

NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department
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West Sacramento, CA 95691
Phone (916) 373-3710



April 19, 2018

Leonard Bechet
City of Burbank
150 North Third Street
Burbank, CA 91502

Also sent via e-mail: lbechet@burbankca.gov

RE: SCH# 2018041012; 777 North Front Street Project, City of Burbank; Los Angeles County, California

Dear Mr. Bechet:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for Draft Environmental Impact Report for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project 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. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd. (a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides 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 (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

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

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

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

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

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

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

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

Jayle Totton

cc: State Clearinghouse



WARNER BROS.
ENTERTAINMENT INC.

Michael Walbrecht
Vice President
Public Affairs

April 23, 2018

Mr. Leonard Bechet
Senior Planner, Community Development Department
City of Burbank
150 N. Third St.
Burbank, CA 91502
Via email: LBechet@burbankca.gov

Re: Support for LaTerra Development Project - 777 N. Front Street

Dear Leonard:

I am writing to express support for LaTerra Development's mixed-use project located at 777 N. Front Street. The City has been slow to approve residential building projects over the last ten years, so it is positive to see that a project such as this given serious consideration for our community.

The LaTerra Development project not only adds housing in Burbank, but does it on underutilized property next to a mass transit station. The addition of well-designed and properly sited housing will relieve pressure on escalating rental prices in the city and provide more opportunities for those who work in Burbank to live in Burbank. With more than 125,000 jobs in Burbank - most of them filled by people who do not live in the city - this project provides a great opportunity for much-needed workforce housing.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to be 'M Walbrecht', with a long horizontal line extending to the right.

Michael Walbrecht

A Time Warner Company

4000 Warner Boulevard, Burbank, California 91522
(818) 954-1910 • Fax (818) 954-2409 • michael.walbrecht@warnerbros.com

COUNTY OF LOS ANGELES • DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH • TOXICOLOGY & ENVIRONMENTAL ASSESSMENT
695 S. VERMONT AVE S.TOWER FLR14
LOS ANGELES, CA 90005
CEQA CONSULTATION

Date: 04/24/18

CASE No. unknown

Description: NOP mix-use Development

PROJECT No. unknown

Location: 777 N Front St, Burbank CA

Within our Program's scope of review, we find that the:

X Proposed project could have a Potentially Significant Impact.

comments:

The following comments for this *Notice of Preparation* for the above project are based on the limited information provided by the Lead Agency:

Noise & Vibration Element:

- Evaluate the potential noise and vibration impacts (temporary & permanent) associated with the project. We are concerned with the existing land-use surrounding the project such as Interstate freeway 5, trucking and other commercial/industrial industries (i.e. power -plant, water treatment facility, etc.), and railroad and transportation affecting occupants of proposed residential or sensitive land use. Short-term or temporary noise & vibration impacts due to construction may potentially significantly impact surrounding land uses.
- Evaluate the potential noise impacts the nearby Bob-airport flight path may have on proposed residential land use.
- Evaluate the potential noise impacts associated with raising overall noise ambient levels in the area and the impacts on nearby existing sensitive receptors.

Air Quality & Hazardous Materials:

- The proposed project is located near a significant source of traffic air pollutants, Interstate Freeway 5. Please refer to the attached document, "*County of Los Angeles Department of Public Health Air Quality Recommendations for Local Jurisdictions.*"

- Dust emissions during grading and or excavations may also expose workers and the public to soil fungal spores which can cause Valley Fever. Valley Fever is the common name (formally known as *Coccidioidomycosis*) for a fungal disease caused by inhalation of *Coccidioides immitis* spores that are carried in dust; it is found in parts of the southwestern United States, Mexico, and South America (LADPH 2016). In California, the highest incidence of Valley Fever occurs in the San Joaquin (Central) Valley, with over 75 percent of reported cases (CDPH 2014). In Los Angeles County or in Southern California, the fungus is endemic. The EIR should evaluate the impacts associate with fugitive dust emissions and include a discussion on Valley Fever.
- The Initial Study (IS) prepared by the City of Burbank, noted that short-term and operational air quality impacts generated by the project will be evaluated in the EIR. However, we are also concerned with the air quality impacts from surrounding land uses on the project itself affecting future occupants or residential receptors. The EIR should evaluate if a Health Risk Assessment is needed. For instance, the power plant nearby should be evaluated for potential air quality impacts on the project. Besides criteria air pollutants and other pollutants, are the cooling towers a potential source of bioaerosols such as legionella, and what are the potential impacts on the project? What safeguards are implemented by the plant to minimize any health risks affecting occupants and residents? Are there any potential odor problems from the water treatment plant nearby? There may be other of industrial sources of pollutants which may have an impact, evaluate further.
- The IS noted the environmental assessments conducted at the site. We concur that the EIR should further evaluate the impacts associated with the remediation of the hazardous materials found on site. In addition, the EIR should evaluate potential impacts on future residents and occupants on site. The EIR should evaluate if a health risk assessment is needed.
- Determine the presence of active and abandoned oil wells and oil facilities within 500 ft. of the project. Evaluate potential impacts.

