



## 11.2 NOP Comments

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# NATIVE AMERICAN HERITAGE COMMISSION

Governor's Office of Planning & Research

April 5, 2021

**Apr 09 2021**

Daniel Villa, Senior Planner  
City of Burbank  
150 North Third Street  
Burbank, CA 91502

## STATE CLEARINGHOUSE

**Re: 2021040010, 3700 Riverside Drive Mixed-Use Project, Los Angeles County**

Dear Mr. Villa:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a 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 §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, § 5064 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 within the area of potential 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). 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, a notice of negative declaration, or a 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 consultation with 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.**



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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, subs. (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 §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 §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 §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 §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 §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 non-federally 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 §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §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 §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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](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](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 §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 §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](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 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.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

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

If you have any questions or need additional information, please contact me at my email address:  
[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

**From:** [Bob Kashani](#)  
**To:** [Villa, Daniel](#)  
**Subject:** 3700 riverside Dr project Negative impact.  
**Date:** Thursday, April 8, 2021 7:23:29 PM

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**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Mr. Villa,

I'm the owner of the gas station at 3701 West Riverside Dr in Burbank ( directly across the street from 3700 Riverside Dr)  
I have been at this location since 1998.

I recently was notified that the carwash cross the street has been sold and the new owner is planning on demolishing the car was and building a 7 story building at this location.

The building at 7 story high is going to Negatively impact the area and Riverside Dr.

1- the hight of all the building surrounding 3700 Riverside are at 4 story maximum.  
There are no 7 story building around this location.

By building by a 7 story structure, the view of all surrounding buildings and business will be severely limited or block.

2- Lakeside carwash has been serving the local community and the studios for decades.  
The community needs the carwash.

In this age of water shortage, by eliminating the car wash that is using recycled water to wash cars would severely increase the water usage for the community, with No carwash in the area  
The residents will mostly end up washing cars at home using a garden hose waisting much needed fresh water.

3- the 134 freeway on ramp is directly in front of the proposed project. With the traffic that is generated on Riverside Dr during morning and afternoon rush hour adding almost 50 residence with hundreds of people living in these building, we would certainly have some issues in the west Riverside and Hollywood way intersection.

My business is surviving by having traffic move around in the area not by having gridlock on Riverdale Dr.

4- By erecting a seven story building the look and the feel of Riverside drive with the mountain views is going to change dramatically.

I have been speaking to a lot of residents that are also customers of my business , Almost everyone I speak to is opposed to having such tall building on this side of Riverside Drive.  
We live and work in Burbank so we can see this blue skies an open spaces around.  
The feel of high-rise buildings surrounding the intersection ( much like downtown Los Angeles) is not what the residents like to see.

I really Hope that the City of Burbank would not consider allowing such tall structure change

the feel of our community.

Thank you

Bob Kashani

3701 West Riverside Dr  
Burbank Ca 91505

**From:** [Gabrieleno Administration](#)  
**To:** [Yau, Frances](#)  
**Subject:** EXTERNAL: Re: NOP - 3700 Riverside Drive Mixed-Use Project  
**Date:** Monday, April 19, 2021 1:41:09 PM

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Hello Frances Yau

Thank you for your response. We would like to consult if there will be any type of ground disturbance taking place.

Thank you  
Admin Specialist  
Gabrieleno Band of Mission Indians - Kizh Nation  
PO Box 393  
Covina, CA 91723  
Office: 844-390-0787  
website: [www.gabrielenoindians.org](http://www.gabrielenoindians.org)



*The region where Gabrieleño culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleño who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. “The Gabrieleño are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area “. “That’s a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleño, the community simply would not have survived.”*

On Wed, Mar 31, 2021 at 11:08 AM Yau, Frances <[Frances.Yau@mbakerintl.com](mailto:Frances.Yau@mbakerintl.com)> wrote:

Hello –

On behalf of the City of Burbank, please review the attached Notice of Preparation (NOP) for the 3700 Riverside Drive Mixed-Use Project. The NOP includes information regarding the project description, public commenting opportunities, and online community/scoping meeting. This email notification is in addition to a mailed hardcopy NOP. The NOP and Initial Study are also available for review on the City’s website at:

<https://www.burbankca.gov/3700RD>

The 30-day public review period begins today on Wednesday, March 31, 2021, and will conclude on Thursday, April 29, 2021. Please submit comments in writing to the address or email provided below. Comment letters must be received by 5:00 p.m. on April 29, 2021.

City of Burbank

Planning Division

Attn: Daniel Villa, Senior Planner

150 North Third Street

Burbank, California 91502

[dvilla@burbankca.gov](mailto:dvilla@burbankca.gov)

818.238.5250

For any additional questions regarding the review of the NOP and Initial Study, please contact the City Planner at the email address above.

Thank you,

**Frances Yau, AICP** | Project Manager - Planning  
5 Hutton Centre Drive, Suite 500 | Santa Ana, CA 92707 | [O] 949-330-4105  
[frances.yau@mbakerintl.com](mailto:frances.yau@mbakerintl.com) | [www.mbakertnl.com](http://www.mbakertnl.com)



**DEPARTMENT OF TRANSPORTATION**

DISTRICT 7 – Office of Regional Planning  
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Making Conservation  
a California Way of Life.

April 29, 2021

Daniel Villa  
City of Burbank  
Planning Division  
150 North Third Street  
Burbank, CA 91502

RE: 3700 Riverside Drive Mixed-Use Project –  
Notice of Preparation of an Environmental  
Impact Report (NOP)  
SCH # 2021040010  
GTS # 07-LA-2021-03534  
Vic. LA-134/PM: 2.11

Dear Daniel Villa:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced NOP. The project proposes to demolish the existing on-site structures and construct a seven-story, 82,723-gross square foot mixed-use development. The proposed development would consist of 49 condominium units, 2,000 square feet of ground level restaurant/retail use, a pocket park, and 90 surface and subterranean parking spaces. The condominiums would consist of one- to three-bedroom units ranging in size from 937 to 2,187 gross square feet. Additionally, four of the 49 condominiums would be developed as affordable housing units for very low-income households. The City of Burbank is the Lead Agency under the California Environmental Quality Act (CEQA).

The project is located across the street from the State Route 134 (SR-134) on-ramp at W Riverside Drive. From reviewing the NOP, Caltrans has the following comments:

- We concur that this project can be presumed to have a less than significant Vehicle Miles Traveled (VMT) impact because it is located in a Transit Priority Area and based on communication with the City of Burbank, has a Floor Area Ratio of greater than .75.
- For information on determining transportation impacts in terms of VMT on the State Highway System, see Caltrans' updated *Vehicle Miles Traveled-Focused Transportation Impact Study Guide* (TISG), dated May 2020 and released on Caltrans' website in July 2020: <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf>.
- Note that Caltrans' new TISG is largely based on the *Technical Advisory on Evaluating Transportation Impacts in CEQA* by the California Governor's Office of Planning and Research (OPR).
- The updated TISG states, "Additional future guidance will include the basis for requesting transportation impact analysis that is not based on VMT. This guidance will include a simplified safety analysis approach that reduces risks to all road users and that focuses on multi-modal conflict analysis as well as access management issues." Since releasing the TISG, Caltrans has released interim safety analysis guidance, dated December 2020 and found here, for the City's

reference: <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-12-22-updated-interim-ldigr-safety-review-guidance-a11y.pdf>.

- Caltrans encourages lead agencies to complete traffic safety impact analysis in CEQA so that through partnerships and collaboration, California can reach zero fatalities and serious injuries by 2050.

The following information is included for your consideration.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Furthermore, Caltrans encourages Lead Agencies to implement Transportation Demand Management (TDM) strategies that reduce VMT and Greenhouse Gas (GHG) emissions. Thus, Caltrans supports the TDM strategies this project has incorporated, such as providing bicycle racks. For more TDM options to further reduce this project's VMT impact, please refer to:

- The 2010 *Quantifying Greenhouse Gas Mitigation Measures* report by the California Air Pollution Control Officers Association (CAPCOA), available at <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>, or
- *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8) by the Federal Highway Administration (FHWA), available at <https://ops.fhwa.dot.gov/publications/fhwahop12035/index.htm>.

Also, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. Caltrans recommends that the project limit construction traffic to off-peak periods to minimize the potential impact on State facilities. If construction traffic is expected to cause issues on any State facilities, please submit a construction traffic control plan detailing these issues for Caltrans' review.

Finally, any work completed on or near Caltrans' right of way might require an encroachment permit, however, the final determination on this will be made by Caltrans' Office of Permits. For more information on encroachment permits, see: <https://dot.ca.gov/programs/traffic-operations/ep>.

If you have any questions about these comments, please contact Emily Gibson, the project coordinator, at [Emily.Gibson@dot.ca.gov](mailto:Emily.Gibson@dot.ca.gov), and refer to GTS # 07-LA-2021-03534.

Sincerely,



MIYA EDMONSON  
IGR/CEQA Branch Chief  
cc: Scott Morgan, State Clearinghouse



# South Coast Air Quality Management District

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

SENT VIA E-MAIL:

April 20, 2021

[dvilla@burbankca.gov](mailto:dvilla@burbankca.gov)

Daniel Villa, Senior Planner  
City of Burbank, Planning Division  
150 North Third Street  
Burbank, California 91502

## **Notice of Preparation of a Draft Environmental Impact Report for the 3700 Riverside Drive Mixed-Use Project (Proposed Project)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

### **CEQA Air Quality Analysis**

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website<sup>1</sup> as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod<sup>2</sup> land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds<sup>3</sup> and localized significance thresholds (LSTs)<sup>4</sup> to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

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

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<sup>1</sup> South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

<sup>2</sup> CalEEMod is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

<sup>3</sup> South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

<sup>4</sup> South Coast AQMD's 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>.

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), 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. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment<sup>5</sup>.

### **Mitigation Measures**

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook<sup>1</sup>, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan<sup>6</sup>, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy<sup>7</sup>.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov).

