goals of market development, recycled product procurement, and research and development of new and sustainable technologies.

California Green Building Standards Code (CALGreen)

Effective January 1, 2017, the State's Green Building Code requires developers of newly constructed buildings to develop a waste management plan to divert 60 percent of the construction waste generated by project construction. Builders or developers are required to submit a construction waste management plan to the appropriate jurisdiction's enforcement agency. The City has adopted the 2019 CALGreen Code as part of its Municipal Code.

Local Regulations

County of Los Angeles Integrated Waste Management Plan

The County of Los Angeles Integrated Waste Management Plan (CoIWMP), approved by the CIWMB in 1999, sets forth a regional approach for the management of solid waste through source reduction, recycling and composting, and environmentally safe transformation and disposal. The CoIWMP ensures that the waste management practices of cities and other jurisdictions in the County are consistent with the solid waste diversion goals of AB 939 through source reduction, recycling and composting programs, household hazardous waste management programs, and public education awareness programs. The plan calls for the establishment of 50 years of in-County permitted landfill capacity, as well as the County's support for the development of disposal facilities outside the County.

The County continually evaluates landfill needs and capacity through the preparation of the CoIWMP annual reports. Within each annual report, future landfill disposal needs over the next 15-year planning horizon are addressed, in part, by determining the available landfill capacity. The most recent annual report is the 2012 report, completed in August 2013.

As part of the CoIWMP, the County prepared the Countywide Siting Element which identified goals, policies, and strategies for the proper planning and siting of solid waste disposal and transformation facilities over 15 years, through year 2014. The latest Siting Element was approved by CalRecycle in 2016 and, as with the previous Siting Element, provides strategic planning over a 15-year horizon, through year 2031.

Burbank Municipal Code (BMC)

Title 4, Chapter 2, Article 1, *Solid Waste Management*, of the BMC establishes regulatory compliance for the collection, removal and disposal of garbage, solid waste, green waste, and recyclable material within the City.

Burbank Construction and Demolition Debris Diversion Ordinance

The Construction and Demolition Debris Ordinance was designed to meet the goals of the California Waste Management Act (SB 1374), which requires all cities and counties in the State to reduce the amount of waste materials deposited in landfills by 65 percent. The ordinance requires new building projects meeting specified size requirements to divert and recycle at least 65 percent of their construction and demolition debris. To obtain a building permit from the City, proponents for projects meeting specified size requirements must prepare and implement a Waste Management Plan (WMP) that outlines how much scrap and debris would be generated during construction, what proportion of this debris would be diverted and how, and the final destination for both the diverted and non-diverted components of construction debris (City of Burbank 2016).

City of Burbank Sustainability Action Plan and Zero Waste Policy

In January 2008, the City Council adopted the Sustainability Action Plan to support the United Nations' Urban Environmental Accords. The Sustainability Action Plan addresses the City's efforts toward providing a clean, healthy, and safe environment. The Accords include 21 specific actions organized into seven urban themes designed to collectively address urban sustainability concerns. The themes include energy, waste reduction, urban design, urban nature, transportation, environmental health, and water (City of Burbank 2008a). Action items related to waste include zero

waste, manufacturer responsibility, and consumer responsibility. As part of the Sustainability Action Plan, the City adopted the Zero Waste Strategic Plan, which includes a goal to achieve zero waste by 2040. The Zero Waste Plan includes four basic strategies, with a priority placed on “upstream” solutions to eliminate waste before it is created. The plan also includes actions to build on the City’s traditional “downstream” recycling programs to fully utilize the existing waste diversion infrastructure (City of Burbank 2008b). The four basic strategies include:

1. Advocate for Manufacturer Responsibility for Product Waste and Support Elimination of Problem Materials
2. Adopt New Rules and Incentives to Reduce Waste
3. Expand and Improve Local and Regional Recycling and Composting
4. Educate, Promote, and Advocate a Zero Waste Sustainability Agenda

e. Telecommunications, Electricity, and Natural Gas

Federal Regulations

Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission (FERC) regulates the interstate transmission of electricity, natural gas, and oil. The FERC is an independent Agency. The Energy Policy Act of 2005 gave FERC additional responsibilities in its capacity. The Federal Communications Commission (FCC) regulates interstate and international communications by radio, television, wire, satellite, and cable in all 50 states.

State Regulations

California Public Utilities Commission

The California Public Utilities Commission (CPUC) regulates private and investor-owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies.

The CPUC regulates natural gas rates and natural gas services, including in-state transportation over the utilities' transmission and distribution pipeline systems, storage, procurement, metering, and billing.

California Energy Commission

The CEC regulates publicly owned utilities (POUS), like BWP, as it comes to compliance with state mandates. However, the City Council ensures the City’s compliance with regulations and reporting and compliance filings for Burbank Water and Power, as it relates to power supply, is regulated through the CEC. The CEC is the state’s primary energy policy and planning agency.

California Air Resources Board

The California Air Resources Board (CARB) regulates electric utilities, including BWP, as it comes to compliance with emissions related activities. CARB manages the Mandatory Greenhouse Gas (GHG) Reporting Regulation which includes regulations that mandate GHG reporting for retail providers

and operators. CARB also manages the Cap-and-Trade Program which is an offset tool to minimize State GHG emissions.

Senate Bill 100

SB 100 modifies the State Renewable Portfolio Standards (RPS) and establishes robust clean energy goals. SB 100 modifies the RPS from requiring that 50 percent of electricity be procured by renewable electricity sources by 2030 (set by SB 350), to 60 percent by 2030. In addition, SB 100 sets a goal of a 100 percent zero-carbon resource portfolio by 2045.

Senate Bill 1368

SB 1368 also referred to as the Emissions Performance Standard, prohibits purchase arrangements for baseload energy for periods of longer than five years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. The purpose is to limit carbon emissions associated with electrical energy consumed in California. Coal-fired plants cannot meet this standard because these plants emit roughly twice as much carbon as combined cycle natural gas power plants. SB 1368 effectively prevents California's utilities from investing in, financially supporting, or purchasing power from new coal plants located in or out of the State.

California Green Building Standards Code (2019), California Code of Regulations Title 24

California's Green Building Code, referred to as CalGreen, was developed to reduce GHG emissions from buildings, promote environmentally responsible, cost-effective, healthier places to live and work, reduce energy and water consumption, and respond to the environmental directives of the administration. The most recent version of CalGreen (January 2019) lays out the minimum requirements for newly constructed residential and nonresidential buildings to reduce GHG emissions through improved efficiency and process improvements. It also includes voluntary tiers to encourage building practices that improve public health, safety, and general welfare by promoting a more sustainable design.

Local Regulations

Burbank2035 General Plan

The Burbank2035 General Plan includes an Air Quality and Climate Change Element as well as an Open Space and Conservation Element, both of which address energy efficiency and overall energy reduction the City. The goals and policies of each element are intended to increase the City's overall energy efficiency and help achieve the City's goal of using 100 percent clean energy. The goals and policies applicable to energy resources are presented below:

Burbank2035 Land Use Element

Goal 2: Sustainability

Burbank is committed to building and maintaining a community that meets today's needs while providing a high quality of life for future generations. Development in Burbank Respects that environmental and conserves natural resources.

- **Policy 2.3:** Require that new development pay its fair share for infrastructure improvements. Ensure that needed infrastructure and services are available prior to or at project completion.

Burbank2035 Air Quality and Climate Change Element

Goal 3: Reduction of Greenhouse Gas Emissions

Burbank seeks a sustainable, energy-efficient future and complies with statewide greenhouse gas reduction goals.

Policy 3.4: Reduce greenhouse gas emissions from new development by promoting water conservation and recycling; promoting development that is compact, mixed-use, pedestrian-friendly, and transit-oriented; promoting energy-efficient building design and site planning; and improving the jobs/housing ratio.

Policy 3.6: Reduce greenhouse gas emissions by encouraging the retrofit of older, energy inefficient buildings.

Policy 3.8: Transition all economic sectors, new development, and existing infrastructure and development to low- or zero-carbon energy sources. Encourage implementation and provide incentives for low- or zero-carbon energy sources.

Policy 3.9: Continue efforts to diversify Burbank Water and Power's energy portfolio beyond 2020.

Burbank2035 Open Space and Conservation Element

Goal 9: Water Resources

Burbank seeks to provide adequate sources of high-quality water for uses throughout the City.

Policy 9.1: Meet the goal of a 20 percent reduction in municipal water use by 2020.

Policy 9.2: Provide public information regarding the importance of water conservation and avoiding wasteful water habits.

Policy 9.3: Offer incentives for water conservation and explore other water conservation programs.

Policy 9.4: Pursue infrastructure improvements that would expand communitywide use of recycled water.

Policy 9.5: Require on-site drainage improvements using native vegetation to capture and clean stormwater runoff.

Goal 10: Energy Resources

Burbank conserves energy, uses renewable energy sources, zero-carbon energy sources and promotes sustainable energy practices that reduce pollution and fossil fuel consumption.

Policy 10.1: Incorporate energy conservation strategies in City projects.

Policy 10.2: Promote energy-efficient design features to reduce fuel consumption for heating and cooling.

Policy 10.3: Continue to acquire alternative fuel vehicles like hybrid, natural gas, electric, or hydrogen-powered vehicles when adding to the City's vehicle fleet.

Policy 10.4: Encourage residents and businesses to reduce vehicle use or to purchase alternative fuel vehicles.

Policy 10.5: Promote technologies that reduce use of non-renewable energy resources.

Policy 10.6: Support private sources of sustainable, environmentally friendly energy supplies.

Policy 10.7: Encourage the use of solar energy systems in homes and commercial businesses as a form of renewable energy.

Burbank Municipal Code (BMC)

Title 8, Chapter 2, *Utilities*, of the BMC establishes regulatory compliance for rules, regulations, fees, charges, and other additional requirements related to energy and energy use within the City.

4.12.3 Impact Analysis

a. Thresholds of Significance

To determine whether a project would result in a significant impact related to Utilities and Service Systems, thresholds were developed based on Appendix G of the *State CEQA Guidelines*. The impact would be significant if the proposed Project would meet the criteria below.

1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects
2. Not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple-dry years
3. Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments
4. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals
5. Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste

The Initial Study (Appendix A) determined that the project would result in no impacts related to compliance with solid waste statutes and regulations; therefore, this issue is not studied further herein. The Initial Study (Appendix A) also determined that potential impacts to energy and natural gas would be less than significant under the State CEQA Guidelines Appendix G Environmental Checklist issue area for *Energy*; however, because the Initial Study also determined that impacts to energy and natural gas would be potentially significant under the issue area for *Utilities and Service Systems*, these topics are therefore addressed further herein for the purposes of this EIR.

b. Methodology

Impacts related to utilities and service systems were evaluated by forecasting utility demands associated with the proposed Project and comparing such demands to current and planned service system capacity. Utility and service system demands of the proposed Project were quantified where possible, based upon readily available public information and industry standards, with all assumptions identified in the analysis below. Where insufficient data was available to quantify utility and service system demands, such demands are discussed qualitatively in order to inform the impact analysis.

c. Project Impacts

Threshold 1: Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Impact UTIL-1 REASONABLY FORESEEABLE DEVELOPMENT UNDER THE PROPOSED PROJECT WOULD REQUIRE UTILITY SERVICE AND CONNECTIONS FOR WATER SUPPLY, WASTEWATER CONVEYANCE, AND STORMWATER CONVEYANCE, AS WELL AS TELECOMMUNICATIONS, ELECTRICITY, AND NATURAL GAS. EXISTING UTILITY SYSTEMS FOR WATER, ELECTRIC POWER, NATURAL GAS, AND TELECOMMUNICATIONS FACILITIES IN BURBANK HAVE SUFFICIENT CAPACITY TO SERVE REASONABLY FORESEEABLE DEVELOPMENT. HOWEVER, NEW CONNECTIONS TO EXISTING OR EXPANDED WASTEWATER SERVICE SYSTEMS WOULD BE REQUIRED, AND SUCH CONNECTIONS COULD RESULT IN POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS. NONETHELESS, IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Reasonably foreseeable development under the Housing Element Update would involve up to 10,456 new housing units by 2029. The Safety Element Update would not involve new development so would not affect utilities or service systems. Impacts associated with the Housing Element Update are discussed below. As mentioned under *Thresholds of Significance*, above, the topic of solid waste is not assessed herein because the Initial Study determined that potential impacts would be less than significant and therefore do not require further analysis.