AIR QUALITY RECOMMENDATIONS FOR LOCAL JURISDICTIONS

Development of new schools, housing, and other sensitive land-uses in proximity to freeways

Studies indicate that residing near sources of traffic pollution is associated with adverse health effects such as exacerbation of asthma, onset of childhood asthma, non-asthma respiratory symptoms, impaired lung function, reduced lung development during childhood, and cardiovascular morbidity and mortality.ⁱ These associations are diminished with distance from the pollution source.

Given the association between traffic pollution and health, the California Air Resources Board recommends that freeways be sited at least 500 feet from residences, schools, and other sensitive land uses.ⁱⁱ Other reputable research entities such as the Health Effects Institute indicate that exposure to unhealthy traffic

emissions may in fact occur up to 300 to 500 meters (approximately 984 to 1640 feet). The range reported by HEI reflects the variable influence of background pollution concentrations, meteorological conditions, and season.ⁱⁱⁱ

Based on this large body of scientific evidence, the Los Angeles County Department of Public Health strongly recommends:

- A buffer of at least 500 feet should be maintained between the development of new schools, housing or other sensitive land uses and freeways. Consideration should be given to extending this minimum buffer zone based on site-specific conditions, given the fact that unhealthy traffic emissions are often present at greater distances. Exceptions to this recommended practice should be made only upon a finding by the decision-making body that the benefits of such development outweigh the public health risks.
- New schools, housing or other sensitive land uses built within 1500 feet of a freeway should adhere to current best-practice mitigation measures to reduce exposure to air pollution which may include: the use of air filtration to enhance heating, ventilation and air conditioning (HVAC) systems, and the orientation of site buildings and placement of outdoor facilities designed for moderate physical activity as far from the emission source as possible.

Development of parks and active recreational facilities in proximity to freeways

Parks and recreational facilities provide great benefits to community residents including increased levels of physical activity, improved mental health, and opportunities to strengthen social ties with neighbors.^{iv,v,vi} However, siting parks and active recreational facilities near freeways may increase public exposure to harmful pollutants, particularly while exercising. Studies show that heavy exercise near sources of traffic pollution may have adverse health effects.^{vii, viii, ix} However, there are also substantial health benefits associated with exercise.^x Therefore, DPH recommends the following cautionary approach when siting parks and active recreational facilities near freeways:

- New parks with athletic fields, courts, and other outdoor facilities designed for moderate to vigorous physical activity, should be sited at least 500 feet from a freeway. Consideration should be given to extending this minimum buffer zone based on site-specific conditions given the fact that unhealthy traffic emissions are often present at greater distances. Exceptions to this recommended practice should be made only upon a finding by the decision-making body that the benefits of such development outweigh the public health risks.
- New parks built within 1500 feet of freeways should adhere to best-practice mitigation measures that minimize exposure to air pollution. These include the placement of athletic fields, courts, and other active outdoor facilities as far as possible from the air pollution source.