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

LAC210401-07  
Control Number

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<sup>5</sup> South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

<sup>6</sup> South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

<sup>7</sup> Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: [https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A\\_ConnectSoCal\\_PEIR.pdf](https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf).

**From:** [Toan Duong](#)  
**To:** [Villa, Daniel](#)  
**Cc:** [Justin Dulay](#); [Aracely Lasso](#); [Nilda Gemeniano](#)  
**Subject:** Comments for NOP 3700 Riverside Drive Mixed-Used Project  
**Date:** Thursday, April 29, 2021 3:48:08 PM  
**Attachments:** [image001.png](#)

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Mr. Daniel Villa, Senior Planner  
City of Burbank, Planning Division

Thank you for the opportunity to review the Notice of Preparation and Initial Study for the subject project. Public Works has reviewed the Initial Study of the subject project and provides the following comments for your consideration.

1. Page 95, Section 4.8 Greenhouse Gas Emissions, Table 4.8-2:

Consistency with the City's Greenhouse Gas Reduction Plan states that "waste produced by the project would be required to comply with the provisions of State Assembly Bill 939 (AB) 939 and AB 341, requiring diversion of 50 percent of a jurisdiction's solid waste stream and 75 percent diversion of commercial waste, respectively." Similarly, page 160, Section 4.19 Utilities and Service Systems states that "the project would be required to demonstrate compliance with the California Integrated Waste Management Act of 1989 (AB 939), which requires all California cities to reduce, recycle, and re-use solid waste generated in the State to the maximum extent feasible."

State Assembly Bill 1826 (2014) requires businesses that generate at least 2 cubic yards of commercial solid waste each week to set up recycling services for recyclables and organic waste. The law also requires the County to implement an organic waste recycling program that is designed specifically to divert organic waste generated by businesses.

2. Page 159, Section 4.19 Utilities and Service Systems, Dry Utilities subsection states:

"D. Based on 2018 data, the most recent year available, the City disposed of approximately 85,650 tons of solid waste"

Clarify the unit of frequency for quantity disposed both in the paragraph and in the table to provide consistency.

3. Page 16, Section 2.4 Project Characteristics states:

"The project proposes to demolish the existing on-site structures and construct a seven-story, 82,723 gross square foot mixed-use development. The proposed development would

consist of 49 condominium units, 2,000 square feet of ground level restaurant/retail use, a pocket park, and surface and subterranean parking”.

The existing hazardous waste management (HWM) infrastructure in this County is inadequate to handle the hazardous waste currently being generated. The proposed project may generate household hazardous waste, which could adversely impact existing HWM infrastructure. This issue should be addressed and mitigation measures provided. Mitigation measures may include, but are not limited to, providing new homeowners with educational materials on the proper management and disposal of household hazardous waste. Visit [pw.lacounty.gov/epd/hhw/index.cfm](http://pw.lacounty.gov/epd/hhw/index.cfm) online or contact Public Works, Environmental Programs Division at (626) 458-3562 for available educational materials.

If you have any questions regarding these comments, please contact Nilda Gemeniano of Public Works, Environmental Program Division at (626) 418-1550 or [ngemenia@pw.lacounty.gov](mailto:ngemenia@pw.lacounty.gov).

We request that all future electronic notification and environmental documents for this project be sent to Aracely Lasso of Public Works, Land Development Division at [alasso@pw.lacounty.gov](mailto:alasso@pw.lacounty.gov).

Regards,

*Toan Duong*

Civil Engineer  
Los Angeles County Public Works  
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April 29, 2021

**VIA EMAIL:**

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[dvilla@burbankca.gov](mailto:dvilla@burbankca.gov)

**RE: NOP Comments on 3700 Riverside Dr. Mixed-Use Project (SCH No. 2021040010)**

Dear Mr. Villa:

On behalf of Jack E. Lewis and the Lewis Family Trust (collectively "**Commenters**"), this office respectfully provides the following comments to the City of Burbank ("**City**") regarding the Notice of Preparation ("**NOP**") of an Environmental Impact Report ("**EIR**") for the proposed demolition of an existing carwash and construction of a seven-story, mixed-use development with 49 condominium units (four of which are affordable), 2,000 square feet ("**SF**") of ground-level restaurant/retail, a pocket park, and surface/subterranean parking ("**Project**") located on the southwest corner of Riverside Drive and N. Hollywood Way intersection ("**Site**") in the City.

In furtherance of the Project, 3700 W. Riverside Investments, LLC ("**Applicant**") is requesting various land use approvals pursuant to the Burbank Municipal Code ("**BMC**" or "**Code**"), including: (i) Development Review to construct a structure in the MDC-3 zone; (ii) Conditional Use Permit to allow the proposed use (i.e., residential above commercial) in the MDC-3 zone along with a reduced parking requirement; (iii) Density Bonus Request for a 35 percent density bonus to allow an additional 13 units; and (iv) Tentative Condominium Map to subdivide the property into five or more condominiums (collectively "**Entitlements**"). So too, the Project will require approval of the EIR pursuant to the California Environmental Quality Act (Pub. Res. Code § 21000 *et seq.*) ("**CEQA**") and "**CEQA Guidelines**" (14 Cal. Code. Regs. § 15000 *et seq.*).

In short, based on our review of the Initial Study ("**IS**"),<sup>1</sup> Commenters have serious concerns with the Project's potential impact on the environment and neighbors, including but not limited to noise, traffic, historical/cultural, aesthetics, geological, hazard, and air quality impacts. The forthcoming draft EIR must properly identify, analyze, and mitigate these impacts to the fullest extent. *So too, we ask for more clarity on the project description and an adequate range of alternatives, such as an alternative that keeps the Googie-sign in its current location and shifts the Project westward towards Screenland Drive. Such an alternative would significantly lessen impacts identified in the IS and many of the concerns held by the Commenters.* So too, this would better enable the City to make the Code-required findings necessary to approve the EIR and Entitlements (collectively "**Project Approvals**").

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<sup>1</sup> Inclusive of all associated appendices (referenced herein as "**APP-##**").



We thank the City for the opportunity to provide the following NOP comments,<sup>2</sup> and look forward to working cooperatively with City staff and the Applicant to address our concerns.

### I. COMMENTERS' STANDING

Since the mid-1980s, Commenters have owned the property immediately south of the Project Site (“**Property**”). (See IS, p. 2-3; see also Fig. 1 below [annotations added for your convenience].) The current two-story office building on the site was built after the 1994 Northridge earthquake. The Property is currently occupied by (i) a child daycare center on the ground-level since approximately 2000, and (ii) an advertising company on the second-floor level that operate various noise-sensitive media equipment for the past five years. Please take into account and emphasis mitigation of impacts on these sensitive neighboring uses in the draft EIR.

This geographic proximity alone is sufficient to establish standing for Commenters under CEQA. (See e.g., *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 272; *Citizens Ass’n for Sensible Dev. v. County of Inyo* (1985) 172 Cal.App.3d 151, 158.) Absent adequate analysis and full mitigation of Project impacts (e.g., including but not limited to traffic, noise, air quality, historic resources impact, etc.), Commenters and their tenants will be adversely affected by the Project and, thus, has a beneficial interest in the Project’s compliance with the Code and CEQA. (See *Braude v. City of Los Angeles* (1990) 226 Cal.App.3d 83, 87.) Furthermore, Commenters have public interest standing to ensure state/local land use and environmental laws are complied with by the City. (See e.g., *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 914-916, n6; *La Mirada Avenue Neighborhood Assn. of Hollywood v. City of Los Angeles* (2018) 22 Cal.App.5th 1149, 1158-1159.) Hence, full compliance with Code/CEQA requirements will confer substantial benefit to all residents and businesses interested in seeing the enforcement of important public rights. (See e.g., *Weiss v. City of Los Angeles* (2016) 2 Cal.App.5th 194, 205-206; *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166, 169–170.)

Figure 1: Proximity of Commenters’ Property to Project Site



<sup>2</sup> Page citations contained herein are to the page’s stated pagination (referenced herein as “p. #”), or to the page’s location in the PDF document (referenced herein as “PDF p. #”).



## II. BRIEF BACKGROUND ON CEQA'S EIR REQUIREMENTS

CEQA requires lead agencies to analyze the potential environmental impacts of its actions in an environmental impact report. (See, e.g., Pub. Res. Code § 21100; *Cmtys. for a Better Env't v. S. Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310.) The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.) "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Cmtys. for a Better Env't v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 109.)

**CEQA'S PURPOSE:** CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (See CEQA Guidelines § 15002(a)(1).) To this end, public agencies must ensure that its analysis "stay in step with evolving scientific knowledge and state regulatory schemes." (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* ("*Cleveland II*") (2017) 3 Cal.5th 497, 504.) Hence, an analysis which "understates the severity of a project's impacts impedes meaningful public discussion and skews the decisionmaker's perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval." (Id., on remand ("*Cleveland III*") (2017) 17 Cal.App.5th 413, 444; see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564 [quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392].)

Second, CEQA requires public agencies to avoid or reduce environmental damage by requiring implementation of "environmentally superior" alternatives and all feasible mitigation measures. (CEQA Guidelines § 15002(a)(2) & (3); see also *Citizens of Goleta Valley*, 52 Cal.3d at 564.) If a project has a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any significant unavoidable effects on the environment are "acceptable due to overriding concerns." (Pub. Res. Code § 21081; see also CEQA Guidelines § 15092(b)(2)(A) & (B).)

**STANDARD OF REVIEW FOR EIRS:** Although courts review an EIR using an 'abuse of discretion' standard, that standard does not permit a court to "uncritically rely on every study or analysis presented by a project proponent in support of its position ... [,] [a] clearly inadequate or unsupported study is entitled to no judicial deference." (*Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal.App.4th 1344, 1355 [quoting *Laurel Heights*, 47 Cal.3d at 409 n. 12].) A prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; see also *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.)