Water Supply

Construction activities associated with reasonably foreseeable development under the Housing Element Update would require recycled water for dust suppression, concrete manufacturing, and such activities as washing wheels and equipment. Temporary construction recycled water would be trucked to active construction sites or produced from existing fire hydrants near the applicable site(s), with City approval. Temporary construction water demands would not require new connections or conveyance facilities, as existing or mobile facilities would be used.

New water supply connections and associated facilities would be required for future developments, to convey potable water supply to future housing developments. Such upgrades would occur within existing utility easements and would be located underground, primarily within existing roadways. Housing development under the proposed Project would be located in previously developed areas that are either currently zoned for residential development or would be rezoned for residential development under the proposed Project. As shown in Figure 2-2 of Section 2, *Project Description*, the proposed Project area is previously disturbed and largely urbanized. Due to the built-up nature of this area, there are substantial existing utility rights-of-way previously established, largely within existing roadways, which are prevalent. New water service connections that may be required for development associated with the proposed Project would be conducted within previously disturbed areas and existing rights-of-way, and would be consistent with utility expansion in urbanized areas, such that minimal areas of new disturbance would occur. Although all parcels in Burbank have access to public utility infrastructure, in some cases the infrastructure is older and in need of replacement or insufficient to meet the needs of a particular project. Pursuant to General Plan Land Use Policy 2.3, new development is required to pay for their share of upgrading the utility infrastructure as needed to serve their project. This may include installing larger water mains, new water meters, and/or upgrades to existing facilities.

Developers are responsible for funding any infrastructure improvements that are required to mitigate project impacts and have not been previously identified as part of a capital improvement program covered by the development impact fees. Consistent with applicable State law, the City's development fees will ensure that the developers pay the cost attributable to the increased demand for the affected public facilities reasonably related to the development project in order to refurbish the existing facilities to maintain the existing level of service and achieve an adopted level of service that is consistent with the City's General Plan (California Government Code Section 66001(g)).

As individual housing projects are proposed and considered for approval by the City, project proponents would be required to demonstrate that any identified system deficiencies reasonably related to the development project are adequately addressed by the responsible project proponent and future upgrades are designed in accordance with the BMC and to the satisfaction of the City Engineer. In addition, the City requires applicants to coordinate with the Burbank Fire Department and City of Burbank Building and Safety Division to ensure that existing and planned fire hydrants provide sufficient fire flow pressure requirements. The City's issuance of building permits is contingent upon review, testing, and approval that sufficient fire flow pressure is provided for the applicable site. Due to the existing built-up nature of the City, it is reasonably anticipated that future improvements for water supply and fire flow requirements would not disturb previously undisturbed areas and would be situated within existing utility rights-of-way, such as but not limited to within public roadways.

Water supply for new housing developments would be provided by BWP, which purchases imported surface water supplies from the SWP and the Colorado Aqueduct via Metropolitan, as well as local groundwater supplies which are pumped by the City in accordance with groundwater credits consistent with the local Adjudication Judgment for the underlying groundwater basin. The availability and reliability of water supply for the proposed Project is addressed below, under Impact UTIL-2. Potential impacts related to relocation or construction of water supply facilities would be less than significant.

Wastewater

Reasonably foreseeable development under the proposed Project would require new connections for wastewater conveyance. As described in Section 4.13.1(b) above, wastewater conveyance in Burbank is provided by approximately 230 miles of City-owned and operated underground pipelines and associated pump stations. The Burbank Public Works Department is responsible for the maintenance of the City's sewer mainlines, while individual property owners are responsible for the maintenance of the sewer laterals that connect buildings to mainlines. All structures producing sewage or liquid waste in the City of Burbank must be connected to the sewer system mainline by sewer lateral lines, which require issuance of an excavation permit and a sewer connection permit from the Public Works Permit Section (Burbank 2021). All sewer connections are subject to a Sewer Service Charge (SSC). For residential developments such as those that would occur under the proposed Project, the SSC is not based on water usage rates, but rather on the actual costs associated with providing sewer services (Burbank 2021). The majority of wastewater generated in the City is conveyed to the BWRP for treatment prior to discharge in accordance with an existing NPDES permit. Project impacts related to wastewater treatment capacity at BWRP are discussed further under Impact UTIL-3.

Reasonably foreseeable development under the Housing Element Update would occur in compliance with the requirements of BMC Chapter 8-1, *Sewers*, which establishes City standards related to wastewater discharge, peak flow, and sewer capacity. New connections to the City sewer system,

including the construction of new laterals connecting to the sewer mainline, would be subject to permitting approval by the City of Burbank Public Works Permit Section (Burbank 2021). To the extent that sewer pipeline upgrades may be necessary as reasonably foreseeable development under the proposed Project occurs, such upgrades would occur either within existing utility easements to the maximum extent practicable or when determined necessary through project sewer capacity analysis, the construction of new facilities and/or upgrades to existing ones, and any required upgrades resulting from the Project are necessary to mitigate potential significant impacts to the City's wastewater system. New wastewater conveyance connections are allowed and will be the responsibility of the private property owner to connect their private sewer lateral to the City sewer main provided that the appropriate permits are obtained, and sufficient capacity exists prior to construction. Although all parcels in Burbank have access to public utility infrastructure, in some cases the infrastructure is older and in need of replacement to meet the needs of a particular project. Pursuant to *Burbank2035* General Plan Land Use Policy 2.3, new development is required to pay for their share of upgrading the utility infrastructure as needed to serve their project. Based on project-specific conditions and General Plan policy related to ensuring sufficient wastewater infrastructure to support projects as envisioned through the Housing Element, a sewer capacity analysis would be required for individual projects to determine the applicable development fees and any physical improvements that would be needed to ensure the City's wastewater system can adequately address the needs of these future developments envisioned under the proposed Project and continue to meet the needs of surrounding land uses within the Project area and the community as a whole. Based on the results of the sewer capacity analysis, these improvements may include, but not be limited to installing new or larger sewer lines and/or upgrading existing facilities.

Developers are responsible for funding any infrastructure improvements that are required to mitigate project impacts as part of a capital improvement program covered by the development fees. Consistent with applicable State law, the City's development fees would ensure that the developers pay the cost attributable to the increased demand for the affected public facilities reasonably related to the development project, such that existing facilities can maintain the necessary capacity to serve existing and future demand and achieve an adopted level of service that is consistent with the City's General Plan (California Government Code Section 66001(g)). However, where sanitary sewer capital upgrades are needed because of new development, the developer would be responsible for payment of applicable sewer infrastructure fees and any physical improvements to the wastewater system that are necessary to serve the project as determined by the Director of Public Works prior to the proposed project's construction.

Development under the proposed Project would be in previously developed areas that are either currently zoned for residential development or would be rezoned for residential development under the proposed Project. Due to the built-up nature of this area, there are substantial existing utility rights-of-way previously established, largely within existing roadways, which are prevalent. New wastewater service connections that may be required as a direct result of new development associated with the proposed Project would be conducted within previously disturbed areas, existing rights-of-way, and, in some cases, a new easement would be created. Nonetheless, these connections would be subject to City approval prior to the issuance of building permits.

While individual projects conducted under the Housing Element Update would require new wastewater conveyance connections, such connections would be designed and permitted on a project-specific basis. In addition, future project proponents have a legal obligation for all future wastewater upgrades to be designed in accordance with the BMC and to the satisfaction of the Director of Public Works or their designee. However, as noted above, where sanitary sewer capital

upgrades are needed it is possible that a new development may require new or expanded facilities to serve the project prior to the proposed project's construction (at cost to the developer). Therefore, impacts to new or expanded wastewater conveyance associated with build-out of future housing development projects associated with the Housing Element would be potentially significant.

Stormwater

Reasonably foreseeable residential development under the Housing Element Update would not result in a substantial increase in impervious surfaces since it would be focused in urban infill areas already largely covered with impervious surfaces. Compliance with Sections 9-3-413 and 9-3-414 of the BMC would ensure that future development projects resulting from the Housing and Safety Element Update would be implemented with appropriately sized and sited stormwater conveyance facilities. In the long-term, redevelopment of properties in the City is anticipated to improve the quality of stormwater runoff by replacing older development with new development that incorporates Low Impact Development (LID) methods. LID methods include features such as stormwater detention basins and vegetated swales that slow the velocity of surface runoff and filter some water quality constituents before the runoff percolates to the underlying groundwater system or is conveyed through the City's, or Los Angeles County Flood Control District's (LACFCD), stormwater infrastructure. In accordance with the BMC, post-construction stormwater runoff from new projects must be captured and used to the maximum extent practicable, including through the implementation of on-site BMPs for stormwater management. Therefore, while individual housing developments would include site-specific stormwater drainage and conveyance facilities, such facilities would be designed and built in accordance with the BMC and BMPs for stormwater management. Potential impacts related to relocation or construction of new wastewater conveyance facilities would be less than significant.

Telecommunications, Electricity, and Natural Gas

Telecommunications services are provided by private companies, at the discretion of the customer. Electricity in Burbank is provided by BWP, and natural gas is provided by the Southern California Gas Company (SCG). Each of these utility areas are addressed below, with respect to the potential of the proposed Project to result in impacts.

Telecommunications

The City is highly urbanized with existing above- and below-ground telecommunications infrastructure. Telecommunications services are provided by ONE Burbank, AT&T, EarthLink, Spectrum or other providers, at the discretion of current and future residents. Reasonably foreseeable development under the proposed Project would increase demand for existing telecommunications in the City. Individual telecommunication providers implement planned improvements throughout their service areas on an as-needed basis, which are typically limited to small-scale upgrades and new facilities in existing developed areas. Construction of additional telecommunications facilities or upgrades to existing facilities to meet demands from the proposed Project would be undertaken by private telecommunication service providers in accordance with applicable federal, state, and local regulations. Telecommunications are generally available in the City and substantial upgrades to existing telecommunications facilities would not likely be necessary. Necessary facility upgrades to accommodate new service connections would be undertaken by individual telecommunication providers. No restrictions on the ability to provide adequate telecommunication service are present or anticipated to occur as a result of the proposed Project. In addition, due to the built-up nature of the City and the nature of telecommunication

upgrades being small-scale and sited within the development footprint of new projects, potential impacts associated with new or expanded facilities would be less than significant.

Electricity

Electricity in Burbank is provided by BWP, which maintains a fully functional system of above-ground and underground electrical facilities, primarily found along roadways throughout the City of Burbank. In addition to electrical power conveyance lines, there are numerous electrical substations throughout the City, from which these conveyance lines flow. Future housing developments that would occur under the proposed Project would require electric power, natural gas, and telecommunications facilities. The services would be provided by BWP, through new future connections that would be implemented on a project-specific basis, and subject to the review and approval of BWP.

Numerous plans by BWP have shifted the generation of electric power to renewable sources of energy. The most recent plan, BWP's *2019 Final Power Integrated Resource Plan (IRP)*, identifies a planning tool that is central to the continued reliability of the BWP power system while meeting all regulatory requirements through 2038 (BWP 2019). The 2019 IRP provides analysis of the State of California's increased RPS, set by SB 100, of 60 percent renewable energy sources by 2030. Achievement of the RPS includes expansion of local solar power generation, energy storage, and transportation electrification efforts over a 20-year horizon. In order to ultimately achieve a 100 percent zero-carbon resource portfolio as set by SB 100 by 2045, BWP is taking actions to reduce non-renewable energy sources, including the 2025 retirement of BWP's share of the Intermountain Power Project (IPP) coal-fired generating plant in Utah. BWP is looking at several alternative energy options including implementing solar, wind, and batteries to help replace energy that has traditionally been sourced from the Utah IPP coal resource. BWP will procure resources that meet or exceed state clean energy standards, while maintaining reliability of the grid in a cost-effective manner.

To help achieve the City's renewable energy source goals, BWP may integrate the following issues into future resource planning analysis:

- **Rate Design:** Design time-varying rates that encourage customers to shift their consumption away from higher cost periods to lower cost periods
- **Demand Response (DR).** Consider cost-effective BWP customer DR programs
- **Beneficial Electrification.** Enhance and extend BWP efforts to encourage growth in beneficial electrification that reduces GHG emissions, including electric vehicles.
- **Disadvantaged Communities.** Develop and implement a program to target disadvantaged communities with selected BWP energy efficiency, demand response, and beneficial electrification programs.
- **IPP Coal Replacement.** Work with LADWP and other IPP participants to determine resources that will replace the IPP coal plant when it is retired in 2025.
- **Transmission Delivery for Renewables.** Identify options and costs for transmission delivery of large quantities of renewable energy resulting from SB 100.
- **Solar Over-Generation.** Work to mitigate the impact of solar generation (including morning and afternoon ramping, overgeneration, and instantaneous intermittency) such that reliability and affordability are maintained.
- **Resource Positioning.** Position BWP's resources to balance supply and demand on the grid as increased renewable energy sources come online, thereby minimizing costs and

maximizing energy reliability for Burbank. In this connection, evaluate further improvement in the operational flexibility of the Magnolia Power Project.