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- ⁱ Health Effects Institute. 2010. Traffic-Related Air Pollution: A Critical Review of the Literature on Emissions, Exposure, and Health Effects. HEI Special Report. p.1-11
- ⁱⁱ California Environmental Protection Agency. California Air Resources Board. Air Quality and Land Use Handbook: A Community Health Perspective. April 2005.
- ⁱⁱⁱ Health Effects Institute. 2010. Traffic-Related Air Pollution: A Critical Review of the Literature on Emissions, Exposure, and Health Effects. HEI Special Report. p.1-11
- ^{iv} L. Frank et al. 2005. Linking Objectively Measured Physical Activity with Objectively Measured Urban Form: Findings From SMARTRAQ. American Journal of Preventive Medicine, at 117-1255.
- ^v Tabbush R and E O'Brien. 2003. Health and Well-being: Trees, Woodlands, and Natural Spaces. Forestry Commission, Edinburgh.
- ^{vi} E. Kuo et al. 1998. Transforming Inner-City Neighborhoods: Trees, Sense of Safety, and Preference. Environmental Behavior. 30(1): 28-59.
- ^{vii} McConnell R, Berhane K, Gilliland F, London SJ, Islam T, Gauderman WJ, Avol E, Margolis HG, Peters JM. Asthma in exercising children exposed to ozone: a cohort study. Lancet. 2002 Feb 2; 359 (9304):386-91.
- ^{viii} Sharman JE, Cockcroft JR, and JS Coombes. Cardiovascular implications of exposure to traffic air pollution during exercise. Q J Med 2004; 97:637-643.
- ^{ix} Rundell KW, Caviston R, Hollenbach AM, and K Murphy. Vehicular Air Pollution, Playgrounds, and Youth Athletic Fields. 2006, Vol. 18, No. 8, Pages 541-547.
- ^x de Hartog JJ, Boogaard H, Nijland H, and G Hoek. Do the Health Benefits of Cycling Outweigh the Risks? Environmental Health Perspectives. 2010; 118(8): 1109-1116.

For Questions regarding the above, please contact the Toxicology & Environmental Assessment program at (213) 738-3320 or rvasquez@ph.lacounty.gov. Ask for Robert Vasquez or Evenor Masis.



South Coast Air Quality Management District

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SENT VIA USPS AND E-MAIL:

April 24, 2018

lbechet@burbankca.gov

Leonard Bechet, Senior Planner
City of Burbank – Community Development Department
Planning Division
150 North Third Street
Burbank, California 91502

Notice of Preparation of a Draft Environmental Impact Report for the 777 North Front Street Project¹

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files². These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, SCAQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

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

¹ The Proposed Project would include, among others, the construction of two buildings with 572 residential units.

² Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

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

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

Mobile Source Health Risk Assessment

Notwithstanding the court rulings, SCAQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of SCAQMD staff's concern about the potential public health impacts of siting sensitive populations within close proximity of freeways, SCAQMD staff recommends that, prior to approving the Proposed Project, the Lead Agency consider the impacts of air pollutants on people who will live at the Proposed Project and include strategies to reduce the health impacts, where necessary.

When specific development is reasonably foreseeable as result of the goals, policies, and guidelines in the Proposed Project, the Lead Agency should identify any potential adverse health risk impacts using its best efforts to find out and a good-faith effort at full disclosure in a CEQA document. Based on a review of Figure 1, *Project Location*, in the NOP, SCAQMD staff found that the Proposed Project is located in proximity to the Interstate 5 (I-5) Freeway. Because of the close proximity to the existing freeway, residents at the Proposed Project would be exposed to diesel particulate matter (DPM), which is a toxic air contaminant and a carcinogen. Diesel particulate matter emitted from diesel powered engines (such as trucks) has been classified by the state as a toxic air contaminant and a carcinogen.

Since future residences of the Proposed Project would be exposed to toxic emissions from the nearby sources of air pollution (e.g., diesel fueled highway vehicles), SCAQMD staff recommends that the Lead

Agency conduct a health risk assessment (HRA)³ to disclose the potential health risks to the residents from the vehicle emissions coming from vehicles operating on the I-5 Freeway in the Draft EIR⁴.

Guidance Regarding Residences Sited Near a High-Volume Freeway or Other Sources of Air Pollution

SCAQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and the SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, the SCAQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning in 2005. This Guidance Document provides suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. SCAQMD staff recommends that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions. This Guidance Document is available on SCAQMD's website at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>. Additional guidance on siting incompatible land uses (such as placing homes near freeways or other polluting sources) can be found in the California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. Guidance⁵ on strategies to reduce air pollution exposure near high-volume roadways can be found at: https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF.

Mitigation Measures

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

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

³ South Coast Air Quality Management District. *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁴ SCAQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When SCAQMD acts as the Lead Agency, SCAQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

⁵ In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

Many strategies are available to reduce exposure, including, but are not limited to, building filtration systems, sound walls, vegetation barriers, etc. Because of the potential adverse health risks involved with siting residential uses near sources of air pollution such as the I-5 Freeway involving daily traveling of diesel-fueled heavy-duty trucks, it is essential that any proposed risk reduction strategy must be carefully evaluated before implementation.