**SUBSTANTIAL EVIDENCE:** Under CEQA, substantial evidence includes facts, a reasonable assumption predicated upon fact, or expert opinion supported by fact; not argument, speculation, unsubstantiated opinion or narrative, clearly inaccurate or erroneous evidence, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. (See e.g., Pub. Res. Code §§ 21080(e), 21082.2(c), and CEQA Guidelines §§ 15064(f)(5) & 15384.) As such, courts will not blindly trust bare conclusions, bald assertions, and



conclusory comments without the “disclosure of the ‘analytic route the . . . agency traveled from evidence to action.’” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404 405 [quoting *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515]; see also *Citizens of Goleta Valley* (1990) 52 Cal.3d at 568-569.)

### III. INCOMPLETE PROJECT DESCRIPTION

An “accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” (*San Joaquin Raptor Rescue Ctr. v. Cnty. of Merced* (2007) 149 Cal.App.4<sup>th</sup> 645, 654-655 (quoting *Cnty. of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199) (emphasis in original).) As one court explained, “only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the ‘no project’ alternative), and weigh other alternatives in the balance.” (*Citizens for a Sustainable Treasure Island v. City & Cnty. of San Francisco* (2014) 227 Cal.App.4<sup>th</sup> 1036, 1052.) Hence, an accurate project description is an “indispensable component of a valid EIR.” (*Western Placer Citizens for an Agr. and Rural Env’t v. Cnty. of Placer* (2006) 144 Cal.App.4<sup>th</sup> 890, 898.)

Here, the Project description may be lacking in the following ways:

#### 1. CONSTRUCTION

Starting construction in May 2021 (*id.*, at p. 2-20) is unlikely given the pending draft EIR public comment period and public hearings necessary for the Project Approvals. Assumed construction timing, equipment fleet, and other factors (e.g., usage hours, horsepower, load factor) should be confirmed to be feasible. (IS, APP-A, PDF pp. 3, 48.) More clarity needs to be given about the deployment of equipment to understand better the proximity of equipment to sensitive receptors and how often multiple pieces of equipment will run simultaneously. So too, any “questionnaire” forming the basis of the air quality analysis should be disclosed. (*Id.*)

#### 2. PROJECT RENDERINGS

Project renderings lack sufficient detail (*id.* at Edhs. 2-3 – 2-5c). More clarity needs to be given to the following:

- Façade readings and elevations for each side of the building with siding materials, breaking of mass, fenestrations, articulation, landscaping elevations, etc.;
- Height comparison to adjacent buildings in the neighborhood;
- Provide context of setbacks and separations of the Project and its landscaping in relationship to the Property;
- Renderings of the fire escape proposed at the southeast corner of the proposed structure; and
- All stationary noise sources, mechanical equipment (e.g., HVAC), balconies/open spaces must be better identified, including location and proximity to the Property.



### **3. PARKING & SITE ACCESS**

Project plans and narrative lack sufficient details (id. at p. 2-15 & Exhs. 2-3 – 2-4b). More clarity needs to be given regarding the following:

- Electric vehicle (“EV”) parking, such as: location of all EV spaces; how many in subterranean/surface levels; will they be restricted to EV-only vehicles; will commercial/residential patrons have reciprocal access; what will be the charging rate of EV equipped spaces.
- Handicap (“HC”) parking spaces, such as: location of all HC spaces; will commercial/residential patrons have reciprocal access; how many are required for each proposed use.
- Residential guest parking, such as: how many will be provided; where and how many will be accessible on the subterranean/surface levels; will residential guests have access to residential and commercial spaces, and under what circumstances.
- Operation of the parking facility, such as: will there be an operator; will fees be charged to commercial patrons; how will the gate be operated?

### **4. GROUND-FLOOR RETAIL/RESTAURANT USE**

It is anticipated that the 2,000-SF retail/restaurant will be “local serving” for the surrounding community. (IS, pp. 2-4, 4.14-1, 4.17-3 – 14-4.) However, no details about what the services could, likely, or will be. Nor is there any discussion of what conditions will require local serving use. Please clarify what safeguards will be afforded to ensure it will be local serving.

The lack of clarity on the abovementioned issues directly affects the IS’s environmental analysis and impact determinations (discussed further below).

## **IV. ENVIRONMENTAL ANALYSIS IS FLAWED**

Commenters find the following sections of the IS’ environmental analysis to be lacking:

### **1. NOISE IMPACTS**

The IS’s noise analysis includes numerous flaws that fail to consider the great concerns involved with the sensitive receptor tenants at the Property, such as the following:

- The noise measurement at the Property was taken directly next to N. Hollywood Way. (IS, APP-G, PDF p. 10.) This is not representative of ambient levels along the north boundary of the Property, which is further away from traffic. This must be corrected to determine an accurate baseline of conditions experienced by the daycare and media tenant, which will be directly next to the Site during construction.
- The noise measurement was taken for only ten minutes. (Id. at PDF p. 11.) The industry standard for short-term measurements is typically 15-minutes. Furthermore, in many cases, cities have demanded a 24-hour testing on different days of the week to capture more accurate samples of ambient level.



- The IS relies solely on the Code's time restrictions as a threshold on construction noise impacts. (IS, p. 4.13-8.) This is irrelevant. The City's General Plan and Noise Element has various standards by which the City can use to determine significance. So too, the City can rely on thresholds commonly used and/or suggested by other public agencies, like a 3 to 5 dBA change in noise levels for certain period of time, or timed period, or an absolute maximum level. This should be done upon doing an appropriate ambient noise survey.
- The proposed best management practices to reduce construction noise ignores readily available measures. (IS, p. 4.13-9.) For example, they fail to mention sound curtains blocking line-of-sight to sensitive receptors with specified noise attenuation performance levels—which is a commonly used by numerous cities to lessen noise impacts. The IS must consider all feasible mitigation measures, with performance-based metrics, and supported by substantial evidence. Moreover, it must be realistically implemented, which requires a rigorous monitoring program—another measure common for cities dealing with construction noise impacts and yet the IS completely silent on the issue.
- The IS assumes compliance with the City's noise ordinance will reduce noise impacts from stationary sources, mobile noise, HVAC equipment, parking areas, outdoor areas, etc. (Id. at pp. 4.13-9 – 4.13-11.) However, this lacks substantial evidence given the IS fails to identify the location of all noise sources (e.g., outdoor mechanical/HVAC equipment, patios/open space areas, balconies, etc.). Nor has the IS identified the proximity of these sources to the Property. Nor has the IS considered the cumulative effect of these combined. This cumulative effect needs to be analyzed quantitatively and qualitatively to inform the public of the real impacts caused by the Project.

## 2. TRAFFIC IMPACTS:

The IS's traffic should consider the following three issues that are critical to Commenters and their sensitive receptor tenants:

- The IS determines the Project's impact on net average daily trips (“**ADT(s)**”) by relying on a single San Diego traffic study nearly 20 years old. (IS, APP-H, p. 2). Much can happen in 20 years, and San Diego is a very different community than Burbank. So too, carwashes fluctuate significantly during various periods of the day, week, and even year. The IS does not provide an adequate explanation showing the study is appropriate here and whether an actual traffic count would be a more accurate manner to establish baseline levels. Notwithstanding SB 743 (transferring from Level of Service [**“LOS”**] to Vehicle Miles Traveled [**“VMT”**]), trip rates and volume have a direct effect on circulation issues. If not adequately accounted for, potential vehicle/vehicle and vehicle/pedestrian collisions could be made more likely, which is a public safety issue.
- The Project's southwestern driveway feeds into a small cut-through alley, which is already very small and difficult to transverse without the addition of more cars. So too, the driveway is awkwardly shaped kink. This circulation issue presents a public safety concern for vehicle/vehicle and vehicle/pedestrian collisions. An alternative and mitigation should be considered with a more standard driveway directly from Screenland Drive.



- The IS fails to provide basic details about the proposed parking (discussed supra). Commenters are concerned that if too many provided spaces are restricted (e.g., EV, Handicap, Guests), there will be inadequate spaces for the retail/restaurant patrons, ultimately leading to spillover to the Property and nearby streets. This needs clarity and discussion of potential strategies to avoid this (e.g., shared parking, parking management on at the Project, and other measures). This should be resolved before contemplating further reductions in parking.

### **3. HISTORICAL/CULTURAL IMPACTS**

Here, the Google-architecture sign is being relocated from its current location (i.e., near the corner of the intersection) and moved into a much less prominent location that is blocked by the Project's massing. (IS, p. 2-16, 4.1-8.) This will reduce its visibility and conflict with applicable zoning/land use goals/policies. (Id., at 4.1-8, 4.5-1 – 4.5-2.) A project alternative should be considered that maintains the sign's historical setting by shifting the Project to the west of the Site.

### **4. AESTHETICS IMPACTS**

Here, the Verdugo Mountains and Santa Monica Mountains are considered valued scenic resources. (IS, p. 4.1-1.) As proposed, the Project would block all views from northern facing walls at the Property. This is exacerbated by the fire escape near the Site's southeast corner. This is masked given the project description lacks any before/after renderings of this view, nor includes basic information in the current renderings (e.g., setbacks, building façade, separations of walls and landscaping, etc.) This is arbitrary and capricious. Please consider shade and other impacts on the neighboring Property and its uses.

### **5. GEOLOGICAL IMPACTS**

Commenters are very concerned about excavation activities and shoring of the Project, due to past soil issues. For example, the 1994 Northridge earthquake made it necessary for Commenters rebuilding of the Property. Additionally, Commenters have experienced multiple sinkholes causing trees to suddenly drop below grade into sandy soil (in the Property's parking lot). In one instance, a sinkhole had to be filled approximately six feet deep by using roughly a dozen 55-pound concrete bags. Given the Project includes subterranean parking immediately adjacent to the Property, there is a real subsidence concern. As currently written, the Geological Mitigation Measure 1 is entirely too vague and void of any performance metrics to guide the City's future decisionmaking. More clarity and protection must be provided to ensure excavation and shoring activities do not jeopardize the integrity of the Property. This is a dispositive and extremely important issue for Commenters—please try to put yourselves in their shoes.