The City's movement towards the contracting of new renewable energy sources, through Power Purchase Agreement, as discussed above, will further bolster the City's ability to meet energy demands associated with future population growth. In addition, BWP is taking action to diversify energy generation sources, improve energy storage capabilities, and secure future energy reliability. These efforts are implemented to address the challenges of the power grid's baseload reliability, which can fluctuate with the introduction of many renewable energy sources to the grid. This fluctuation is directly tied to the fluctuating nature of energy captured; for example, solar energy is only accumulated during optimum sunlight hours, while energy is consumed 24 hours per day. Therefore, diversification of energy sources is critical to providing reliably energy supply, when incorporating substantial new sources of renewable energy to a power grid. BWP's efforts toward energy source diversification are consistent with the California Independent System Operator Corporation (CAISO) *2019-2020 Transmission Plan*, which provides a comprehensive evaluation of the California energy transmission grid to identify upgrades needed to successfully meet California's policy goals (CAISO 2019).

New connections for electrical power would be implemented on a project-by-project basis. As shown in Figure 2-2 of Section 2, *Project Description*, the proposed Project area is previously disturbed and largely urbanized. Due to the built-up nature of this area, there are substantial existing utility rights-of-way previously established, largely within existing roadways, which are prevalent. New electricity service connections that may be required for development associated with the proposed Project would be conducted within previously disturbed areas and existing rights-of-way, and would be consistent with utility expansion in urbanized areas. Although all parcels in Burbank have access to public utility infrastructure, in some cases the infrastructure is older and in need of replacement or insufficient to meet the needs of a particular project. Pursuant to General Plan Land Use Policy 2.3, new development is required to pay for their share of upgrading the utility infrastructure as needed to serve their project. This may include new electrical transformers, new transmission lines and/or new substations.

Developers are responsible for funding any infrastructure improvements that are required to mitigate project impacts and have not been previously identified as part of a capital improvement program covered by the development impact fees. Consistent with applicable State law, the City's development fees will ensure that the developers pay the cost attributable to the increased demand for the affected public facilities reasonably related to the development project in order to refurbish the existing facilities to maintain the existing level of service and achieve an adopted level of service that is consistent with the City's General Plan (California Government Code Section 66001(g)).

Therefore, potential impacts would be less than significant.

Natural Gas

Natural gas infrastructure is located throughout Burbank, typically underground and beneath existing paved roadways. Reasonably foreseeable development under the Housing Element Update would increase the demand for natural gas and associated connections. Natural gas is provided by the SCG, which projects total gas demand to decline at an annual rate of approximately one percent per year from 2020 through 2035. The decline is due to modest economic growth, and CPUC mandates for energy efficiency (EE) standards and programs. Other factors that contribute to the downward trend are tighter standards created by revised Title 24 Codes and Standards, renewable

electricity goals, a decline in core commercial and industrial demand, and conservation savings linked to Advanced Metering Infrastructure. Pursuant to the 2020 *California Gas Report*, SCG will meet its projected demand for natural gas resources through at least year 2026, as determined by modeled forecasts (SCG 2020).

Although development associated with the proposed Project would increase the number of natural gas connections in Burbank, all new development would be designed for consistency with the CPUC mandates for implementing EE standards and practices. In addition, as development of additional renewable energy sources for the City continues to expand as discussed above, it is reasonably inferred that demand for natural gas will decrease due to the increased diversity of the City's energy supply portfolio. Therefore, although natural gas connections would likely increase under the proposed Project, the per capita demand for natural gas in the City is expected to continue decreasing, through compliance with CPUC mandates for EE standards and practices, and through the greater diversification of energy supplies to include a suite of renewable energy sources in addition to natural gas. New connections for natural gas would be implemented on a project-by-project basis and would be implemented within previously disturbed areas and existing rights-of-way. Potential impacts to natural gas would be less than significant.

Mitigation Measure

The following mitigation measure has been incorporated to identify any sewer service constraints and determine if there are any sewer capacity issues and necessary mitigations relative to each opportunity site identified in the Project.

UTIL-1 Sewer Service Constraints Analysis

- The City will conduct an analysis to identify any sewer service constraints to determine if there are any sewer capacity issues and any constraints in the City's wastewater system including assessment of system capacity relative to the locations of opportunity sites identified in the Housing Element Update. The analysis will identify upgrades necessary to mitigate the constraints in the system to ensure that individual housing development projects implemented under the Housing Element can be completed and that sufficient capacity and conveyance in the wastewater system exists. However, if a proposed development has a construction schedule that the City cannot accommodate, the developer may be responsible for performing the necessary sewer infrastructure upgrades per Burbank Municipal Code (BMC) 8-1-304.
- Based on the constraints identified in the analysis, the City's Public Works Department will prepare a nexus fee study to develop a fair share requirement in the form of a wastewater connection or similar project impact fee, which helps to pay for implementation of upgrades necessary to accommodate future development, including development of the opportunity sites where deficiencies in the system are identified to exist. Through the fee study, subsequent cost recovery fees applied to individual housing development projects will be based on a rough proportionality related to demands on the system reasonably attributed to the development project.
- In the event it is determined that necessary upgrades to serve a project cannot be completed by the City prior to project completion, the City may require the developer to perform the necessary sewer infrastructure upgrades (Per BMC 8-1-304) at cost to the developer, or may choose to enter into a reimbursement agreement so that a developer may fund and construct the improvements within the necessary timeframe with subsequent partial reimbursement. If the City and Developer mutually agree to enter into reimbursement agreement (approved as to

form by the City Attorney and approved by the City Council), it would be administered by the City's Public Works Director on behalf of the City.

Significance After Mitigation

Mitigation Measure UTIL-1 would require a sewer service constraints analysis that would be developed by the Public Works Department. The subsequent analysis would provide the necessary information to allow the Public Works Department to initiate work on preparing a fee study to identify a wastewater connection fee that facilitates the recovery of City's costs of future upgrades necessary to address identified constraints that are attributed to the type of development being proposed and proportional to the individual project's impact to the City's wastewater system. The development of a sewer service constraints analysis as designed and developed the Public Works Department (the plan for addressing existing and future demands), and the resulting wastewater connection fee, would be further bolstered by the City's establishment of a process to allow reimbursement agreements (approved as to form by the City Attorney and approved by the City Council), between the City and the developer for projects that must construct improvements to serve the project ahead of the City's implementation. The noted plan, cost recovery fee, and reimbursement agreement process collectively result in Mitigation Measure UTIL-1 would reduce the noted potential significant impacts to the City's wastewater conveyance system to less than significant.

Threshold 2: Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Impact UTIL-2 REASONABLY FORESEEABLE DEVELOPMENT UNDER THE PROPOSED PROJECT WOULD REQUIRE A TEMPORARY RECYCLED WATER SUPPLY DURING CONSTRUCTION AND A LONG-TERM WATER SUPPLY DURING OPERATION AND MAINTENANCE. WATER SUPPLY WOULD BE PROVIDED BY THE CITY OF BURBANK, WHICH PURCHASES IMPORTED SURFACE WATER FROM THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA AND RECEIVES GROUNDWATER CREDITS TO SUPPLEMENT ITS PURCHASED WATER SUPPLY WITH LOCALLY PRODUCED GROUNDWATER. GROWTH UNDER THE PROPOSED PROJECT IS ACCOUNTED FOR IN THE CITY OF BURBANK URBAN WATER MANAGEMENT PLAN, AS INFORMED BY THE GENERAL PLAN, AND SUFFICIENT WATER SUPPLIES ARE AVAILABLE TO SERVE REASONABLY FORESEEABLE DEVELOPMENT. POTENTIAL IMPACTS WOULD BE LESS THAN SIGNIFICANT.

As discussed in Section 4.14.1, *Setting*, water supply in Burbank is provided by BWP, which purchases imported surface water supplies from Metropolitan. The City overlies the San Fernando Valley Groundwater Basin but does not have overlying landowner rights to produce groundwater because the basin is adjudicated and managed in accordance with Upper Los Angeles River Adjudication Judgment, administered by the Upper Los Angeles River Area Watermaster as the Watermaster. Although the City is not party to the Adjudication Judgment, it receives groundwater credits based upon the amount of water BWP imports to Burbank that eventually infiltrates through the ground surface to recharge the underlying groundwater basin (BWP 2021b). Accordingly, Burbank receives groundwater credits equivalent to 20 percent of the total water distributed in the City, including as recycled water (BWP 2021b). These groundwater credits allow BWP to produce groundwater from four City-owned wells, which the City treats to meet State and Federal drinking water standards.

Reasonably foreseeable development under the Housing Element Update would involve up to 10,456 new residential units, which may occur anywhere in the City where residential uses are

currently permitted, as well as in areas that may be rezoned in the future to allow for multi-family residential and mixed use of adequate density. As discussed in Section 2.2, *Land Use*, of the City's current (2020) UWMP, the City expects that new residential development will be predominantly multi-family (BWP 2021a), which is consistent with the Housing Element Update, as assessed herein. The City's 2020 UWMP also reports that 2020 potable water demand was 138 gallons per capita per day (gpcd), indicating a slight bounce-back after drought restrictions, but not returning to pre-drought levels. In addition, the City's 2020 UWMP reports that water usage in the City is projected to increase to 150 gpcd in 2025, then gradually increase by 2045 to 170 gpcd. Burbank intends to maintain such trends in a sustainable manner through the continued implementation of drought-period conservation efforts as well as long-term plans and programs.

As discussed in Section 4.9, *Population and Housing*, the City of Burbank's average household size is 2.45 individuals. Accordingly, the proposed Project's increase of 10,456 residential units could generate a population increase of approximately 25,617 individuals. Assuming a per capita water demand of 170 gpcd in 2045, as discussed above, the additional population of 25,617 individuals (based on 10,456 new housing units) would increase potable water demand by 4,354,890 gallons per day, which equates to approximately 4,878 AFY. This represents approximately 22 percent of the City's available water supply in 2045 under normal water year (non-drought) conditions, as shown in . The water supply availability information provided in was sourced from the City's 2020 UWMP, which is informed by growth projections provided in the Housing Element, which has been updated with the current Housing Element Update, assessed herein.

Therefore, as discussed above, the increased housing that would occur under the proposed Project would increase citywide water demand by up to 4,878 AFY, or approximately 22 percent of the City's available water supply in 2045. In addition, although population growth has continued to increase, citywide water demand throughout Burbank has declined compared to the early 1970s due to efficient water use after major droughts in the 1970s, 1990s, and especially in response to the previous significant water shortage and closure of major industries (BWP 2021a). The Burbank2035 General Plan includes policies and programs in the Land Use Element as well as the Open Space and Conservation Element to address water resources and prepare Burbank for the possible consequences of climate change on water supply availability. Such policies include using native or drought-tolerant plants in landscaping, using recycled water in irrigation, and promoting all possible water conservation efforts (Burbank 2013). Conservation efforts would continue to be implemented and expanded as development associated with the proposed Project is constructed, and it is reasonably anticipated that conservation efforts will continue to be effective at reducing water demands.

As mentioned above, the City of Burbank's primary water supply is comprised of imported SWP and Colorado River water purchased by BWP from Metropolitan. The City also receives credits to use locally produced groundwater for 20 percent of all water supply distributed in the City because imported water supplies from outside the City ultimately recharge local groundwater through infiltration from landscaping, as well as through infiltration of recycled water produced at the BWRP. These groundwater credits diversify the City's water supply portfolio and further bolster water supply reliability within the City. In addition, because the amount of groundwater credits received by the City is a factor of the total amount of water imported to the City, as water demands increase and the corresponding amount of water imported to the City increases, the amount of groundwater credits received by the City will also increase. Table 4.12-1 summarizes BWP's current and projected water supplies, as provided in the City's 2020 UWMP, and delineates both supplies

purchased from Metropolitan as well as supplies available through groundwater credits (indicated as “Supplier-Produced Groundwater” and recycled water.