In the event that enhanced filtration units on the residential units are proposed either as a mitigation measure or a project design feature, the Lead Agency should consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters⁶, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the resident. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and it does not account for the times when the residents have their windows or doors open or are in common space areas of the project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. The presumed effectiveness and feasibility of any filtration units should therefore be evaluated in more detail prior to assuming that they will sufficiently alleviate near roadway exposures to DPM emissions.

Additionally, if enhanced filtration units are used at the proposed residential units, and to ensure that they are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to DPM emissions, SCAQMD staff recommends that the Lead Agency provide additional details on future operational and maintenance implementation and monitoring of filters in the Draft EIR. At a minimum, the Draft EIR should provide detailed information about the responsible implementing and enforcement agency such as the Lead Agency for ensuring that enhanced filters are installed at the sensitive land uses before a permit of occupancy is issued; provide disclosure to prospective sensitive receptors about the potential health impacts from living and working in proximity to the I-5 Freeway and the reduced effectiveness of air filtration system when windows and/or doors are open; provide disclosure to prospective sensitive receptors about the increased energy costs for running the HVAC system; recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units; ongoing cost sharing strategies, if any, for replacing the enhanced filtration units; the responsible entity such as Homeowners Association or property management for ensuring filters are replaced on time, if appropriate and feasible; criteria for assessing progress in installing and replacing the enhanced filtration units; and a process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

Alternatives

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

Permits

In the event that the Proposed Project requires a permit from SCAQMD, SCAQMD should be identified as a responsible agency for the Proposed Project. For more information on permits, please visit

⁶ This study evaluated filters rated MERV 13+ while the proposed mitigation calls for less effective MERV 12 or better filters. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see also 2012 Peer Review Journal article by SCAQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

SCAQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to SCAQMD's Engineering and Permitting staff at (909) 396-3385.

Data Sources

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

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

Sincerely,



Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

LAC180406-02

Control Number

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013



April 27, 2018

Mr. Leonard Bechet
City of Burbank
150 North Third Street
Burbank CA, 91502

Re: SCH 2018041012 – 777 North Front Street Project - NOP

Dear Mr. Bechet,

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alterations of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings. The Commission's Rail Crossings Engineering Branch (RCEB) is in receipt of the *Notice of Preparation (NOP)* for the proposed 777 North Front Street Project. The City of Burbank (City) is the lead agency.

According to the NOP, the City proposes to develop a mixed-use project which includes 572 residential units, 1067 square feet of retail gallery space, 317 hotel rooms and other retail/restaurant uses. The Downtown Burbank Metrolink Station pedestrian grade crossings (CPUC No. 101VY-10.75-D and CPUC No. 101VY-10.80-D) are located approximately 1000 feet southeast of the site. Currently, there are approximately ten UPRR freight and 73 passenger commuter trains operating over this line per day at 55 and 79 miles per hour respectively.

Any development adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind. New developments will increase pedestrian traffic volumes not only on streets and at intersections, but also at any adjacent rail crossings. Traffic impact studies undertaken should address rail crossing safety analysis and associated proposed mitigation measures. Safety improvement measures may include the planning for grade separations or improvements to existing at-grade crossings due to increase in traffic volumes (e.g., addition or upgrade of crossing warning devices, detectable warning surfaces and edge lines on sidewalks, and channelization).

In addition, modifications to existing public crossings require authorization from the Commission. RCEB representatives are available for consultation on any potential safety impacts or concerns at crossings. Please continue to keep RCEB informed of the project's development. More information can be found at: <http://www.cpuc.ca.gov/crossings>.

If you have any questions, please contact [Matt Cervantes](#) (213) 266-4716 or [Chi Cheung To](#) at (213) 576-5766.

Sincerely,

A handwritten signature in black ink, appearing to read "Chi Cheung To", is positioned above the typed name.

Chi Cheung To, P.E.
Utilities Engineer
Rail Crossings Engineering Branch
Safety and Enforcement Division

CC: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
Ron Mathieu, SCRRA



METROLINK.