### **6. HAZARD IMPACTS**

Demolition of the carwash may expose asbestos-contain materials. (IS, p. 4.9-4.) Given the acute sensitivity to babies and children attending the daycare so close to the Project Site, additional precaution needs to be taken to protect against unintended releases. This cannot be achieved via monthly compliance reports. (Id., at p. 4.9-4[HAZ-1].) Construction phasing to avoid demolition during the daycare's operational hours should be considered, particularly structures closest to the Property, as well as other feasible mitigation. We hope the Applicant considers this and discusses such construction issues with Commenters.



## 7. AIR QUALITY IMPACTS

The air quality analysis relies on CalEEMod, which shows numerous changes to default. (IS, APP-A, PDF pp. 4-45.) Pursuant to CalEEMod user guidance, please justify all changes. Additionally, various air quality mitigation measures were assumed in the air quality analysis. (See e.g., IS, p. 4.3-10; IS, APP-A, PDF p. 49.) These should be clarified and shown to be enforceable via conditions and effective monitoring.

In sum, the abovementioned issues should be addressed and resolved in the forthcoming draft EIR.

## V. INADEQUATE MITIGATION MEASURES

CEQA requires lead agencies to “craft mitigation measures that would satisfy enforceable performance criteria.” (*City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4<sup>th</sup> 362, 407.) Mitigation should be capable of reducing, minimizing, rectifying, compensating, or avoiding the impact altogether. (See CEQA Guidelines § 15370.) This approach helps “insure the integrity of the process of decision making by precluding stubborn problems or serious criticism from being swept under the rug.” (*Concerned Citizens of Costa Mesa, Inc. v. 32<sup>nd</sup> Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935; see also *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4<sup>th</sup> 260, 280–281.) To this end, CEQA prohibits mitigation measures that are:

- **NON-ENFORCEABLE:** Mitigation must be “fully enforceable through permit conditions, agreements, or other legally-binding instruments.” (CEQA Guidelines §§ 15126.4(a)(2), 15097; see also *Lincoln Place Tenants Ass’n v. City of Los Angeles* (2005) 130 Cal.App.4<sup>th</sup> 1491, 1508 [“Mitigating conditions are not mere expressions of hope.”]; *Federation of Hillside & Canyon Ass’ns v. City of Los Angeles* (2000) 83 Cal.App.4<sup>th</sup> 1252, 1261 [“feasible mitigation measures will actually be implemented as a condition of development.”].)
- **UNCERTAIN EFFICACY:** Project may not rely on compliance with existing laws or measures of uncertain efficacy or unlikely to be implemented. (See e.g., *Cleveland III*, 17 Cal.App.5<sup>th</sup> at 433 [“none of these measures had any probability of implementation, their inclusion in the EIR was illusory.”]; *Californians for Alternatives to Toxics v. Department of Food and Agriculture* (2005) 136 Cal.App.4<sup>th</sup> 1, 17 [“[c]ompliance with the law is not enough to support a finding of no significant impact under the CEQA.”]; *Kings County Farm Bureau*, 221 Cal.App.3d at 727 [finding groundwater purchase agreement inadequate mitigation because there was no evidence that replacement water was available].)
- **DEFERRED:** CEQA disfavors formulation of mitigation measures to post-approval studies with no performance standards to guide the mitigation. (See e.g., CEQA Guidelines § 15126.4(a)(1)(B); *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4<sup>th</sup> 70, 92-93; *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884 [“There cannot be meaningful scrutiny [of an environmental review document] when the mitigation measures are not set forth at the time of project approval.”].) A lead agency may only defer the formulation of mitigation measures when it possesses “‘meaningful information’ reasonably justifying an expectation of compliance.” (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308 [quoting *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 77 fn. 5]; see also *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028-29 [mitigation measures may be deferred only “for kinds of impacts for which mitigation is known to be feasible”].)



Here, as previously mentioned, the IS relies on vague, unenforceable mitigation measures of either uncertain efficacy or lacking appropriate performance standards (e.g., noise, geological, hazard impacts). These existing mitigation measures and the additional mitigation measures necessary to address Commenters' other concerns need to be included in the forthcoming draft EIR.

## VI. THE NEED FOR AN ADEQUATE ALTERNATIVE ANALYSIS

Under CEQA, the discussion of mitigation and alternatives is “the core of an EIR,” requiring a lead agency to select a reasonable range of alternatives for evaluation guided by a clearly written statement of objectives. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564-65; see also CEQA Guidelines § 15124(b).) It is the lead agency's affirmative duty to approve a project only after “meaningful consideration of alternatives and mitigation measures.” (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 134.) This duty cannot be defeated by defining objectives too narrowly or too broadly or artificially limiting the agencies' ability to implement reasonable alternatives by prior contractual commitments. (See e.g. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1447; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736.) Instead, a “reasonable range of alternatives” should be:

- “capable of being accomplished in a successful manner” (Pub. Res. Code § 21061.1);
- “attain most of the basic objectives of the project” (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1509 [citing CEQA Guidelines § 15126.6(a) and (f)]); and
- achieve the project's “underlying fundamental purpose” (*In re Bay-Delta* (2008) 43 Cal.4th 1143, 1164-1165 [citing CEQA Guidelines § 15124(b)]).

While alternatives must implement the most basic project objectives, they need not implement all of them. (See *California Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991; see also *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 488-489.) The discussion must “focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be costlier.” (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 873; see also CEQA Guidelines § 15126.6(a); *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 436 [EIR discussion deficient where no alternative was considered that significantly reduced total vehicle miles traveled and where the alternatives labeled ‘transit emphasis’ was a “misnomer” given they only advanced certain rapid bus projects, left rail/trolley projects largely unchanged, and provided no increased transit projects/services].)

Here, the IS admits potential significant aesthetic, cultural resources, and land use planning consistency impacts. (IS, p. 3-2.) This alone requires consideration of an adequate range of alternatives in the forthcoming draft EIR. Commenters respectfully request that an alternative that keeps the Googie sign in its current location and the building shift towards the Site's western edge be considered. Not only would this avoid potential significant impacts identified in the IS, but so too lessen numerous impacts and issues discussed above—particularly construction noise impacts and aesthetic impacts on the daycare and other noise-sensitive uses. We welcome such an alternative accompanied by all feasible mitigation measures to address Commenters' concerns.



## VII. CEQA FLAWS TAINT THE CODE-REQUIRED FINDINGS

The issues discussed herein (e.g., noise, parking, circulation, geological, hazards, air quality, etc.) directly conflict with numerous Code-required findings needed before the City can grant the Entitlements, including but not limited to:

### DEVELOPMENT REVIEW (BMC § 10-1-1912):

- “All projects. Except for those Development Review applications which require additional findings as set forth herein, a Development Review application shall be approved if the Director or if appealed, the Planning Board or City Council, finds that the application/project is consistent with all provisions of this Code. Any application not meeting code may be approved with conditions that assure code compliance.” (Subd., A);
- “Conditions. For Development Review applications subject to Subsections (B),(C), and (D), if the Director finds that minor revisions to a project are needed to satisfy the requirements, the Director may approve the application subject to conditions of approval. If the Director finds that an application does not meet the requirements or that major revisions to a project are needed to satisfy the requirements, the Director may disapprove the application. Any conditions imposed must be deemed to be appropriate or necessary to assure compliance with the requirements of Subsections (B), (C), and (D); the intent and purpose of the Burbank Municipal Code; or to protect the public health, safety or welfare.” (Subd. E);

### CONDITIONAL USE PERMIT FOR RESTAURANTS PARKING (BMC § 10-1-2107(D)(2)):

- “Conditional Use Permit-Restaurants. By Conditional Use Permit, the City may approve a reduction in the minimum parking requirement for restaurants which can prove, to the satisfaction of the Planning Board, that the restaurant will primarily serve a walk-in trade due to the nature of the proposed restaurant and its proximity to large concentrations of employment. An Employee Parking Plan shall be submitted to the Director of Community Development as part of Development Review performed on any restaurant west of Pass Avenue on Riverside Drive which requires Development Review.”

### CONDITIONAL USE PERMIT FOR RESIDENTIAL ABOVE COMMERCIAL USE (BMC § 10-1-503(B)):

- “The subject use and its operation are compatible with the uses permitted in the zone where it is proposed to be allowed” (Subd., 1);
- “The subject use will not cause substantial injury to the value of the property in neighborhoods within which it is likely to be located” (Subd., 3); and
- “The subject use will be so controlled that the public health, safety, and general welfare will be protected.” (Subd., 4);

Hence, it is critical that the draft EIR address all the issues discussed herein, if the City intends to make the Code-required findings necessary to grant the Project Approvals.



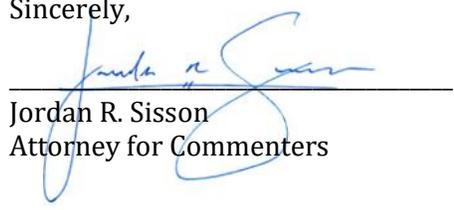
## VIII. CONCLUSION

In sum, Commenters are seriously concerned with the potential environmental impacts discussed above, which will directly affect Commenters and their tenants and cut directly against the Code-required findings needed to grant the Entitlements. We respectfully request that these issues be analyzed and mitigated to the fullest extent feasible—particularly those impacts directly involving public safety (e.g., noise, parking, circulation, geological, hazards, etc.) Moreover, *we urge the City to consider an adequate range of alternatives that includes an alternative that shifts the Project west towards Screenland Drive.*

Finally, on behalf of Commenters, this office requests, to the extent not already on the notice list, all notices of any public hearing, actions, determinations, approvals, or alike involving the Project's compliance with CEQA and zoning laws. This request is made under state and/or local law requiring local agencies to mail such notices to any person who has filed a written request for them. (See e.g., Pub. Res. Code §§, 21092.2, 21167(f) and Gov. Code § 65092.) Please send notice by electronic and regular mail to Jordan R. Sisson, Esq., 801 S. Grand Avenue, 11th Fl., Los Angeles, CA 90017 ([jordan@gideonlaw.net](mailto:jordan@gideonlaw.net)).