Table 4.12-1 Burbank Water Supplies – Current and Projected

Water Supplies (acre-feet)	2020	2025	2030	2035	2040	2045
Potable						
Metropolitan Treated Potable	6,165	7,407	9,722	10,714	11,012	11,310
Supplier-Produced Groundwater	9,997	10,655	10,658	10,672	10,700	10,700
Potable Total	16,162	18,062	20,380	21,386	21,712	22,010
Non-Potable						
Metropolitan Replenishment	152	6,800	6,800	6,800	6,800	6,800
Recycled Water ¹	3,149	3,540	3,540	3,540	3,540	3,540
Non-Potable Total	3,301	10,340	10,340	10,340	10,340	10,340

¹ Recycled water is produced at the BWRP by treating wastewater conveyed from throughout the City.

Note: Recycled water includes proposed deliveries to Los Angeles in exchange for groundwater credits. The amounts estimated for untreated replenishment depend on these Los Angeles exchange amounts. If less recycled water is exchanged for groundwater credits, the difference must be made up by increased replenishment purchases.

Source: BWP 2021a

As shown in Table 4.12-1, the City’s potable water demands are anticipated to increase between years 2020 and 2045. Burbank primarily sources its supply from Metropolitan, such that the City’s primary water supply is imported surface water purchased in amounts matching demand. BWP reports that citywide water demands have decreased compared to the 1970s even as population has increased. In addition, as shown in Table 4.12-1, the City’s non-potable water supplies are anticipated to increase between the years 2020 and 2045 due to the continued expansion of recycled water uses and programs throughout the City, specifically at the BWRP. As discussed above, the increased housing that would occur under the proposed Project would increase citywide water demand by up to 4,878 AFY, or approximately 22 percent of the City’s available water supply in 2045, which will continue to be sources primarily from Metropolitan.

Metropolitan’s projected supply allocations for Burbank are shown in Table 4.12-2, for comparison with the City of Burbank demand projections as shown in Table 4.12-1. Metropolitan estimates future water demands for Burbank and the entire region using its Econometric Demand Model, developed by the Brattle Group. BWP utilizes Metropolitan’s projections to provide the basis for dry-year (drought) water supply reliability planning.

Table 4.12-2 Metropolitan Wholesale Supply Allocation for Burbank

Source	2020 (actual)	2025	2030	2035	2040	2045
Treated Potable	6,165	7,407	9,722	10,714	11,012	11,310
Untreated Groundwater Replenishment	152	6,800	6,800	6,800	6,800	6,800

Notes: Units in acre-feet (AF)

MWD Replenishment supply was especially low in 2020 due to previous recharge of large quantities of surplus water through MWD’s cyclic storage program. Over the long term, Burbank projects the need to recharge approximately 6,800 AFY to balance groundwater inventory.

Source: BWP 2021a

Table 4.12-1 indicates that Metropolitan’s treated potable water supply allocation for the City of Burbank in 2020 was 6,165 AF. In comparison, Table 4.12-2 indicates that the City of Burbank purchased 6,165 acre-feet of treated potable water from Metropolitan in 2020. As such, the City’s demand for treated potable water in 2020 was equal to the demand projected by Metropolitan. The City’s demand and Metropolitan’s demand projections remain equal over time under all climatic conditions considered, and in the year 2045, the City’s demand for potable treated water is projected to be 11,310 AF, which is also the same as Metropolitan’s projection. Metropolitan further details supply and demand projections under normal water year conditions, singly dry year (drought) conditions, and multiple dry year (extended drought) conditions, as shown in Table 4.12-3 through Table 4.12-5below.

Table 4.12-3 BWP Normal Year Supply and Demand

Sources	2025	2030	2035	2040	2045
Potable					
Normal Year Supply	18,062	20,380	21,386	21,712	22,010
Normal Year Demand	18,062	20,380	21,386	21,712	22,010
Non-Potable					
Normal Year Supply	10,340	10,340	10,340	10,340	10,340
Normal Year Demand	10,340	10,340	10,340	10,340	10,340

Units in acre-feet (AF)

Source: BWP 2021

Table 4.12-4 BWP Single Dry Year Supply and Demand

Sources	2025	2030	2035	2040	2045
Potable					
Single Dry Year Supply	17,989	20,298	21,300	21,625	21,922
Single Dry Year Demand	17,989	20,298	21,300	21,625	21,922
Non-Potable					
Single Dry Year Supply	10,340	10,340	10,340	10,340	10,340
Single Dry Year Demand	10,340	10,340	10,340	10,340	10,340

Units in acre-feet (AF)
Source: BWP 2021

Table 4.12-5 LVMWD Multiple Dry Year Supply and Demand

Sources	2025	2030	2035	2040	2045
First Year- Potable					
First Dry Year Supply	18,214	20,730	21,693	22,111	22,406
First Dry Year Demand	18,214	20,730	21,693	22,111	22,406
First Year- Non-Potable					
First Dry Year Supply	10,340	10,340	10,340	10,340	10,340
First Dry Year Demand	10,340	10,340	10,340	10,340	10,340
Second Year- Potable					
Second Dry Year Supply	18,600	20,935	21,693	22,172	22,406
Second Dry Year Demand	18,600	20,935	21,693	22,172	22,406
Second Year- Non-Potable					
Second Dry Year Supply	10,340	10,340	10,340	10,340	10,340
Second Dry Year Demand	10,340	10,340	10,340	10,340	10,340
Third Year- Potable					
Third Dry Year Supply	18,986	21,139	21,693	22,232	22,406
Third Dry Year Demand	18,986	21,139	21,693	22,232	22,406
Third Year- Non-Potable					
Third Dry Year Supply	10,340	10,340	10,340	10,340	10,340
Third Dry Year Demand	10,340	10,340	10,340	10,340	10,340
Fourth Year- Potable					
Fourth Dry Year Supply	19,373	21,344	21,891	22,293	22,406
Fourth Dry Year Demand	19,373	21,344	21,891	22,293	22,406
Fourth Year- Non-Potable					
Fourth Dry Year Supply	10,340	10,340	10,340	10,340	10,340
Fourth Dry Year Demand	10,340	10,340	10,340	10,340	10,340

Sources	2025	2030	2035	2040	2045
Fifth Year- Non-Potable					
Fifth Dry Year Supply	19,759	21,549	21,958	22,354	22,406
Fifth Dry Year Demand	19,759	21,549	21,958	22,354	22,406
Fifth Year- Non-Potable					
Fifth Dry Year Supply	10,340	10,340	10,340	10,340	10,340
Fifth Dry Year Demand	10,340	10,340	10,340	10,340	10,340

Units in acre-feet (AF)
 Source: BWP 2021

As shown above, Metropolitan projects that water supply will be equal to water demand under all climatic conditions considered, such that water supply reliability is 100 percent through the year 2045 (BWP 2021a). This is partly due to the effectiveness of conservation programs implemented throughout the planning period. The projections shown above for imported surface water supply availability from Metropolitan indicate that sufficient supplies are available to the City to meet projected demands. These projections are based upon the City’s 2020 UWMP which reflects population growth associated with the Housing Element Update, as well as additional supplies associated with expansion of the City’s current water supply portfolio through increased conservation and conjunctive use management efforts. Since BWP water demands are accounted for in the supply availability projections identified above, and with consideration to BWP’s access to local groundwater supplies and recycled water supplies, both of which are expected to increase over time, it is reasonably anticipated that sufficient water supply is available for the proposed Project demands.

As noted in the City’s UWMP, future development projects that meet the definition of “project” in the California Water Code as amended by Senate Bill 610 are required to develop a project-specific WSA. A WSA is required for several types of development projects, and specifically for residential developments of 500 or more units, or projects that would introduce a water demand equivalent to or greater than that of a 500-unit residential development. In accordance with California Water Code, a WSA is required to evaluate the availability and reliability of water supply over a 20-year projection and with consideration to varying climatic (drought) conditions, similar to the types of projections provided in the UWMP as shown in . Project-specific WSAs are subject to the review and approval of BWP, as the water supplier throughout Burbank, and WSAs will be considered in BWP supply planning documents, including future iterations of the UWMP. As discussed above, based upon the City’s 2020 UWMP and supply availability projections, as well as projected demands associated with the proposed Project, it is reasonably anticipated that sufficient water supply is available to meet future water demands in the City.

In addition to the anticipated sufficiency and reliability of existing and planned water supplies in Burbank, BWP and Metropolitan are actively developing and implementing water supply-related projects that further bolster the reliability of future water supplies. These projects include but are not limited to: an increase of up to 200 AFY of expanded water recycling activities at BWRP; development of North Hollywood Operable Unit wells for expanded potable reuse supplies at the Burbank Operable Unit; and a feasibility study to assess opportunities for indirect potable reuse / direct potable reuse, thereby further bolstering available future supplies (BWP 2021a). Through these efforts, BWP anticipates that recycled water will play an integral role in future water supplies.

In summary, regulatory orders and management agencies ensure the sustainability and reliability of water supplies currently used in the City of Burbank. In addition, BWP and Metropolitan have identified potential future supply sources to augment water supplies and further insulate the region from hydrological uncertainty. Therefore, sufficient water supplies are available to serve reasonably foreseeable development under the proposed Project, including reasonably foreseeable future development during normal (water year), dry-year, and multiple-dry-year (drought) conditions. Potential impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Threshold 3: Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Impact UTIL-3 WASTEWATER GENERATED IN THE CITY OF BURBANK IS CONVEYED TO AND TREATED AT THE BURBANK WATER RECLAMATION PLANT. REASONABLY FORESEEABLE DEVELOPMENT UNDER THE PROPOSED PROJECT WOULD INCREASE WASTEWATER GENERATION COMMENSURATE WITH THE INCREASED POPULATION. SIGNIFICANT TREATMENT CAPACITY IS CURRENTLY AVAILABLE AT THE BWRP TO TREAT INCREASED WASTEWATER GENERATED AS A RESULT OF THE PROJECT. HOWEVER, BASED ON THE SEWER GENERATION RATES THAT WERE CALCULATED FOR THE PROPOSED PROJECT, ALONG WITH CONSTRAINTS WITHIN THE CITY'S TREATMENT SYSTEM, POTENTIALLY SIGNIFICANT IMPACTS COULD RESULT ON A PROJECT-SPECIFIC BASIS WITH NO FEASIBLE MITIGATION AT THE CURRENT PLAN LEVEL. THEREFORE IMPACTS WOULD BE SIGNIFICANT AND UNAVOIDABLE.

As discussed in Section 4.13.1(b), all wastewater generated in the City of Burbank is conveyed via sewer laterals to the sewer mainline, which conveys wastewater to the BWRP for treatment and reuse as applicable. The BWRP has a design capacity of 12.5 mgd and currently treats approximately 8.5 mgd (BWP 2021a). The BWRP produces a disinfected tertiary effluent that is discharged to either the Burbank Western Channel or the City's recycled water distribution system for non-potable use, which is conducted in compliance with an existing NPDES permit issued by the Los Angeles RWQCB. The City has substantially expanded its recycled water program through petitions filed with and approved by the SWRCB, to change the place of use and purpose of use for treated wastewater from the BWRP to the Burbank Western Channel, which flows to the Los Angeles River (SWRCB 2018). As such, average daily flow rates to BWRP have decreased in recent years due to the successful implementation of water conservation measures that have resulted in less wastewater generated per capita. Water usage is projected to increase to 150 gpcd for 2025, and then gradually increase by 2045 to 170 gpcd (BWP 2021a). Wastewater generation would be reduced by water reuse efforts and programs which are currently being expanded by BWP, such as reusing graywater for landscaping and other non-potable purposes.

The proposed Housing Element Update would increase wastewater generation and the amount of wastewater conveyed to the BWRP for treatment.

The estimated wastewater generated by the Project was calculated using the City's Department of Public Works sewage generation rates, including a 2.5 peaking factor, to determine if the existing sewer system has the adequate capacity to convey sewage from the existing properties and the

proposed developments.¹ As discussed in Section 2, *Project Description*, the estimated growth for the purpose of the EIR analysis is 10,456 housing units to account for the 2029 interpolated housing growth assumed under the two Specific Plans along with the City's RHNA allocation. Furthermore, the City projects approximately 1.4 million square feet of new commercial space (with an allowance of up to 10 percent of that to be restaurant space) as part of the Housing Element Update. Based on the City's wastewater generation rates (and including a peaking factor of 2.5), the Project would generate an estimated 6.3 million gallons per day (mgd) (Burbank, N.d).² As previously stated, the BWRP's current available treatment capacity is 4 mgd, which would not be sufficient to accommodate a conservative estimate of 6.3 mgd of wastewater generated by a full buildout of the proposed Housing Element Update.