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY
900 Wilshire Blvd. Suite 1500 Los Angeles, CA 90017

metrolinktrains.com

April 30, 2018

Mr. Leonard Bechet
City of Burbank
Planning Division
150 North Third Street
Burbank, CA 91502

**RE: Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR)
777 North Front Street**

Dear Mr. Bechet:

The Southern California Regional Rail Authority (SCRRA) has received the above-noted NOP for a DEIR on the proposed development at 777 North Front Street. Thank you for the opportunity to comment on key issues relative to SCRRA and operations of the railroad that operates adjacent to your project limits. As background information, SCRRA is a five-county Joint Powers Authority (JPA) that operates the regional commuter rail system known as Metrolink. The JPA consists of the Los Angeles County Metropolitan Transportation Authority (METRO), San Bernardino County Transportation Authority (SBCTA), Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC) and Ventura County Transportation Commission (VCTC).

In the NOP we see that the City proposes to develop a mixed-use project which includes 572 residential units, 1,067 square feet of retail gallery space, 317 hotel rooms and other retail/restaurant use within walking distance of our Metrolink downtown Burbank Station. SCRRA is supportive of Transit Oriented Developments (TODs), including housing and commercial employment centers, being located within close proximity to our stations as it provides mutual beneficial opportunities to increase ridership and provide alternative transportation uses for the tenants of the development.

General Comments include the following:

1. The project will be constructed within close proximity the Metrolink Ventura and Antelope Valley Lines that carry Amtrak, Metrolink and UPRR freight trains. Trains can run 24 hours a day and seven days a week.
2. Trains generate noise, vibrations and visual impacts.
3. Safety of the rail corridor is of utmost importance and SCRRA would request that the development consider ensuring that adequate block walls or fencing be

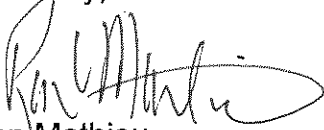
installed at the edge of the railroad right of way within your project limits to preclude any trespassing from residential or commercial tenants or patrons.

4. The project sponsor should also consider more improved pedestrian and bicycle access between the Metrolink Station and the development along Front Street.

Thanks again for providing us with the opportunity to comment on this important transportation project. We look forward to our continued participation with Metro on this important transportation project that will provide many benefits to the commuting public.

Should you have any questions, please feel free to contact me at (213) 452-0456 or via e-mail at mathieur@scrra.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Mathieu", with a large, stylized flourish at the end.

Ron Mathieu
Planning Manager II,
Regional Coordination and Strategic Initiatives

DEPARTMENT OF TRANSPORTATION

DISTRICT 7

100 S. MAIN STREET, MS 16

LOS ANGELES, CA 90012

PHONE (213) 897-8391

FAX (213) 897-1337

TTY 711

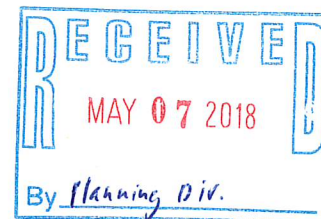
www.dot.ca.gov



*Serious Drought.
Making Conservation
a California Way of Life.*

May 1, 2018

Mr. Leonard Bechet
City of Burbank
150 North Third St.
Burbank, CA 91502



RE: 777 North Front Street Project
SCH # 2018041012
Vic. LA-5
GTS # LA-2018-01401ME-NOP

Dear Mr. Bechet:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The Project proposes to develop a mixed-use development that would include 572 residential units, 1,067 sf of retail gallery space, and 317 hotel rooms with ground floor and rooftop retail/restaurant uses.

After reviewing the Draft Environmental Impact Report for this project, Caltrans has the following comments:

Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, future development should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing.

We encourage the Lead Agency to integrate transportation and land use in a way that reduces Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions by facilitating the provision of more proximate goods and services to shorten trip lengths, and achieve a high level of non-motorized travel and transit use. We also encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

Mr. Mr. Bechet

May 1, 2018

Page 2 of 2

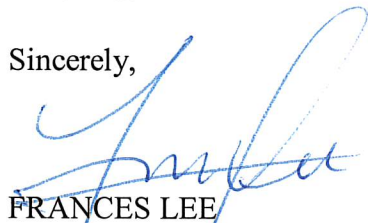
(ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements.