Thank you for consideration of these comments. We ask that this letter is placed in the administrative record for the Project. Please do not hesitate to contact this office if you have any questions about this letter or would like to arrange a meeting with staff and/or the Applicant.

Sincerely,



---

Jordan R. Sisson  
Attorney for Commenters





**Metro**

April 29, 2021

Daniel Villa, Senior Planner  
Planning Division  
City of Burbank  
150 North Third Street  
Burbank, CA 91502  
Sent by Email: [dvilla@burbankca.gov](mailto:dvilla@burbankca.gov)

RE: 3700 Riverside Drive Mixed-Use Project  
Notice of Preparation of Environmental Impact Report (EIR)

Dear Mr. Villa:

Thank you for coordinating with the Los Angeles County Metropolitan Transportation Authority (Metro) regarding the proposed mixed-use project (Project) located at 3700 West Riverside Drive in the City of Burbank (City). Metro is committed to working with local municipalities, developers, and other stakeholders across Los Angeles County on transit-supportive developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development.

Per Metro's area of statutory responsibility pursuant to sections 15082(b) and 15086(a) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA: Cal. Code of Regulations, Title 14, Ch. 3), the purpose of this letter is to provide the City with specific detail on the scope and content of environmental information that should be included in the Environmental Impact Report (EIR) for the Project. In particular, this letter outlines topics regarding the Project's potential impacts on the Metro bus facilities and services which should be analyzed in the EIR, and provides recommendations for mitigation measures as appropriate. Effects of a project on transit systems and infrastructure are within the scope of transportation impacts to be evaluated under CEQA.<sup>1</sup>

In addition to the specific comments outlined below, Metro is providing the City and 3700 W. Riverside Investments, LLC (Applicant) with the Metro Adjacent Development Handbook (attached), which provides an overview of common concerns for development adjacent to Metro right-of-way (ROW) and transit facilities, available at [www.metro.net/projects/devreview/](http://www.metro.net/projects/devreview/).

### **Project Description**

The Project includes construction of a mixed-use development consisting of 49 condominium units, 2,000 square feet of ground level restaurant/retail use, a pocket park, and subterranean parking. Vehicular access to the gated surface parking area would be provided via ingress/egress driveway along North Hollywood while access to the gated subterranean parking garage would be provided via an alley located in the southwest corner of the site along North Screenland Drive.

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<sup>1</sup> See CEQA Guidelines section 15064.3(a); Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts In CEQA, December 2018, p. 19.

## Recommendations for EIR Scope and Content

### *Bus Service Adjacency*

1. Service: Metro Bus Lines 155 and 222 operate on North Hollywood Way and West Riverside Drive adjacent to the Project. Two Metro Bus stops are directly adjacent to the Project at the southwest corner of West Riverside Drive and North Hollywood Way.
2. Impact Analysis: The EIR should analyze potential effects on Metro Bus service and identify mitigation measures as appropriate. Potential impacts may include impacts to transportation services, stops, and temporary or permanent bus service rerouting. Specific types of impacts and recommended mitigation measures to address them include, without limitation, the following:
  - a. Bus Stop Condition: The EIR should identify all bus stops on all streets adjacent to the Project site. During construction, the Applicant may either maintain the stop in its current condition and location, or temporarily relocate the stops consistent with the needs of Metro Bus operations. Temporary or permanent modifications to any bus stop as part of the Project, including any surrounding sidewalk area, must be Americans with Disabilities Act (ADA)-compliant and allow passengers with disabilities a clear path of travel between the bus stop and the Project. Once the Project is completed, the Applicant must ensure any existing Metro bus stop affected by the Project is returned to its pre-Project location and condition, unless otherwise directed by Metro.
  - b. Driveways: Driveways accessing parking and loading at the Project site should be located away from transit stops, and be designed and configured to avoid potential conflicts with on-street transit services and pedestrian traffic to the greatest degree possible. Vehicular driveways should not be located in or directly adjacent to areas that are likely to be used as waiting areas for transit.
  - c. Bus Stop Enhancements: Metro encourages the installation of enhancements and other amenities that improve safety and comfort for transit riders. These include benches, bus shelters, wayfinding signage, enhanced crosswalks and ADA-compliant ramps, pedestrian lighting, and shade trees in paths of travel to bus stops. The City should consider requesting the installation of such amenities as part of the Project.
  - d. Bus Operations Coordination: The Applicant shall coordinate with Metro Bus Operations Control Special Events Coordinator at 213-922-4632 and Metro's Stops and Zones Department at 213-922-5190 not later than 30 days before the start of Project construction. Other municipal bus services may also be impacted and shall be included in construction outreach efforts.

### **Transit Supportive Planning: Recommendations and Resources**

Considering the Project's proximity to the Metro bus stops, Metro would like to identify the potential synergies associated with transit-oriented development:

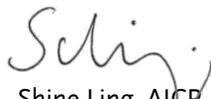
1. Transit Supportive Planning Toolkit: Metro strongly recommends that the Applicant review the Transit Supportive Planning Toolkit which identifies 10 elements of transit-supportive places and, applied collectively, has been shown to reduce vehicle miles traveled by establishing community-scaled density, diverse land use mix, combination of affordable housing, and infrastructure projects for pedestrians, bicyclists, and people of all ages and abilities. This resource is available at <https://www.metro.net/projects/tod-toolkit>.
2. Land Use: Metro supports development of commercial and residential properties near transit stops and understands that increasing development near stops represents a mutually beneficial opportunity to increase ridership and enhance transportation options for the users of developments. Metro

encourages the City and Applicant to be mindful of the Project's proximity to the bus stops, including orienting pedestrian pathways towards the stops.

3. **Transit Connections and Access:** Metro strongly encourages the Applicant to install Project features that help facilitate safe and convenient connections for pedestrians, people riding bicycles, and transit users to/from the Project site and nearby destinations. The City should consider requiring the installation of such features as part of the conditions of approval for the Project, including:
  - a. **Bicycle Use and Micromobility Devices:** The provision of adequate short-term bicycle parking, such as ground-level bicycle racks, and secure, access-controlled, enclosed long-term bicycle parking for residents, employees, and guests. Bicycle parking facilities should be designed with best practices in mind, including highly visible siting, effective surveillance, ease to locate, and equipment installation with preferred spacing dimensions, so bicycle parking can be safely and conveniently accessed. Similar provisions for micro-mobility devices are also encouraged.
  - b. **First & Last Mile Access:** The Project should address first-last mile connections to transit and is encouraged to support these connections with wayfinding signage inclusive of all modes of transportation. For reference, please review the First Last Mile Strategic Plan, authored by Metro and the Southern California Association of Governments (SCAG), available on-line at: [http://media.metro.net/docs/sustainability\\_path\\_design\\_guidelines.pdf](http://media.metro.net/docs/sustainability_path_design_guidelines.pdf)
4. **Parking:** Metro encourages the incorporation of transit-oriented, pedestrian-oriented parking provision strategies such as the reduction or removal of minimum parking requirements and the exploration of shared parking opportunities. These strategies could be pursued to reduce automobile-orientation in design and travel demand.
5. **Wayfinding:** Any temporary or permanent wayfinding signage with content referencing Metro services or featuring the Metro brand and/or associated graphics (such as Metro Bus or Rail pictograms) requires review and approval by Metro Signage and Environmental Graphic Design.
6. **Transit Pass Programs:** Metro would like to inform the Applicant of Metro's employer transit pass programs, including the Annual Transit Access Pass (A-TAP), the Employer Pass Program (E-Pass), and Small Employer Pass (SEP) Program. These programs offer efficiencies and group rates that businesses can offer employees as an incentive to utilize public transit. The A-TAP can also be used for residential projects. For more information on these programs, please visit the programs' website at <https://www.metro.net/riding/eapp/>.

If you have any questions regarding this letter, please contact me by phone at 213-922-2671, by email at [DevReview@metro.net](mailto:DevReview@metro.net), or by mail at the following address: Metro Development Review, One Gateway Plaza, MS 99-22-1 Los Angeles, CA 90012-2952.

Sincerely,



Shine Ling, AICP  
Manager, Transit Oriented Communities

cc: 3700 W. Riverside Investments, LLC

Attachments and links:

- Adjacent Development Handbook: <https://www.metro.net/projects/devreview/>

Los Angeles County  
Metropolitan Transportation Authority

# METRO ADJACENT DEVELOPMENT HANDBOOK

A GUIDE FOR CITIES AND DEVELOPERS

February 2021



# Metro and Regional Rail Map

## Metro & Regional Rail

metro.net  
 pacificsurfliner.com  
 metrolinktrains.com



Metro is currently undertaking the largest rail infrastructure expansion effort in the United States. A growing transit network presents new opportunities to catalyze land use investment and shape livable communities.

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# Quick Overview

## Purpose of Handbook

The Metro Adjacent Development Handbook (Handbook) is intended to provide information and guide coordination for projects adjacent to, below, or above Metro transit facilities (e.g. right-of-way, stations, bus stops) and services.

### Overarching Goal

By providing information and encouraging early coordination, Metro seeks to reduce potential conflicts with transit services and facilities, and identify potential synergies to expand mobility and improve access to transit.

### Intended Audience

The Handbook is a resource for multiple stakeholder groups engaged in the development process, including:

- Local jurisdictions who review, entitle, and permit development projects,
- Developers,
- Property owners,
- Architects, engineers, and other technical consultants,
- Builders/contractors,
- Utility companies, and
- other Third Parties.

### Handbook Content

The Handbook includes:

- **Introduction** of Metro's Development Review coordination process, common concerns, and typical stages of review.
- **Information** on best practices during three key coordination phases to avoid potential conflicts or create compatibility with the Metro transit system:
  - Planning & Conceptual Design,
  - Engineering & Technical Review, and
  - Construction Safety & Monitoring.
- **Glossary** with definitions for key terms used throughout the Handbook.

## RULE OF THUMB: 100 FEET

**Metro's Development Review process applies to projects that are within 100 feet of Metro transit facilities.**

While the Handbook summarizes key concerns and best practices for adjacency conditions, it does not replace Metro's technical requirements and standards.