The City of Burbank Public Works Department is responsible for maintaining, replacing, and upgrading the City's sewer collection and treatment system. The Public Works Department conducts repairs and upgrades as necessary to accommodate the wastewater conveyance and treatment demands throughout the City. As specific development projects are proposed and evaluated, General Plan Land Use Element Policy 2.3 would require developers to pay their fair share for infrastructure improvements as needed to serve their project, and ensure that needed infrastructure and services are available prior to or at project completion, this may include the requirement that the developer pays for and performs the necessary sewer infrastructure upgrades, per BMC 8-1-304. In addition, the projected wastewater generation rates identified herein do not account for the effectiveness of ongoing and future conservation programs at reducing water use rates and associated wastewater generation rates. Wastewater generation rates will likely be less than projected herein, as water use efficiencies reduce water use rates and corresponding wastewater generation rates. However, as discussed in Impact UTIL-1, based on the City's most recent analysis of the sewer system, constraints within the system could result from subsequent build out of housing development projects under the Project depending on location, timing, and size/scale of the project, and it cannot be assumed that necessary upgrades can always be completed prior to project completion based on the constraints. As a result, measures under Mitigation Measure UTIL-1 provide for an updated sewer service constraints analysis that identifies any such constraints and necessary mitigations relative to each opportunity site identified in the Project. The measure also requires an assessment of the need to prepare a cost of service and rate study to determine the updated sewer service charges and sewer facilities charges for the recovery of development fees for implementation of the upgrades necessary to address the identified constraints. This may also result in the creation of a process for reimbursement agreement (approved as to form by the City Attorney and approved by the City Council) for projects that must construct improvements to serve the project ahead of the City's implementation. To reiterate, the developer may also be required to pay for and build improvements to the wastewater system as of result of their project impacts.

¹ City of Burbank Public Works Department sewage generation rates available at:
<https://www.burbankca.gov/documents/174714/1196790/Sewage+Generation+Rates.pdf/5a6181e4-4f22-906e-bc32-9c29b18cb417?t=1618365964641>.

² Per the City's wastewater generation rates, multi-family apartment units generate 183 gallons per day (gpd) per unit, single-family residences generate 215 gpd per unit, restaurants generate 2,272.65 gpd per 1,000 sf, and commercial/retail uses generate 85.39 gpd per 1,000 sf. It is assumed that 10% of the mixed-use area is allocated to restaurants and 90% is allocated to retail. Therefore, based on these rates and a 2.5 peak factor, the Project will generate 6,275,625.16 gpd:

$2.5 * [(5,385 \text{ multi-family units} * 183 \text{ gpd/unit}) + (5,071 \text{ single-family units} * 215 \text{ gpd/unit}) + (1,285,947 \text{ sf of commercial/retail use} * 0.08539 \text{ gpd/sf}) + (142,883 \text{ sf of restaurant use} * 2.27265 \text{ gpd/sf})]$

$2.5 * [985,455 \text{ gpd} + 1,090,265 \text{ gpd} + 109,807.01 \text{ gpd} + 324,723.05 \text{ gpd}]$

$2.5 * 2,510,250.06 \text{ gpd} = 6,275,625 \text{ gpd}$

Although significant treatment capacity is currently available at the BWRP to treat wastewater generated because of the Project, the BWRP's capacity is 4 mgd, which would not be sufficient to accommodate a conservative estimate of 6.3 mgd of wastewater generated by a full buildout of the Housing Element Update. Therefore, the Housing Element Update would result in potentially significant impacts to wastewater treatment capacity.

Mitigation Measures

Mitigation Measure UTIL-1 would address potential impacts related to the City's wastewater conveyance system but would not address potential impacts associated with exceedance of the available wastewater treatment capacity at BWRP associated with full buildout of the Housing Element Update.

Significance After Mitigation

Public Works is currently working on a both Cost of Service/Rate Study and Needs Assessment for the BWRP. In addition, Public Works will also be initiating a new Sewer Master Plan in FY 2022/23 to evaluate the City's sewer conveyance and treatment system over the next twenty years. It is noted that the above studies will take approximately one to two years to be completed, and that the final recommendations will not be available at the time the Housing Element is scheduled to be approved. Therefore, no feasible mitigation measure is identified at the plan level to reduce impacts to wastewater treatment capacity associated with the Project and impacts would remain significant and unavoidable.

Threshold 4: Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
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Impact UTIL-4 SOLID WASTE CONVEYANCE AND DISPOSAL SERVICES IN BURBANK ARE PROVIDED BY THE STREET AND SOLID WASTE DIVISION OF PUBLIC WORKS WHICH TRANSPORTS SOLID WASTE TO THE CITY-OWNED AND OPERATED BURBANK LANDFILL. SUFFICIENT CAPACITY IS AVAILABLE AT THE BURBANK LANDFILL TO ACCOMMODATE SOLID WASTE DISPOSAL VOLUMES ASSOCIATED WITH REASONABLY FORESEEABLE DEVELOPMENT UNDER THE PROPOSED PROJECT. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

As described in Section 4.13.1, *Setting*, the Street and Solid Waste Division of Public Works is responsible for the collection of solid waste, green waste, recyclables, and bulky items. The City owns and operates the Burbank Landfill, located in the Verdugo Hills at the eastern edge of Burbank, which is expected to have an operational lifetime through year 2150. Solid waste received and processed at Burbank Landfill is 100 percent single family residential, and approximately 50 percent of multi-family and 10 percent commercial solid waste throughout the City. As of 2019, Burbank Landfill had a remaining capacity of 4,843,582 cy, or approximately 82 percent of the maximum permitted capacity of 5,933,365 cy (Los Angeles County 2020; CalRecycle 2019b). The maximum permitted intake to Burbank Landfill is 240 tons (436 cy) per operating day, while the average intake is approximately 123 tons (244 cy) per day, or approximately 51 percent of the permitted daily intake (Los Angeles County 2020). As such, Burbank Landfill has approximately 117 tons (192 cy) of its permitted daily intake available, or approximately 49 percent of the permitted daily intake.

Solid waste generation rates depend on the land use type, with multi-family residential units generating approximately four pounds per dwelling unit per day (lb/du/day), consistent with

outputs from the CalEEMod prepared for the proposed Project. If all 10,456 new housing units included under the proposed Project are constructed as multi-family residential units, this equates to approximately 40,352 lb/day (20.2 tons) of solid waste. As stated above, the Burbank Landfill has average daily available permitted capacity of 117 tons (192 cy) per day, or approximately 49 percent of the permitted daily intake. Accordingly, sufficient solid waste disposal capacity is available at Burbank Landfill to meet the potential needs associated with reasonably foreseeable development under the proposed Project; although, new sources of solid waste will inevitably lower the overall lifespan of the Burbank Landfill. In addition, as discussed in Section 4.13.1(d), "Solid Waste," multiple landfill facilities in southern California also accept and process solid waste from Burbank. In addition to the Burbank Landfill, approximately 50 percent of new wastes from multi-family residential development generated in Burbank will be transported to and disposed of at seven other southern California landfills including Burbank Landfill Site No. 3, Chiquita Canyon Sanitary Landfill, Sunshine Canyon City/County Landfill, Simi Valley Landfill and Recycling Center, Puente Hills Landfill, Lancaster Landfill and Recycling Center, and Olinda Alpha Sanitary Landfill (Burbank 2013), which will lower their lifespans while still maintaining sufficient capacity. Therefore, potential impacts from future residential development projects facilitated by the Housing Element will be mitigated through payment of fees charged for new development commensurate with the cost to transport the waste out of the City; such fees are adjusted annually as needed to ensure cost recovery.

Based upon the existing capacity of landfills available to the City, the solid waste generated by reasonably foreseeable development under the proposed Project would not require the development of new or expanded solid waste facilities but, over time, will contribute to the need as other municipalities expand their housing. The proposed Project would not generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals. Potential impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

4.12.4 Cumulative Impacts

Cumulative impacts may occur if impacts of the proposed Project combine with similar impacts of other projects in the geographic and temporal scope of cumulative analysis. The proposed Project, including future housing development facilitated by the proposed Project, in conjunction with cumulative development citywide and within neighboring cities that are also served by the respective service areas, would increase demands for utilities that could require facility expansion or construction. Potential impacts would be site-specific and would require evaluation on a case-by-case basis at the project level when future development is proposed in accordance with the proposed project. Each cumulative project would require separate review, which would address potential impacts to utilities and service systems, as well as the identification and implementation of project-specific mitigation measure as identified under UTIL-1, including conducting an updated sewer service constraints analysis to identify deficiencies in existing utility systems and a resulting update in City fees for new development projects to help offset the cost of any future necessary upgrades on a project-specific basis as deemed necessary. The geographic scope of analysis for utilities and service systems varies depending on the service addressed, as discussed below.

Water Supply

The geographic extent of cumulative analysis for the topic of water supply includes all of Metropolitan's service territory because Metropolitan provides the primary water supply source to the City, as purchased imported surface water. As discussed in the impact analysis above, full buildout of the proposed Housing Element Update would increase water demands throughout the City. Past and ongoing trends indicate that while population increases, per capita water consumption rates decrease, likely due to the effectiveness of conservation and drought response programs. In addition, the City continues to develop alternative water supplies to supplement the imported surface water supplies purchased from Metropolitan, through recycled water at the BWRP as well as local groundwater, which the City receives credits to use based upon the total amount of water imported to the City. Other projects that are anticipated to occur during implementation of projects under the Housing Element Update include non-residential developments, primarily in the form of commercial land uses. While these cumulative projects would also introduce new water demands, future development would be consistent with the City's General Plan, which informs the City's UWMP to project water supply availability and reliability, including as related to imported surface water from Metropolitan as well as locally developed water supplies including recycled water and groundwater. In addition, as with projects under the Housing Element Update, future projects in the cumulative scenario would be subject to the same regulatory orders and management agencies as the proposed Project that ensure the sustainability and reliability of water supplies currently used in the City of Burbank. In addition, BWP and Metropolitan have identified potential future supply sources to augment water supplies and further insulate the region from hydrological uncertainty. Therefore, sufficient water supplies are available to serve reasonably foreseeable development under the proposed Project and other projects in the cumulative scenario for water supply during normal year, dry year, and multiple dry-year conditions. Potential cumulative impacts associated with water supply would be less than significant.

Wastewater

The geographic extent of cumulative analysis for the topic of wastewater includes the Public Works Department's service territory as wastewater conveyance and treatment throughout the City is conducted by the City's Public Works Department. As discussed in the impact analysis above, new wastewater service connections would be installed as needed, on a project-specific basis; this would occur for non-residential developments within the cumulative scenario as it would for residential developments under the proposed Project. The Public Works Department conducts repairs and upgrades to the existing City-owned wastewater conveyance system throughout the City on an as-needed basis. However, as specific development projects are proposed and evaluated, General Plan Land Use Element Policy 2.3 would require developers to pay their fair share for infrastructure improvements as needed to serve their project, and ensure that needed infrastructure and services are available prior to or at project completion, this may include the requirement that the developer pays for and performs the necessary sewer infrastructure upgrades, per BMC 8-1-304. With implementation of Mitigation Measure UTIL-1 (Sewer Service Constraints Analysis), cumulative impacts related to wastewater conveyance would be less than significant.

Wastewater generation for full buildout of the proposed Housing Element Update is estimated to be up to approximately 6.3 mgd, which is not within the City's currently available treatment capacity of 4 mgd. Therefore, impacts would be, significant and unavoidable due to constraints within the sewer system and development under the proposed Project would contribute to a cumulatively significant impact associated with wastewater generation.

Stormwater

The geographic extent of cumulative analysis for the topic of stormwater includes the entire City of Burbank because the Public Works Department and LACFCD operates and maintain the Citywide stormwater conveyance system. Non-residential projects in the cumulative scenario would introduce project-specific needs for stormwater conveyance that would be reviewed and permitted on a project-by-project basis by the City. Due to the extensive built-up nature of the City, new development is not anticipated to introduce substantial new areas of impervious surfaces, such that substantial expansion of existing stormwater conveyance infrastructure would be necessary. Therefore, potential cumulative impacts associated with stormwater would be less than significant.