This project boundary is within ½ mile radius to the State facilities on Interstate-5 (I-5). Please provide trip generation, trip distribution, and trip assignment estimates for this project with regards to the local and regional road system. To ensure that queue formation does not create traffic conflicts, project-generated trips should be added to the existing and future scenario traffic volumes for the NB/SB I-5 on/off-ramps at West Burbank Blvd and North Front Street. To avoid traffic conflicts such as inadequate weaving distances, queue spilling back onto the freeway, and uneven lane utilization, please analyze the adequacy of the operations of freeway segments in the vicinity of the project.

Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from Caltrans. It is recommended that large size truck trips be limited to off-peak commute periods.

In the spirit of mutual cooperation, Caltrans staff is available to work with your planners and traffic engineers for this project, if needed. If you have any questions regarding these comments, please contact project coordinator Ms. Miya Edmonson, at (213) 897-6536 and refer to GTS # LA-2018-01401ME

Sincerely,



FRANCES LEE
IGR/CEQA Acting Branch Chief

cc: Scott Morgan, State Clearinghouse



Metro

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

May 2, 2018

Leonard Bechet
City of Burbank
Planning Division
150 North Third Street
Burbank, CA 91502

RE: 777 North Front Street – Notice of Preparation of a Draft Environmental Impact Report.

Dear Mr. Bechet:

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the project located at 777 N. Front Street in the City of Burbank (Project). This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (Metro) concerning issues that are germane to our agency's statutory responsibility in relation to our transportation facilities and services that may be affected by the proposed Project.

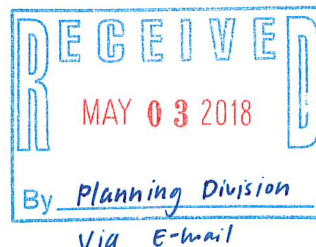
Metro is committed to working with stakeholders across the County to support the development of transit oriented communities (TOCs). TOCs are built by considering transit within a broader community and creating vibrant, compact, walkable, and bikeable places centered around transit stations and hubs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

Project Description

The Project includes the clearing and excavation of an eight-acre site to build a new mixed-use development, including: 572 residential units, over 1,000 square feet of retail gallery space, and a 317-room hotel with ground floor and rooftop retail/ restaurant uses. The Project would be constructed in three separate buildings: a seven-story building, an eight-story building, and a 15-story building. In total, the Project will consist of 1,462 parking spaces for residential, hotel, and commercial uses.

Metro Comments

The Metro Adjacent Development Handbook, accessible at www.metro.net/projects/devreview/, provides an overview of considerations for development adjacent to Metro right-of-way (ROW), and Metro-owned ROW. Below is a summary of adjacency concerns, specific to the proposed Project.



Metrolink Adjacency

The southern boundary of the Project site is in close proximity to Metro-owned railroad right-of-way (ROW), separated by Front Street. This ROW is operated and maintained by the Southern California Regional Rail Authority (SCRRA), which runs Metrolink commuter rail service. Amtrak intercity passenger trains and Union Pacific Railroad freight trains also operate on this line. The following concerns related to the project's proximity to the ROW should be noted:

1. **Operations:** Rail service operates in both directions and trains may operate in and out of revenue service, 24 hours a day, seven days a week in the ROW near the proposed Project. The Project sponsor will be required to notify Metro and SCRRA of any changes to the construction/building plans that may or may not impact the ROW.
2. **Noise & Vibration:** Considering the proximity of the proposed Project to the railroad ROW, trains will produce noise, vibration, and visual impacts. A recorded Noise Easement Deed in favor of Metro is required, see attached. The easement recorded in the Deed will extend to successors and tenants, as well. In addition, any noise mitigation required for the Project will be borne by the developers of the Project, and not Metro or other rail operators.
3. **Monitoring:** Metro and/or SCRRA staff shall be permitted to monitor construction activity to ascertain any impact to the ROW.
4. **Safety:** Safety in the rail corridor is of utmost importance. As this Project will include high density buildings with many residential units and tenants, Metrolink recommends the City and Project sponsor coordinate with Metrolink to ensure users of the Project don't trespass into the rail corridor. The City should consider requesting the installation of a proper block wall or adequate fencing along the Metrolink ROW, across the street from the Project, to preclude any trespassing into the rail corridor.