**Prior to receiving approval for any construction activities adjacent to, above, or below Metro facilities, Third Parties must comply with the Metro Adjacent Construction Design Manual, available on Metro's website.**

### Contact Us

For questions, contact the Development Review Team:

- Email: [devreview@metro.net](mailto:devreview@metro.net)
- Phone: 213.418.3484
- Online In-take Form: <https://jpropublic.metro.net/in-take-form>

### Additional Information & Resources

- Metro Development & Construction Coordination website: <https://www.metro.net/devreview>
- Metro GIS/KML ROW Files: <https://developer.metro.net/portfolio-item/metro-right-of-way-gis-data>
- Metrolink Standards and Procedures: <https://www.metrolinktrains.com/about/agency/engineering--construction>

Metro will continue to revise the Handbook, as needed, to reflect updates to best practices in safety, operations, and transit-supportive development.

# Background

## Who is Metro?

The Los Angeles County Metropolitan Transportation Authority (Metro) plans, funds, builds, and operates rail, bus, and other mobility services (e.g. bikeshare, microtransit) throughout Los Angeles County (LA County). On average, Metro moves 1.3 million people each day on buses and trains. With funding from the passage of Measure R (2008) and Measure M (2016), the Metro system is expanding. Over the next 40 years, Metro will build over 60 new stations and over 100 miles of transit right-of-way (ROW). New and expanded transit lines will improve mobility across LA County, connecting riders to more destinations and expanding opportunities for development that supports transit ridership. Metro facilities include:



**Metro Rail:** Metro operates heavy rail (HRT) and light rail (LRT) transit lines in underground tunnels, along streets, off-street in dedicated ROW, and above street level on elevated structures. Heavy rail trains are powered by a “third rail” along the tracks. Light rail vehicles are powered by overhead catenary systems (OCS). To support rail operations, Metro owns and maintains traction power substations (TPSS), maintenance yards, and other infrastructure.



**Metrolink/Regional Rail:** Metro owns a majority of the ROW within LA County on which the Southern California Regional Rail Authority (SCRRA) operates Metrolink service. Metrolink is a commuter rail system with seven lines that span 388 miles across five counties, including: Los Angeles, Orange, Riverside, San Bernardino, Ventura, and North San Diego. As a SCRRA member agency and property owner, Metro reviews development activity adjacent to Metro-owned ROW on which Metrolink operates, and coordinates with Metrolink on any comments or concerns. Metrolink has its own set of standards and processes, see link on page 1.



**Metro Bus Rapid Transit (BRT):** Metro operates accelerated bus transit, which acts as a hybrid between rail and traditional bus service. Metro BRT may operate in a dedicated travel lane within a street or freeway, or off-street along dedicated ROW. Metro BRT stations may be located on sidewalks within the public right-of-way, along a median in the center of streets, or off-street on Metro-owned property.



**Metro Bus:** Metro operates 170 bus lines across more than 1,400 square miles in LA County. The fleet serves over 15,000 bus stops with approximately 2,000 buses. Metro operates “Local” and “Rapid” bus service within the street, typically alongside vehicular traffic, though occasionally in “bus-only” lanes. Metro bus stops are typically located on sidewalks within the public right-of-way, which is owned and maintained by local jurisdictions. Metro’s [NextGen Bus Plan](#) re-visions bus service across LA County to make service improvements that better serve riders.

## Why is Metro interested in adjacent development?

**Metro Supports Transit Oriented Communities:** Metro is redefining the role of the transit agency by expanding mobility options, promoting sustainable urban design, and helping transform communities throughout LA County. Metro seeks to partner with local, state, and federal jurisdictions, developers, property owners and other stakeholders across LA County on transit-supportive planning and developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development.

**Adjacent Development Leads to Transit Oriented Communities:** Metro supports private development adjacent to transit as this presents a mutually beneficial opportunity to enrich the built environment and expand mobility options. By connecting communities, destinations, and amenities through improved access to public transit, adjacent developments have the potential to:

- reduce auto dependency,
- reduce greenhouse gas emissions,
- promote walkable and bikeable communities that accommodate more healthy and active lifestyles,
- improve access to jobs and economic opportunities, and
- create more opportunities for mobility – highly desirable features in an increasingly urbanized environment.

**Opportunity:** Acknowledging an unprecedented opportunity to influence how the built environment develops along and around transit and its facilities, Metro has created this document. The Handbook helps ensure compatibility between private development and Metro's transit infrastructure to minimize operational, safety, and maintenance issues. It serves as a crucial first step to encourage early and active collaboration with local stakeholders and identify potential partnerships that leverage Metro initiatives and support TOCs across LA County.



# Metro Purview & Concerns

## Metro Purview for Review & Coordination

**Metro is interested in reviewing development, construction, and utility projects within 100 feet of Metro transit facilities, real estate assets, and ROW** – as measured from the edge of the ROW outward – both to ensure the structural safety of existing or planned transit infrastructure and to maximize integration opportunities with adjacent development. The Handbook seeks to:

- Improve communication and coordination between developers, jurisdictions, and Metro.
- Identify common concerns associated with developments adjacent to Metro ROW.
- Highlight Metro operational needs and requirements to ensure safe, continuous service.
- Prevent potential impacts to Metro transit service or infrastructure.
- Maintain access to Metro facilities for riders and operational staff.
- Avoid preventable conflicts resulting in increased development costs, construction delays, and safety impacts.
- Streamline the review process to be transparent, clear, and efficient.
- Assist in the creation of overall marketable and desirable developments.

### **Key Audiences for Handbook**

The Handbook is intended to be used by:

- Local jurisdictions who review, entitle, and permit development projects and/or develop policies related to land use, development standards, and mobility,
- Developers, property owners,
- Architects, engineers, design consultants,
- Builders/contractors,
- Entitlement consultants,
- Environmental consultants,
- Utility companies, and
- other Third Parties.

### **Metro Assets & Common Concerns for Adjacent Development**

The table on the facing page outlines common concerns for development projects and/or construction activities adjacent to Metro transit facilities and assets. These concerns are discussed in greater detail in the following chapters of the Handbook.

## METRO ASSETS

## COMMON ADJACENCY CONCERNS



### UNDERGROUND ROW

Transit operates below ground in tunnels.

- Excavation near tunnels and infrastructure
- Clearance from support structures (e.g. tiebacks, shoring, etc)
- Coordination with utilities
- Clearance from ventilation shafts, surface penetrations (e.g. emergency exits)
- Surcharge loading of adjacent construction
- Explosions
- Noise and vibration/ground movement
- Storm water drainage



### AERIAL ROW

Transit operates on elevated guideway, typically supported by columns.

- Excavation near columns and support structures
- Column foundations
- Clearance from OCS
- Overhead protection and crane swings
- Setbacks from property line for maintenance activities to occur without entering ROW
- Coordination with utilities
- Noise reduction (e.g. double-paned windows)



### AT-GRADE ROW

Transit operates in dedicated ROW at street level; in some cases tracks are separated from adjacent property by fence or wall.

- Pedestrian and bicycle movements and safety
- Operator site distance/cone of visibility
- Clearance from OCS
- Crane swings and overhead protection
- Trackbed stability
- Storm water drainage
- Noise/vibration
- Driveways near rail crossings
- Setbacks from property line for maintenance activities to occur without entering ROW
- Utility coordination



### BUS STOPS

Metro operates bus service on city streets. Bus stops are located on public sidewalks.

- Lane closures and re-routing service during construction
- Temporary relocation of bus stops
- Impacts to access to bus stops



### NON-REVENUE/OPERATIONAL

Metro owns and maintains property to support operations (e.g. bus and rail maintenance facilities, transit plazas, traction power substations, park-and-ride parking lots).

- Excavation and clearance from support structures (e.g. tiebacks, shoring, etc)
- Ground movement
- Drainage
- Utility coordination
- Access to property

# Metro Coordination Process

## Typical Stages of Metro Review and Coordination

Early coordination helps avoid conflicts between construction activities and transit operations and maximizes opportunities to identify synergies between the development project and Metro transit services that are mutually beneficial.



\*Phases above may include fees for permits and reimbursement of Metro staff time for review and coordination.

**Coordination Goal:** Metro encourages developers to consult with the Development Review Team early in the design process to ensure compatibility with transit infrastructure and minimize operational, safety, and maintenance issues with adjacent development. The Development Review team will serve as a case manager to developers and other Third Parties to facilitate the review of plans and construction documents across key Metro departments.

**Level of Review:** Not all adjacent projects will require significant review and coordination with Metro. The level of review depends on the Project's proximity to Metro, adjacency conditions, and the potential to impact Metro facilities and/or services. For example, development projects that are excavating near Metro ROW or using cranes near transit facilities require a greater level of review and coordination. Where technical review and construction monitoring is needed, Metro charges fees for staff time, as indicated by asterisk in the above diagram.

**Permit Clearance:** Within the City of Los Angeles, Metro reviews and clears Building & Safety permits for projects within 100 feet of Metro ROW, pursuant to [Zoning Information 1117](#). To ensure timely clearance of these permits, Metro encourages early coordination as noted above.

To begin consultation, submit project information via an online [In-Take Form](#), found on Metro's website. Metro staff will review project information and drawings to screen the project for any potential impacts to transit facilities or services, and determine if require further review and coordination is required. The sample sections on the facing page illustrate adjacency condition information that helps Metro complete project screening.