Solid Waste

The geographic extent of cumulative analysis for solid waste is the entire City of Burbank as all solid waste within the City is collected and transported for landfill disposal at one of seven southern California landfills, including Burbank Landfill Site No. 3, Chiquita Canyon Sanitary Landfill, Sunshine Canyon City/County Landfill, Simi Valley Landfill and Recycling Center, Puente Hills Landfill, Lancaster Landfill and Recycling Center, and Olinda Alpha Sanitary Landfill (City of Burbank 2013). The Street and Solid Waste Division of the Burbank PWD provides solid waste collection services for all single-family residences, 50 percent of multifamily residences, and approximately 10 percent of the City's commercial/industrial refuse customers. All other uses are served by private solid waste hauling companies which also transfer solid waste from Burbank to one of the aforementioned landfill sites for disposal. The cumulative scenario for solid waste is characterized by non-residential developments that would require solid waste hauling and disposal; such developments would include commercial and industrial land uses, which are primarily served by private waste hauling companies. Based on the existing capacity of landfill sites in the vicinity of Burbank, including the Burbank Landfill which has a remaining disposal capacity of approximately 82 percent (of the maximum permitted capacity) and is estimated to remain operational through 2150, sufficient landfill disposal capacity is anticipated to be available to accommodate cumulative projects. Therefore, potential cumulative impacts associated with solid waste would be less than significant.

Telecommunications, Electricity, and Natural Gas

The geographic extent of cumulative analysis for telecommunications, electricity, and natural gas includes the entire service territories of the providers for each of these utilities.

Telecommunications

Telecommunications services in Burbank are provided by private companies, including AT&T, EarthLink, and Spectrum, among others, and telecommunications facilities are generally available throughout the City. Connections for new telecommunications services are implemented on an as-needed basis, and the service provider used is generally at the discretion of the customer. Cumulative projects will establish telecommunications service connections in the same manner as residential developments under the proposed Project. There are no anticipated limitations to the availability of telecommunications service. Potential cumulative impacts associated with telecommunications would be less than significant.

Electricity

Electric power supply throughout the City is provided by BWP. Residential uses in Burbank represent the second most energy intensive land use serviced by BWP (287.6 GWh), behind commercial and

building (507.8 GWh). Future housing in the City would be implemented in accordance with the Housing Element Update assessed herein, such that projects in the cumulative scenario for energy are non-residential uses, which are generally more energy-intensive than residential uses such as would occur under the proposed Project. As with the proposed Project, other projects in the cumulative scenario would require electric service and would be connected to electricity through BWP. BWP's unaudited power mix from the PCL, which shows total generation delivered for a calendar year, divided by retail sales (not renewable energy credits retired) for 2020 consisted of approximately 31 percent renewable resources (wind, geothermal, biomass, solar, and small hydroelectric), 26 percent coal, 31 percent natural gas, eight percent nuclear, two percent hydroelectric, and the remainder from other sources (BWP 2020). As such, although electricity usage within the City is anticipated to increase as cumulative projects are implemented, BWP has a diverse power supply portfolio that includes renewable resources as well as traditional power sources and electricity.

In addition, BWP has numerous plans that are being implemented to shift the generation of electric power to renewable sources of energy. The most recent plan, BWP's 2019 *Final Power Integrated Resource Plan*, identifies a planning tool that is central to the continued reliability of the BWP power system while meeting all regulatory requirements through 2038 (BWP 2019). BWP is also looking at expanding several alternative energy options including implementing solar, wind, and batteries to help replace energy that has traditionally been sourced from the IPP coal resource. Through the continued expansion of alternative energy sources and compliance with the State's RPS (discussed under Impact UTIL-1), sufficient power, including as electricity, will be available to meet future demands. Potential cumulative impacts associated with electricity would be less than significant.

Natural Gas

The City of Burbank receives natural gas from the Southern California Gas Company (SCG), which provides service to most of southern California (SCG 2021). In 2019, SCG's residential customers accounted for approximately 46 percent of SCG's natural gas consumption, while industrial and commercial customers accounted for another 31 percent and 17 percent, respectively. Projects in the cumulative scenario are anticipated to primarily consist of commercial and industrial developments, as residential developments would be implemented under the proposed Project; as such, cumulative projects will introduce a lower demand for natural gas than the proposed Project. Given the extent of SCG's service territory comprising the majority of southern California, sufficient infrastructure is anticipated to be present to accommodate future development under the cumulative scenario, with connections established on a project-by-project basis. In addition, as discussed above for *Electricity*, the City of Burbank is actively expanding its power supply portfolio, including as applicable to natural gas. Therefore, sufficient natural gas infrastructure and energy supply is available to development projects under the cumulative scenario. Potential cumulative impacts associated with natural gas would be less than significant.

Mitigation Measures

No mitigation measures are required.

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5 Other CEQA Considerations

Section 15126 of the CEQA Guidelines requires that EIRs identify significant environmental effects of a project and significant environmental effects of a project that cannot be avoided, which are handled in the individual sections of this EIR. CEQA Guidelines Section 15126 also requires the identification of significant irreversible environmental changes that would result from implementation of a project and growth-inducing impacts of a project, which are identified in this section. Table ES-4 in Executive Summary and Sections 4.1 through 4.12 of this EIR provide a comprehensive identification of the environmental effects of the Housing Element Update, including the level of significance both before and after mitigation.

5.1 Significant Environmental Effects that Cannot be Avoided

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. Implementation of the Housing Element Update would result in the following significant and unavoidable impact:

- **Transportation – Impact TRA-2:** Would the proposed project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?
 - The Housing Element Update would reduce VMT in the three target populations, however it would not reduce VMT more than the required 15 percent.
- **Utilities/Services – Impact UTIL-3:** Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?
 - Wastewater generated in the City of Burbank is conveyed to and treated at the Burbank Water Reclamation Plant. Reasonably foreseeable development under the proposed Project would increase wastewater generation commensurate with the increased population. Significant treatment capacity is currently available at the BWRP to treat increased wastewater generated as a result of the Project. However, based on the sewer generation rates that were calculated for the proposed Project, along with constraints within the City’s treatment system, potentially significant impacts could result on a project-specific bases with no feasible mitigation at the current plant level. Therefore, impacts would be significant and unavoidable.

5.2 Significant Irreversible Environmental Effects

Section 15126.2(c) of the CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by a proposed project. Specifically, Section 15126.2(c) states:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to

similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irreversible commitments of resources should be evaluated to assure that such current consumption is justified.

Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The primary and secondary impacts would generally commit future generations to similar uses;
- The project would involve a large commitment of nonrenewable resources;
- The project involves uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The project involves the wasteful use of resources.

Resources that would be consumed as a result of construction and operation of reasonably foreseeable development under the Housing Element Update include water, electricity, natural gas, and fossil fuels. However, as discussed in Section 6, Energy, of the Initial Study (Appendix A); Section 19, Utilities and Services Systems, of the Initial Study; and Section 4.12, Utilities/Service Systems, of this EIR, the amount and rate of consumption of these resources would not result in significant environmental impacts related to the unnecessary, inefficient, or wasteful use of resources.

Construction activities related to reasonably foreseeable development under the Housing Element Update would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels (including fuel oil), natural gas, and gasoline for automobile and construction equipment. However, as discussed in Section 6, Energy, of the Initial Study (Appendix A), use of such resources by construction activities associated with residential development under the Housing Element Update would not be unusual as compared to other construction projects and would not substantially affect the availability of such resources.

With respect to operational activities, compliance with all applicable energy and building codes, as well as mitigation measures, would ensure that natural resources are conserved or recycled to the maximum extent feasible. New development under the Housing Element Update would be subject to the energy conservation requirements of the California Energy Code (Title 24, Part 6 of the California Code of Regulations, California's Energy Efficiency Standards for Residential and Nonresidential Buildings), the California Green Building Standards Code (Title 24, Part 11 of the California Code of Regulations), and the Burbank Green Building Code (Burbank Municipal Code Title 9, Chapter 1). The California Energy Code provides energy conservation standards for all new and renovated commercial and residential buildings constructed in California. This Code applies to the building envelope, space-conditioning systems, and water-heating and lighting systems of buildings and appliances and provides guidance on construction techniques to maximize energy conservation. Minimum efficiency standards are given for a variety of building elements, including appliances; water and space heating and cooling equipment; and insulation for doors, pipes, walls, and ceilings. The Code emphasizes saving energy at peak periods and seasons and improving the quality of installation of energy efficiency measures. The California Green Building Standards Code sets targets for energy efficiency; water consumption; dual plumbing systems for potable and recyclable water; diversion of construction waste from landfills; and use of environmentally sensitive materials in construction and design, including ecofriendly flooring, carpeting, paint, coatings, thermal insulation, and acoustical wall and ceiling panels. New developments would also be required to comply with the Burbank Green Building Code, which contains mandatory measures for residential and non-residential uses, particularly those related to energy efficiency (i.e., renewable energy,

indoor and outdoor water use, and water reuse systems). While consumption of natural resources in the City would increase with implementation of the Housing Element Update due to development and associated population increases, it is also likely that in response to greenhouse gas reduction mandates, new technologies or systems will emerge, or will become more cost-effective or user-friendly, that will further reduce the City's reliance upon nonrenewable natural resources. Therefore, the Housing Element Update would not result in the wasteful or inefficient use of natural resources.

5.3 Growth Inducing Impacts

Section 15126.2(d) of the CEQA Guidelines requires consideration of the growth inducing impacts of a proposed project. Growth inducing impacts are characteristics of a project that could "foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." According to the CEQA Guidelines, such projects include those that would remove obstacles to population growth (e.g., a major expansion of a wastewater treatment plant). In addition, as set forth in the CEQA Guidelines, increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Generally, a project may result in growth inducing effects if it involves one of the following:

- The removal of a regulatory obstacle to growth (e.g., an annexation or up-zoning), thus indirectly inducing population and/or employment growth; and/or
- Extension of infrastructure (sewer, water, etc.) to an area currently undeveloped and/or lacking adequate infrastructure, thus removing an obstacle to growth

The CEQA Guidelines state that it must not be assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment. Therefore, the Housing Element Update's growth inducing effect is considered a significant environmental impact only if one of the above listed effects results in a significant physical effect in one or more of the issue areas analyzed in Section 4 of this EIR.

Population and Employment

The Housing Element Update would accommodate development of new housing units in already urbanized areas of the City. As discussed in Section 2, Project Description, the estimated growth that was analyzed under the proposed Project is 10,456 new housing units, exceeding the City's Regional Housing Needs Assessment (RHNA) of 8,772 units, which is determined by the Southern California Association of Governments (SCAG) to quantify the need for housing within each jurisdiction based on anticipated growth. New residential units developed under the Housing Element Update could directly increase the population of the City if they would be occupied by people currently residing in other cities or regions.

According to the California Department of Finance (DOF), the City of Burbank has a current population of 103,969 with an average household size of 2.45 (California DOF 2021). Based on the average household size of 2.45, the increase of 10,456 residential units would generate a population increase of approximately 25,617 residents. Therefore, the City's population could increase to 129,586. This population increase would be approximately 12.3 percent higher than SCAG's forecast population of 115,400 persons by 2045. Additionally, SCAG projections indicate an increase in the

City's number of households by 6,700 (16 percent) over the next 25 year for an estimated 48,600 households in 2045.

Burbank's Land Use Element forecasts an estimated city-wide buildout capacity of 61,647 residential units (City of Burbank 2013). With the addition of the 10,456 new units anticipated through this Housing Element update, the City would have 55,525 total residential units, 6,122 lower than Burbank's estimated residential capacity. Adoption and implementation of the Housing Element would not induce growth beyond that already anticipated in the current Land Use Element.

The variation in population forecasts is not considered substantial given it would occur over an extended period (i.e., 2021 through 2029). Additionally, the future housing development facilitated by the proposed Project is intended to be dispersed throughout the community to create managed levels of growth in specific areas and be consistent with the City's RHNA. The City is mostly developed and is supported by existing infrastructure. Therefore, the proposed Project would not induce substantial unplanned population growth in the. New residential development would also increase employment; however, any employment growth would be within regional forecasts and housing would accommodate new employees rather than induce people to move to the region.

Furthermore, the purpose of the Housing Element Update is to address the City's fair share of the regional housing need and specific State statutory requirements. Under the RHNA, SCAG has determined the need for 8,772 units for the City, of which 3,971 must be affordable to low and very low-income households (SCAG 2020b). In addition, State law now implicitly requires a sufficient buffer in the Inventory of Sites to ensure sufficient affordable housing unit availability during the eight-year planning cycle for the Housing Element. For these reasons, the City's Inventory of Sites will target identifying a capacity of up to 10,456 units, of which approximately 4,425 will be accommodated on sites that meet affordable housing criteria. Therefore, the proposed Project would align with SCAG's RHNA determination and the State statutory requirements, which are established based on the City's housing requirements.