Transit Orientation

Considering the proximity of the Project to the Downtown Burbank Metrolink Station, Metro would like to identify the potential synergies associated with transit-oriented development:

1. **Land Use:** Metro supports development of commercial and residential properties near transit stations and understands that increasing development near stations represents a mutually beneficial opportunity to increase ridership and enhance transportation options for the users of the developments.
2. **Walkability:** Metro encourages the installation of wide sidewalks, pedestrian lighting, a continuous canopy of shade trees, enhanced crosswalks with ADA-compliant curb ramps, and other amenities along street frontages to improve pedestrian safety and comfort to access neighborhood destinations and connect to the nearby rail station. The City should consider requesting the installation of such amenities as part of the development of the site.
3. **Active Transportation:** Metro encourages the City to work with the Project sponsor to promote bicycle use through adequate short-term bicycle parking, such as ground level bicycle racks, as well as secure and enclosed long-term bicycle parking for residents, employees and guests. Bicycle parking facilities should be highly visible, easy to locate, and sited so they can be safely and conveniently accessed. A Bike Share Program is currently being considered for the area. The Project sponsor should coordinate with Metro Bike Share program regarding future Bike Share in the area, and a potential Bike Share station at this development. Additionally, the Project sponsor should help facilitate safe and convenient connections for pedestrians, people

riding bicycles, and transit users to/from the Project site and nearby destinations such as Burbank Station, Downtown Burbank, and the Bob Hope Airport. The Project sponsor is also encouraged to support these connections with wayfinding signage inclusive of all modes of transportation.

4. **Parking:** Metro encourages the incorporation of transit-oriented, pedestrian-oriented parking provision strategies, such as the reduction or removal of minimum parking requirements for specific areas and the exploration of shared parking opportunities or parking benefit districts. These strategies could be pursued to encourage more transit-oriented development and reduce automobile-orientation in design and travel demand.
5. **Multi-modal:** With an anticipated increase in traffic, Metro encourages an analysis of impacts on non-motorized transportation modes and consideration of improved non-motorized access to the station including pedestrian connections and bike lanes/paths. Appropriate analyses could include multi-modal LOS calculations, pedestrian audits, etc.
6. **Transit Pass:** Metro would like to inform the Project sponsor of Metro's employer transit pass programs including the Annual Transit Access Pass (A-TAP) and Business Transit Access Pass (B-TAP) programs which offer efficiencies and group rates that businesses can offer employees as an incentive to utilize public transit. For more information on these programs, contact Devon Deming at 213-922-7957 or DemingD@metro.net.

Congestion Management Program

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

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

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

777 N. Front Street
NOP DEIR – Metro Comments
May 2, 2018

If you have any questions regarding this response, please contact Eddi Zepeda at 213-022-7658, or by email at DevReview@metro.net. Metro looks forward to reviewing the Draft EIR. Please send the document to the following address:

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

Sincerely,



Georgia Sheridan
Senior Manager, Transit Oriented Communities

Attachments & Link: CMP Appendix D: Guidelines for CMP Transportation Impact Analysis
Metro Adjacent Development Handbook: www.metro.net/projects/devreview/
Noise Easement Deed

GUIDELINES FOR CMP TRANSPORTATION IMPACT ANALYSIS

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

D.1 OBJECTIVE OF GUIDELINES

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

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

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

D.2 GENERAL PROVISIONS

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

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

D.3 PROJECTS SUBJECT TO ANALYSIS

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

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

D.4 STUDY AREA

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

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

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

D.5 BACKGROUND TRAFFIC CONDITIONS

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

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

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

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

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

D.6 PROPOSED PROJECT TRAFFIC GENERATION

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

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

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

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

D.7 TRIP DISTRIBUTION

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

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

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

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

D.8 IMPACT ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

D.9 IDENTIFICATION AND EVALUATION OF MITIGATION

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

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

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

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

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

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

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

D.10 REFERENCES

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

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

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

Space Above Line for Recorder's Use

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Government Code Section 6103]

Public Agency - No Tax Statement

NOISE EASEMENT DEED

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

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

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

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

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

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

By: _____
Name

By: _____
Name

(ATTACH NOTARY SEAL AND CERTIFICATE HERE.)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California)

County of _____)

On _____ before me, _____

Date

Here Insert Name and Title of the Officer

personally appeared _____

Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

Signature _____

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

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

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

CERTIFICATE OF ACCEPTANCE

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

Dated this ____ day of _____, 20__

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