### Contact:

Metro Development Review Team

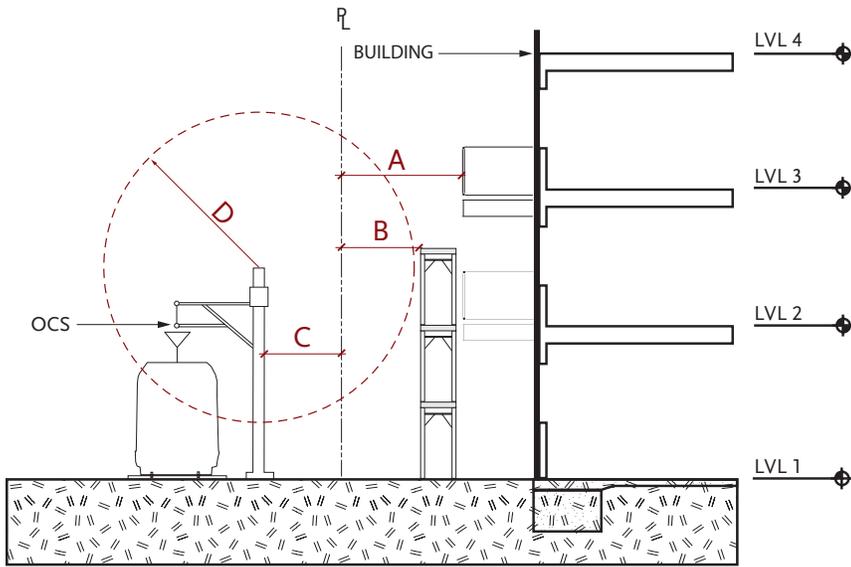
Website: <https://www.metro.net/devreview>

Online In-take Form: <https://jpublic.metro.net/in-take-form>

Email: [devreview@metro.net](mailto:devreview@metro.net)

Phone: 213.418.3484

## Sample Section: Adjacency Conditions



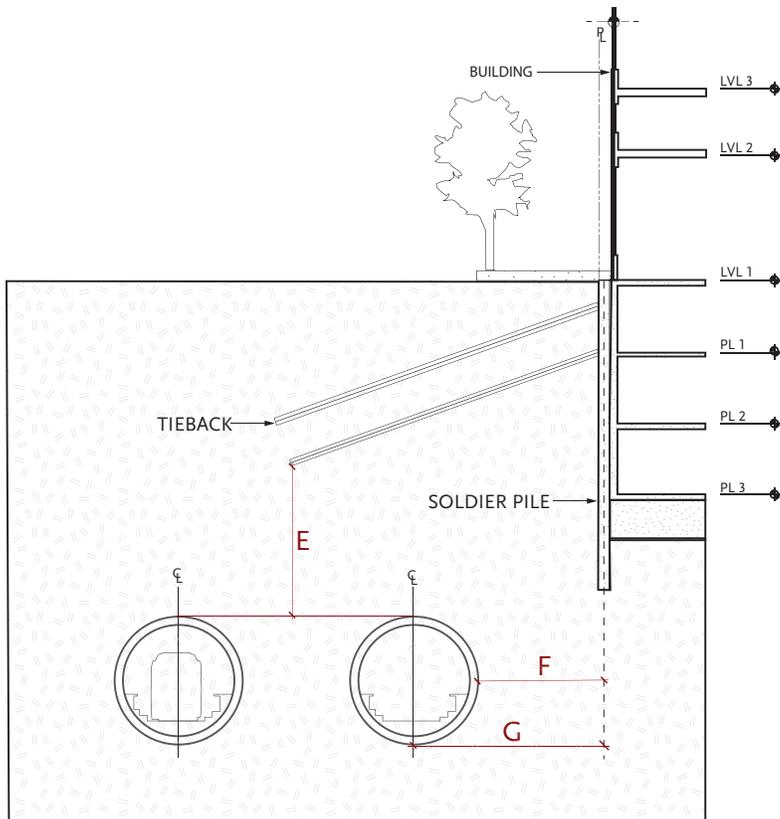
**AT-GRADE CONDITION**

A. Distance from property line to nearest permanent structure (e.g. building facade, balconies, terraces). Refer to Section 1.3 Building Setback of Handbook.

B. Distance from property line to nearest temporary construction structures (e.g. scaffolding).

C. Distance from property line to nearest Metro facility.

D. Clearance from nearest temporary and/or permanent structure to overhead catenary system (OCS). Refer to Section 1.4, OCS Clearance of Handbook.



**BELOW-GRADE CONDITION**

E. Vertical distance from top of Metro tunnel to closest temporary and/or permanent structure (e.g. tiebacks, foundation). Refer to Section 2.2, Proximity to Tunnels & Underground Infrastructure of Handbook.

F. Horizontal distance from exterior tunnel wall to nearest structure.

G. Horizontal distance from Metro track centerline to nearest structure.

# Best Practices

## Best Practices for Developer Coordination

Metro encourages developers of projects adjacent to Metro ROW and/or Real Estate Assets to take the following steps to facilitate Metro project review and approval:

1. **Review Metro resources and policies:** The Metro Development & Construction Coordination website and Handbook provide important information for those interested in constructing on, adjacent, over, or under Metro ROW, non-revenue property, or transit facilities. Developers and other Third Parties should familiarize themselves with these resources and keep in mind common adjacency concerns when planning a project.
2. **Contact Metro early during design process:** Metro welcomes the opportunity to provide feedback early in project design, allowing for detection and resolution of important adjacency issues, identification of urban design and system integration opportunities, and facilitation of permit approval. Metro encourages project submittal through the online [In-Take Form](#) to begin consultation.
3. **Maintain communication:** Frequent communication with Metro during project design and construction will reinforce relationships and allow for timely project completion. Contact us at [devreview@metro.net](mailto:devreview@metro.net) or at 213.418.3484.

## Best Practices for Local Jurisdiction Notification

To improve communication between Metro and the development community, Metro suggests that local jurisdictions take the following steps to notify property owners of coordination needs for properties adjacent to Metro ROW by:

- **Updating GIS and parcel data:** Integrate Metro ROW files into the City/County GIS and/or Google Earth Files for key departments (e.g. Planning, Public Works, Building & Safety) to notify staff of Metro adjacency and need for coordination during development approval process. Download Metro's ROW files [here](#).
- **Flag Parcels:** Create an overlay zone as part of local Specific Plan(s) and/or Zoning Ordinance(s) to tag parcels that are within 100 feet Metro ROW and require coordination with Metro early during the development process [e.g. City of Los Angeles Zone Information and Map Access System (ZI-1117)].
- **Provide Resources:** Direct all property owners and developers interested in parcels within 100 feet of Metro ROW to Metro's resources (e.g. website, Handbook).



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# Site Plan & Conceptual Design

# Site Plan & Conceptual Design

## 1.1 Supporting Transit Oriented Communities

Transit-oriented communities (TOCs) are places that, by their design, make it more convenient to take transit, walk, bike or roll than to drive. By working closely with the development community and local jurisdictions, Metro seeks to ensure safe construction near Metro facilities and improve compatibility with adjacent development to increase transit ridership.

**RECOMMENDATION:** Consider site planning and building design strategies to that support transit ridership, such as:

- Leveraging planning policies and development incentives to design a more compelling project that capitalizes on transit adjacency and economy of scales.
- Programming a mix of uses to create lively, vibrant places that are active day and night.
- Utilizing Metro policies and programs that support a healthy, sustainable, and welcoming environment around transit service and facilities.
- Prioritizing pedestrian-scaled elements to create spaces that are comfortable, safe, and enjoyable.
- Activating ground floor with retail and outdoor seating/activities to bring life to the public environment.
- Reducing and screening parking to focus on pedestrian activity.
- Incorporating environmental design elements that help reduce crime (e.g. windows and doors that face public spaces, lighting).



*The Wilshire/Vermont Metro Joint Development project leveraged existing transit infrastructure to catalyze a dynamic and accessible urban environment. This project accommodates portal access into the Metro Rail system and on-street bus facilities.*



## 1.2 Enhancing Access to Transit

Metro seeks to create a comprehensive, integrated transportation network and supports infrastructure and design that allows safe and convenient access to its multi-modal services. Projects in close proximity to Metro's services and facilities present an opportunity to enhance the public realm and connections to/from these services for transit riders as well as users of the developments.

**RECOMMENDATION:** Design projects with transit access in mind. Project teams should capitalize on the opportunity to improve the built environment and enhance the public realm for pedestrians, bicyclists, persons with disabilities, seniors, children, and users of green modes. Metro recommends that projects:

- Orient major entrances to transit service, making access and travel safe, intuitive, and convenient.
- Plan for a continuous canopy of shade trees along all public right-of-way frontages to improve pedestrian comfort to transit facilities.
- Add pedestrian lighting along paths to transit facilities and nearby destinations.
- Integrate wayfinding and signage into project design.
- Enhance nearby crosswalks and ramps.
- Ensure new walkways and sidewalks are clear of any obstructions, including utilities, traffic control devices, trees, and furniture.
- Design for seamless, multi-modal pedestrian connections, making access easy, direct, and comfortable.



*The City of Santa Monica leveraged investments in rail transit and reconfigured Colorado Avenue to form a multi-modal first/last mile gateway to the waterfront from the Downtown Santa Monica Station. Photo by PWP Landscape Architecture*

# Site Plan & Conceptual Design

## 1.3 Building Setback

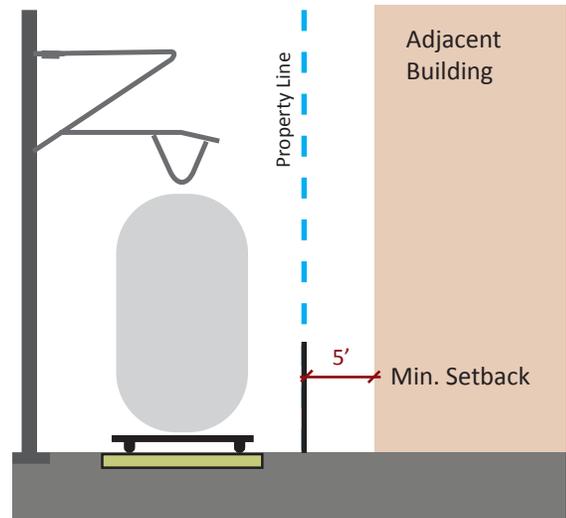
Buildings and structures with a zero lot setback that closely abut Metro ROW can pose concerns to Metro during construction. Encroachment onto Metro property to construct or maintain buildings is strongly discouraged as this presents safety hazards and may disrupt transit service and/or damage Metro infrastructure.