Community-Serving Infrastructure

The City is primarily urbanized and contains developed communities with existing serving infrastructure, including roads, water supply, sewers, and storm drains. The City's existing roadway network would largely accommodate reasonably foreseeable development under the Housing Element Update. In the event that roadway upgrades are required to serve specific future development, such upgrades would likely be minor (e.g., lane reconfiguration or restriping) and would not include the construction of new roads. Although new residential development under the Housing Element Update may also require minor utility upgrades or expansion (e.g., water line connections, site drainage design) on a project-by-project basis, such upgrades would be intended to accommodate the growth planned under the Housing Element Update and would not require extensions into undeveloped and sensitive areas. In addition, the Housing Element Update is intended to concentrate new housing development in areas that are already served by infrastructure in order to ensure that infrastructure is utilized efficiently and in a manner that reduces the environmental impacts of development. Therefore, the proposed Project would not result in the extension of infrastructure to undeveloped areas which would remove an obstacle to growth.

As discussed in Section 4.12, Utilities/Service Systems, the analysis found that existing utility systems for water, electric power, natural gas, and telecommunications facilities in the City have sufficient capacity to serve reasonably foreseeable development under the proposed Project; therefore, potential infrastructure improvements associated with these utilities and service systems

would not contribute to growth in the City. Regarding wastewater treatment capacity, the analysis found that development under the proposed Project would increase wastewater generation proportional to the projected increased population. Based on the sewer generation rates that were calculated for the proposed Project, along with constraints within the City's wastewater treatment system that could result from build out of development projects under the Project, potential impacts associated with wastewater generation are significant and unavoidable. Nonetheless, the City's plans and improvements to the sewer conveyance and treatment system will be based on the projected population, and therefore, would not result in unplanned population growth.

Because the City is urbanized, housing development would generally not impact sensitive environmental resources such as agriculture, biological resources, and mineral resources. In addition, the Housing Element Update would concentrate housing development along major transit corridors and areas with access to transit, jobs, services, and open spaces, which would generally minimize impacts as new development would be built to current standards and would improve some existing conditions such as stormwater runoff, surface water quality, and protection against substantial seismic damage. The Housing Element Update would not result in unplanned growth but would rather ensure that projected growth is accommodated. The Housing Element Update is anticipated to satisfy the anticipated population growth in the region in an efficient manner consistent with State, regional and local policies and with the projected growth forecast for the Burbank region. To that end, the Housing Element Update would aim to efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality.

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6 Alternatives

As required by Section 15126.6 of the *CEQA Guidelines*, this EIR examines a range of reasonable alternatives to the proposed Project that would attain most of the basic Project objectives (stated in Section 2, *Project Description*, of this EIR) but would avoid or substantially lessen the significant adverse impacts.

As discussed in Section 2, *Project Description*, the objectives for the proposed Project, are as follows:

1. Meet the City's fair share of the regional housing need to accommodate projected population growth within the City and region
2. Conserve and enhance the quality of existing housing and neighborhoods
3. Provide housing sites that accommodate a range of housing types to meet the diverse needs of existing and future residents
4. Continue to facilitate the development of housing affordable to all economic segments of the community
5. Focus on removing governmental constraints to the maintenance, improvement, and development of housing
6. Promote non-discrimination and ensure fair and equal housing opportunities for all persons

Included in this analysis are two alternatives, including the CEQA-required "no project" alternative, that involve changes to the Project that may reduce the Project-related environmental impacts as identified in this EIR. Alternatives have been developed to provide a reasonable range of options to consider that would help decision makers and the public understand the general implications of revising or eliminating certain components of the proposed Project.

The following alternatives are evaluated in this EIR:

- Alternative 1: No Project
- Alternative 2: City Build-Out

Detailed descriptions of the alternatives are included in the impact analysis for each alternative. The potential environmental impacts of each alternative are analyzed in Sections 6.1 and 6.2.

6.1 Alternative 1: No Project Alternative

6.1.1 Description

The "No Project" Alternative involves continued implementation of the existing 2013-2021 Housing Element and a continued growth rate predicted by SCAG to yield 3,591 units by 2029. The No Project Alternative assumes that the City's existing plan and policies would continue to accommodate development in accordance with existing land use designations. Ultimately, this alternative would not fulfill the State requirements regarding updates to the Housing Element and SCAG's RHNA allocation.

Due to the limitation placed on development in the city under existing plans and policies, the No Project Alternative would not be consistent with Objective 1, which aims to accommodate employment, housing, and population growth projections forecasted through the planning horizon

year of 2029 and Objective 4, which aims to facilitate affordable housing options throughout the city.

6.1.2 Impact Analysis

a. Air Quality

Under the No Project Alternative, fewer total residential units would be developed, which would result in a smaller anticipated population increase. This alternative would also be consistent with the AQMP the same as the Project. Construction and operational air quality impacts would be less than those of the Project, as less development would occur. The construction of 3,591 units would likely still cause potentially significant construction air quality impacts, therefore Mitigation Measure AQ-1 would still be required. Additionally, although the operational impacts would be less than those of the Project, the impacts would likely still be potentially significant due to the number of units that would be constructed. Therefore, Mitigation Measure AQ-2 would still be required to reduce impacts to less than significant. Overall, air quality impacts under the No Project Alternative would be less than those under the Project.

b. Biological Resources

Development under the No Project Alternative would be less than that under the Project. Impacts could still occur to nesting birds during construction of the anticipated residential units; therefore the Mitigation Measure BIO-1 would still be required. Impacts would be less than what would occur under the Project since fewer nests would be potentially impacted by development.

c. Cultural Resources/Tribal Cultural Resources

As described in Section 4.3, *Cultural Resources/Tribal Cultural Resources*, there are various buildings within the city that may qualify as historic structures. Under the No Project Alternative there would be significantly less development than under the Project, however it is still possible that historic structures could be impacted by this development, therefore Mitigation Measure CUL-1 would still be required. Since less development would occur under the alternative, fewer historic structures would be impacted than under the Project. Therefore, impacts would be less than the Project and impacts would remain less than significant with mitigation incorporated.

d. Geology/Soils

While the No Project Alternative would result in less development than the Project, the development that would occur could still impact previously unidentified paleontological resources. This is because development could include excavations at depths beyond five feet below the surface. Therefore, Mitigation Measures GEO-1 and GEO-2 would still be required to reduce impacts to a less than significant level. However, it is likely that due to the reduced development under this alternative that fewer unidentified paleontological resources would be impacted than under the Project making the impact less severe than the Project.

e. Greenhouse Gas Emissions

Under the No Project Alternative, fewer total residential units would be developed, which would result in a smaller anticipated population increase. This alternative would still be consistent with all applicable plans and policies. This alternative would result in lower GHG emissions than the Project

as it would result in less development. Therefore, the impact under this alternative would be less than those of the Project.

f. Hazards and Hazardous Materials

The No Project Alternative would result in less development than the Project, however the development allowed under this alternative could still occur within 0.25 mile of a school and could result in the release of hazardous materials. Just as with the Project, compliance with regional and federal regulations and compliance with the Safety Element policies would minimize the risk of releases and exposure to these materials. Impacts would remain less than significant.

As discussed in Section 4.6, *Hazards and Hazardous Materials*, there are multiple locations within the city that are designated as hazardous materials sites. While the No Project Alternative would result in less development overall, it could still occur on these sites. Therefore, Mitigation Measure HAZ-1 would still be required to ensure the potential impacts would be less than significant. Due to the reduced development under this alternative, it is likely that fewer hazardous materials sites would undergo development than under the Project. Therefore, while the mitigation is still required, the impact would be less severe than under the Project.

g. Noise

The No Project Alternative would result in less development than the Project, however this development would still generate construction and operational noise. While construction under this alternative would also comply with the allowed daytime construction hours regulated by the Burbank Municipal Code (BMC), larger developments could still generate construction noise in excess of applicable noise limits. Mitigation Measures NOI-1a through NOI-1f would reduce construction noise levels associated with smaller housing development below the eight-hour 80 dBA L_{eq} daytime residential noise limit per FTA guidelines and Mitigation Measure NOI-1g would reduce construction noise impacts whenever a development project is located within 500 feet of a noise-sensitive land use. Therefore, while the mitigation is still required, the impact would be less severe than under the Project.

Development under the No Project Alternative could also generate vibration exceeding thresholds for building damage, particularly during construction. Although development would occur to a lesser degree than the Project, implementation of Mitigation Measure NOI-3 would still substantially reduce/control construction such that vibration levels would not exceed the vibration criteria for building damage. Impacts would remain less than significant with mitigation. Furthermore, as with the Project, it is not anticipated that operation of development under the No Project Alternative would involve activities that would result in substantial vibration levels, such as use of heavy equipment and impacts would remain less than significant.

Although operational noise associated with the No Project Alternative would still be regulated by respective standards in the BMC, such noise sources would occur to a lesser degree than the Project. Nonetheless, on-site operational noise would remain typical of the urban environment and off-site traffic noise associated with development would not result in a perceptible increase in noise levels. Furthermore, while the No Project Alternative would subject less development to overhead flight patterns from airport, all development would nonetheless be required to comply with State and local standards to reduce interior noise to acceptable levels. Impacts would remain less than significant. Overall noise impacts under the No Project Alternative would be slightly less than the Project.

h. Population/Housing

The No Project Alternative would result in a smaller number of residential units and therefore would result in a smaller population increase than the Project. Using the DOF persons per household ratio of 2.45, this would result in an estimated population increase of 8,798 people. This would bring the population of the city to 112,767. This population increase would be 2,633 less than SCAG’s forecast population of 115,400 persons by 2045. This growth would still be within the planned population increase in the city as outlined in the SCAG RTP/SCS. Impacts would be less than those of the Project and would be less than significant.

i. Public Services

The No Project Alternative would result in fewer residential units than the Project. Therefore, the increase in demand on public services, including police protection, fire protection, schools, parks, and libraries would be less than that of the Project. Impacts would be less than those of the Project and would remain less than significant.

j. Recreation

The No Project Alternative would result in fewer residences which in turn would result in less of an increase in demand for parks than the Project. Any residences built under the No Project Alternative would still be required to pay the in-lieu fee which would help fund park maintenance. Impacts would be less than those of the Project as there would be less of a demand increase on recreational facilities and the impact would remain less than significant.

k. Transportation

Under the No Project Alternative, fewer residential units would be developed and the increase in traffic would be less than that of the Project. However, the VMT for the City would not be reduced by the 15 percent required for each of the three service populations. This is because there would not be sufficient population added to the area surrounding the transit corridors and employment areas to reduce the driving distances. Burbank would still be considered a more “jobs rich” community and people would drive from further outside the city to their jobs. Therefore, impacts to transportation would be greater than under the Project.

l. Utilities/Service Systems

Under the No Project Alternative, fewer residential units would be constructed and therefore the demand on utilities would be less than the Project. This includes a reduction in water supply requirements, wastewater generation, electricity use, solid waste generation, and telecommunications. Impacts would be less than significant.

6.2 Alternative 2: City Build-Out

6.2.1 Description

This alternative would involve the buildout of 18,600 units, which would bring the City residential units up to the limit established by Measure One. This would be 8,144 units over the proposed update to the Housing Element. These units would be placed in the Medium Density, High Density and Various Commercial zone districts. No units would be proposed in the Low Density Residential

district. Table 6-1 shows the distribution of units throughout these zone districts and the conformity to the maximum allowed under Measure One.

Table 6-1 Alternative 2 – Measure One Unit Distribution and Conformity

	Alternative 2 Proposed Units	Measure One Maximum Build-Out
Low Density Residential	0	22,225
Medium Density Residential	2,000	11,502
High Density Residential	8,000	15,910
Various Commercial	8,600	12,010
Total	18,600	61,647

Measure One Build-Out is from Table LU-3 on page 3-26 of the Burbank2035 General Plan

This alternative would increase density throughout the city and in order to accommodate this increase in density, housing would be located within the commercial corridors.

Alternative 2 would not fulfill Objective 2 as it would change the character of existing neighborhoods by increasing the density.

6.2.2 Impact Analysis

a. Air Quality

Under Alternative 2, more total residential units would be developed, which would result in a larger anticipated population increase. according to the California Department of Finance the city has an estimated 2.45 persons per household therefore the increase of 18,600 units would increase the population by 25,722. This is beyond the growth estimates put out by SCAG and therefore this alternative would not be consistent with the AQMP.

Construction and operational air quality impacts would be greater than those of the Project, as more development would occur. The construction of 18,600 units would cause potentially significant construction air quality impacts, therefore Mitigation Measure AQ-1 would still be required. Additionally, operational impacts would likely still be potentially significant due to the number of units that would be constructed. Therefore, Mitigation Measure AQ-2 would still be required. Overall, air quality impacts under the City Build-Out Alternative would be greater than those under the Project.

b. Biological Resources

Development under Alternative 2 would include 78 percent more units than under the Project. Impacts would occur to nesting birds during construction of the anticipated residential units, therefore the Mitigation Measure BIO-1 would still be required. Impacts would be greater than what would occur under the Project; however, they would remain less than significant with mitigation incorporated.

c. Cultural Resources/Tribal Cultural Resources

As described in Section 4.3, *Cultural Resources/Tribal Cultural Resources*, there are various buildings within the city that may qualify as historic structures. Under the City Build-Out Alternative there would be 78 percent more development than under the Project, therefore it is more likely that

historic structures could be impacted by this development, therefore Mitigation Measure CUL-1 would still be required. Since more development would occur under the alternative, it is likely that more historic structures would be impacted than under the Project. Therefore, impacts would be greater than the Project, but impacts would remain less than significant with mitigation incorporated.

d. Geology/Soils

Alternative 2 would result in more development than the Project, and the development that would occur could still impact previously unidentified paleontological resources. This is because development could include excavations at depths beyond five feet below the surface. Therefore, Mitigation Measures GEO-1 and GEO-2 would be required to reduce impacts to a less than significant level. Due to the increased amount of development, it is likely that more previously unidentified paleontological resources would be encountered making the impact more severe than under the Project while still being less than significant with mitigation.

e. Greenhouse Gas Emissions

Under Alternative 2, 78 percent more units would be constructed. Development under this alternative would be consistent with all applicable plans and policies. GHG emissions would specifically arise from direct sources such as motor vehicles, natural gas consumption, solid waste handling/treatment, and indirect sources such as electricity generation. The construction of the units would increase GHG emissions for all contributing factors. Overall, GHG emission impacts under the City Build-Out Alternative would be greater than the Project.

f. Hazards and Hazardous Materials

Alternative 2 would result in 78 percent more development than the Project, which would increase the likelihood that this development would occur within 0.25 mile of a school and could result in the release of hazardous materials. However, just as with the Project, compliance with regional and federal regulations and compliance with the Safety Element policies would minimize the risk of releases and exposure to these materials. Impacts would remain less than significant.

As discussed in Section 4.6, *Hazards and Hazardous Materials*, there are multiple locations within the city that are designated as hazardous materials sites. It is likely that development would occur on one of these sites due to the amount of development that would occur under this alternative. Therefore, Mitigation Measure HAZ-1 would still be required to ensure the potential impacts would be less than significant. Additionally, the impacts would be more severe due to the increased likelihood of development although the impact would remain less than significant with mitigation incorporated.

g. Noise

Alternative 2 would result in more development than the Project. As with the Project, construction under this alternative would comply with the allowed daytime construction hours regulated by the BMC; however, larger developments could still generate construction noise in excess of applicable noise limits. Mitigation Measures NOI-1a through NOI-1f would reduce construction noise levels associated with smaller housing development below the eight-hour 80 dBA L_{eq} daytime residential noise limit per FTA guidelines and Mitigation Measure NOI-1g would reduce construction noise impacts whenever a development project is located within 500 feet of a noise-sensitive land use

However, due to the increased amount of development under this alternative, impacts would be greater than the Project, but would remain less than significant with mitigation incorporated.

Development under Alternative 2 could also generate vibration exceeding thresholds for building damage, particularly during construction. Nonetheless, implementation of Mitigation Measure NOI-3 would still substantially reduce/control construction such that vibration levels would not exceed the vibration criteria for building damage. While this alternative would generate more instances of construction vibration, impacts would remain less than significant with mitigation. Furthermore, as with the Project, it is not anticipated that operation of development under the City Build-Out Alternative would involve activities that would result in substantial vibration levels, such as use of heavy equipment and impacts would remain less than significant.

Although operational noise associated with the City Build-Out Alternative would still be regulated by respective standards in the BMC, such noise sources would occur to a greater degree than the Project. Nonetheless, on-site operational noise would remain typical of the urban environment. Furthermore, while Alternative 2 would subject more development to overhead flight patterns from airports, all development would nonetheless be required to comply with State and local standards to reduce interior noise to acceptable levels. Impacts would remain less than significant. Overall noise impacts under the City Build-Out Alternative would be slightly greater than the Project.

h. Population/Housing

Alternative 2 would result in 78 percent more residential units than the Project. Using the DOF persons per household ratio of 2.45, this would result in an estimated population increase of 19,953 people beyond the Project for a total increase of 45,560 people. This would bring the population of the city to 150,529. This population increase would be approximately 30 percent higher than SCAG's forecast population of 115,400 persons by 2045. Although this alternative would facilitate development beyond RTP/SCS forecasts, the next RTP/SCS update would reflect new forecasts for each jurisdiction in the region based on their RHNA allocation. This increase would be in line with the City's Measure One predictions for residential units within the city. Therefore, while the alternative would increase the population beyond the Project and beyond the SCAG RTP/SCS forecast, it would still be within the bounds of the planning efforts of the City. Impacts would be greater than those of the Project but would remain less than significant.

i. Public Services

Alternative 2 would result in more residential units than the Project. Therefore, the increase in demand on public services, including police protection, fire protection, schools, parks, and libraries would be greater than that of the Project. It is likely that this increase in demand would require the construction of new or expanded facilities for police, fire, schools, parks, and libraries. Any new facilities would be required to undergo CEQA review prior to construction and projects would be required to pay any applicable development impact and permit fees. Nevertheless, impacts from new public services facilities would be greater than those of the Project and would be significant and unavoidable.

j. Recreation

Alternative 2 would result in more residences which in turn would result in a greater increase in demand for parks than the Project. Any residences built under the No Project Alternative would be required to pay the development impact and permit fee which would help fund park maintenance. Impacts would be greater than those of the Project as there would be a greater demand on

recreational facilities however with the payment of fees, the impact would remain less than significant.

k. Transportation

Under Alternative 2, more residential units would be developed and the increase in traffic would be greater than that of the Project. However, as shown in Table 6-2, the VMT for the City would not be reduced by the 15 percent required for two of the three service populations. This is because there would not be sufficient population added to the area surrounding the transit corridors and employment areas to reduce the driving distances. However, the reduction in VMT over the SCAG region would be greater than that of the proposed Project. Therefore, impacts to transportation would be less than under the Project.

Table 6-2 Alternative 2 – VMT Generation

	SCAG 2021 Baseline	2029 Future with Alternative	% Difference (SCAG Baseline to 2029 Future)
VMT per Service Population	34.5	31.7	-8%
Residential VMT per Capita	14.9	8.7	-42%
Employment VMT per Employee	18.1	16.5	-9%

Source: Fehr & Peers, 2021

l. Utilities/Service Systems

Under Alternative 2, 78 percent more residential units would be constructed and therefore the demand on utilities would be greater than the Project. Developers are responsible for funding any infrastructure improvements that are required to mitigate project impacts. Consistent with applicable State law, the City’s development fees would ensure that the developers pay the cost attributable to the increased demand for the affected public facilities reasonably related to the development project in order to refurbish the existing facilities to maintain the existing level of service and achieve an adopted level of service that is consistent with the City’s General Plan (California Government Code Section 66001(g)).

Reasonably foreseeable development under Alternative 2 would require new connections for water supply, wastewater conveyance and sufficient capacity for wastewater treatment, electricity use, solid waste disposal, and telecommunications. As stated above, the developers would be required to pay the cost attributable to the increased demand. However, it is likely that new water, wastewater, electricity, solid waste and telecommunications facilities would have to be constructed to serve the expanded population. Therefore, impacts would be significant and unavoidable.

6.3 Alternatives Considered but Rejected

CEQA Guidelines Section 15126.6(c) requires that the “EIR should identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency’s determination.” Other alternatives considered, and the reasons they were rejected, include the following scenarios.

Relocating housing units to the undeveloped mountain area in the northeastern portion of the city was considered as an alternative. This alternative would have placed residences in the high fire area which would be in conflict with the Safety Element of the Burbank2035 General Plan. Therefore, this scenario was rejected from further consideration.

Increasing density in the single family residential neighborhoods and away from freeway corridors was considered. This would not reduce any significant and unavoidable impacts of the proposed Project as it would increase VMT. Additionally, this would require revisions to Land Use Policy 8.1 of the City's General Plan, which aims to limit development in the Low Density Residential land use designation to detached single-family homes, with the exception of areas with R-2 zoning where development is limited to single-family homes and duplexes.

The Project includes a 15 percent buffer to the RHNA so including a reduced RHNA buffer was considered as an alternative as it could reduce significant VMT impacts. However, in order to comply with State requirements, a sufficient buffer to the RHNA is needed therefore this alternative would not be feasible and was rejected from further consideration.

6.4 Environmentally Superior Alternative

Table 6-3 indicates whether each alternative's environmental impact is greater than, less than, or similar to that of the proposed Project for each of the issue areas studied. Based on the alternatives analysis provided above, Alternative 1 would be the environmentally superior alternative.

Alternative 1 (*No Project*) assumes continued implementation of the existing 2013-2021 Housing Element and a continued growth rate predicted by SCAG to yield 3,591 units by 2029. Alternative 1 also assumes that the City's existing plan and policies would continue to accommodate development in accordance with existing land use designations. This alternative would result in less impacts to air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, noise, population and housing, public services, recreation, and utilities and service systems due to the decrease in residential units developed. However, impacts relating to transportation and traffic would be greater than under the Project as the VMT for the City would not be reduced by the 15 percent required for each of the three service populations because there would not be sufficient population added to the area surrounding the transit corridors and employment areas to reduce driving distances. Furthermore, Alternative 1 would not fulfill Project Objective 1 because the continued implementation of the existing 2013-2021 Housing Element would result in the development of fewer residential units and therefore, would be unable to accommodate employment, housing, and population growth projections forecasted through the planning horizon year of 2029. In addition, Alternative 1 would not fulfill Project Objective 4 because continued implementation of the existing 2013-2021 Housing Element would limit additional affordable housing options throughout the City.

Alternative 2 (*City Build-Out*) would involve the buildout of 18,600 units, which would result in 8,144 additional units and bring the City residential units up to the limit established by Measure One. This alternative would increase density throughout the City by accommodating the additional units in the Medium Density, High Density and Various Commercial zone districts. Alternative 2 would result in less impacts to transportation and traffic as the reduction in VMT over the SCAG region would be greater than that of the proposed Project. However, impacts relating to air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, noise, population and housing, public services, and recreation would be higher than under the Project due to the 78 percent increase in residential units developed. In addition, the

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increase in residential units would require new connections for water supply, wastewater conveyance and sufficient capacity for wastewater treatment, electricity use, solid waste disposal, and telecommunications and would likely result in the construction of new water, wastewater, electricity, solid waste and telecommunications facilities to serve the expanded population. Therefore, impacts relating to utilities and service systems under this alternative would be significant and unavoidable, resulting in greater impacts than under the Project. Furthermore, Alternative 2 would not fulfill Objective 2 as it would change the character of existing neighborhoods by increasing the density.

Table 6-3 Impact Comparison of Alternatives

Issue	Proposed Project Impact Classification	Alternative 1: No Project	Alternative 2: City Buildout
Air Quality	Less than significant with mitigation incorporated	+	-
Biological Resources	Less than significant with mitigation incorporated	+	-
Cultural Resources/Tribal Cultural Resources	Less than significant with mitigation incorporated	+	-
Geology/Soils	Less than significant with mitigation incorporated	+	-
Greenhouse Gas Emissions	Less than significant	+	-
Hazards and Hazardous Materials	Less than significant with mitigation incorporated	+	-
Noise	Less than significant with mitigation incorporated	+	-
Population/Housing	Less than significant	+	-
Public Services	Less than significant	+	-
Recreation	Less than significant	+	-
Transportation	Significant and unavoidable	-	+
Utilities/Service Systems	Less than significant	+	-

+ Superior to the proposed Project (reduced level of impact)

- Inferior to the proposed Project (increased level of impact)

= Similar level of impact to the proposed Project

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