**RECOMMENDATION:** Include a minimum setback of five (5) feet from the property line to building facade to accommodate the construction and maintenance of structures without the need to encroach upon Metro property. As local jurisdictions also have building setback requirements, new developments should comply with the greater of the two requirements.

Entry into the ROW by parties other than Metro and its affiliated partners requires written approval. Should construction or maintenance of a development necessitate temporary or ongoing access to Metro ROW, a Metro Right of Entry Permit must be requested and obtained from Metro Real Estate for every instance access is required. Permission to enter the ROW is granted solely at Metro's discretion.

Coordination between property owners of fences, walls, and other barriers along property line is recommended. See Section 1.5.

Refer to Section 3.2 – Track Access and Safety for additional information pertaining to ROW access in preparation for construction activities.



*A minimum setback of five (5) feet between an adjacent structure and Metro ROW is strongly encouraged to allow project construction and ongoing maintenance without encroaching on Metro property.*

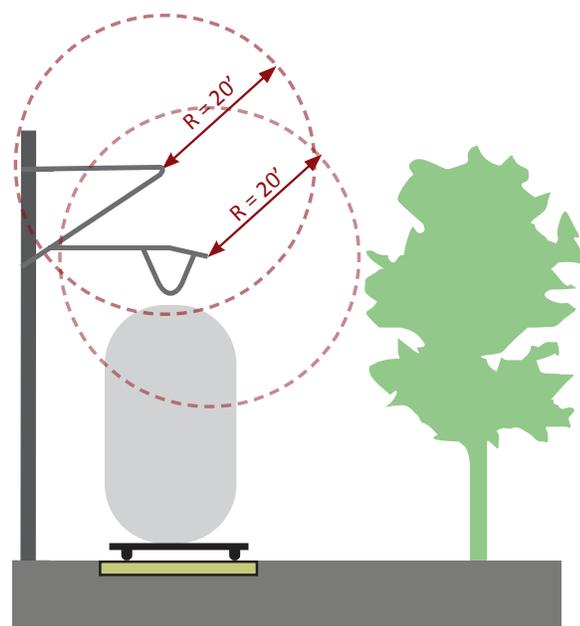


## 1.4 Overhead Catenary System (OCS) Clearance

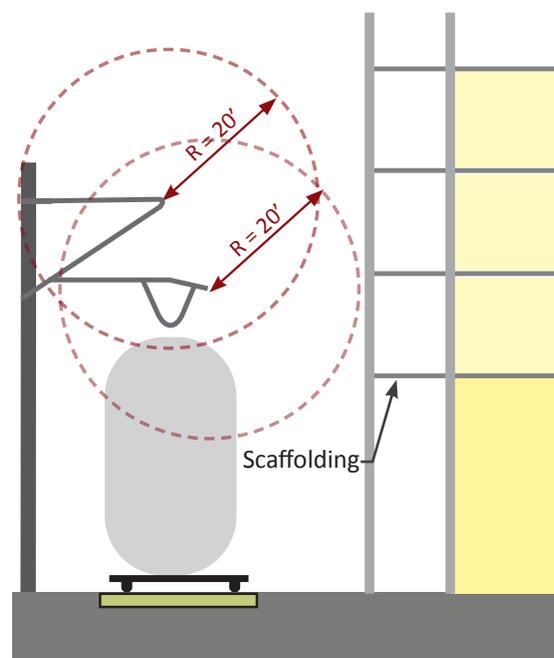
Landscaping and tree canopies can grow into the OCS above light rail lines, creating electrical safety hazards as well as visual and physical impediments for trains. Building appurtenances facing rail ROW, such as balconies, may also pose safety concerns to Metro operations as objects could fall onto the OCS.

**RECOMMENDATION:** Design project elements facing the ROW to avoid potential conflicts with Metro transit vehicles and infrastructure. Metro recommends that projects:

- Plan for landscape maintenance from private property and prevent growth into Metro ROW. Property owners will not be permitted to access Metro property to maintain private development.
- Design buildings such that balconies do not provide building users direct access to Metro ROW.
- Maintain building appurtenances and landscaping at a minimum distance of ten (10) feet from the OCS and support structures. If Transmission Power (TP) feeder cable is present, twenty (20) feet from the OCS and support structures is required. Different standards will apply for Metro Trolley Wires, Feeder Cables (wires) and Span Wires.



*Adjacent structures and landscaping should be sited and maintained to avoid conflicts with the rail OCS.*



*Scaffolding and construction equipment should be staged to avoid conflicts with the rail OCS.*

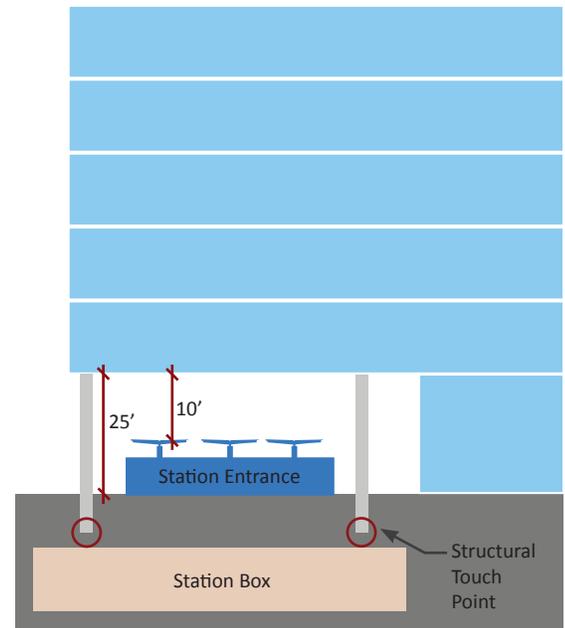
# Site Plan & Conceptual Design

## 1.5 Underground Station Portal Clearance

Metro encourages transit-oriented development. Where development is planned above station entrances, close coordination is needed for structural safety as well as access for patrons, operations, and maintenance. Below are key design rules of thumb for development planned to cantilever over an entrance to an underground Metro Rail station.

### RECOMMENDATION:

1. Preserve 25 feet clearance at minimum from plaza grade and the building structure above.
2. Preserve 10 feet clearance at minimum between portal roof and building structure above.
3. Coordinate structural support system and touchdown points to ensure a safe transfer of the building loads above the station portal.
4. Coordinate placement of structural columns and amenities (e.g. signage, lighting, furnishings) at plaza level to facilitate direct and safe connections for people of all mobile abilities to and from station entrance(s).
5. Develop a maintenance plan for the plaza in coordination with Metro.



*Projects that propose to cantilever over Metro subway portals require close coordination with Metro Engineering.*



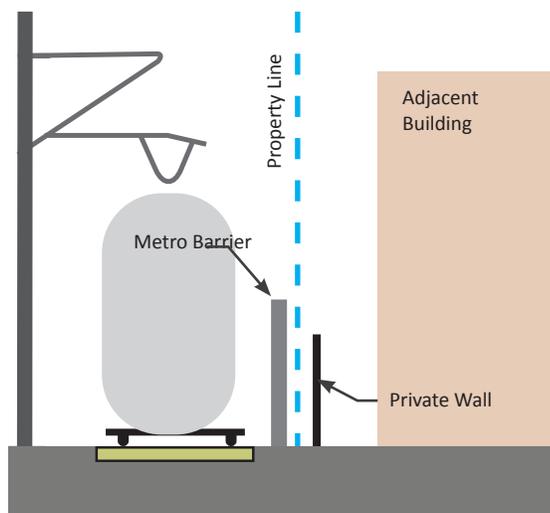
## 1.6 Shared Barrier Construction & Maintenance

In areas where Metro ROW abuts private property, barrier construction and maintenance responsibilities can be a point of contention with property owners. When double barriers are constructed, the gap created between the Metro-constructed fence and a private property owner's fence can accumulate trash and make regular maintenance challenging without accessing the other party's property.

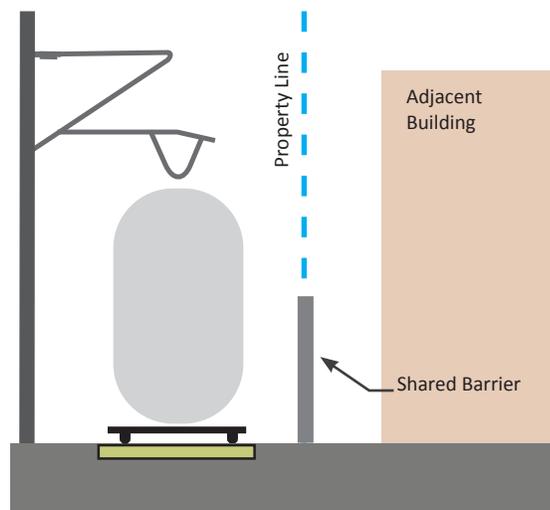
**RECOMMENDATION:** Coordinate with Metro Real Estate to create a single barrier condition along the ROW property line. With an understanding that existing conditions along ROW boundaries vary throughout LA County, Metro recommends the following, in order of preference:

- **Enhance existing Metro barrier:** if structural capacity allows, private property owners and developers should consider physically affixing improvements onto and building upon Metro's existing barrier. Metro is amenable to barrier enhancements such as increasing barrier height and allowing private property owners to apply architectural finishes to their side of Metro's barrier.
- **Replace existing barrier(s):** if conditions are not desirable, remove and replace any existing barrier(s), including Metro's, with a new single "shared" barrier built on the property line.

Metro is amenable to sharing costs for certain improvements that allow for clarity in responsibilities and adequate ongoing maintenance from adjacent property owners without entering Metro's property. Metro Real Estate should be contacted with case-specific questions and will need to approve shared barrier design, shared financing, and construction.



*Double barrier conditions allow trash accumulation and create maintenance challenges for Metro and adjacent property owners.*



*Metro prefers a single barrier condition along its ROW property line.*

# Site Plan & Conceptual Design

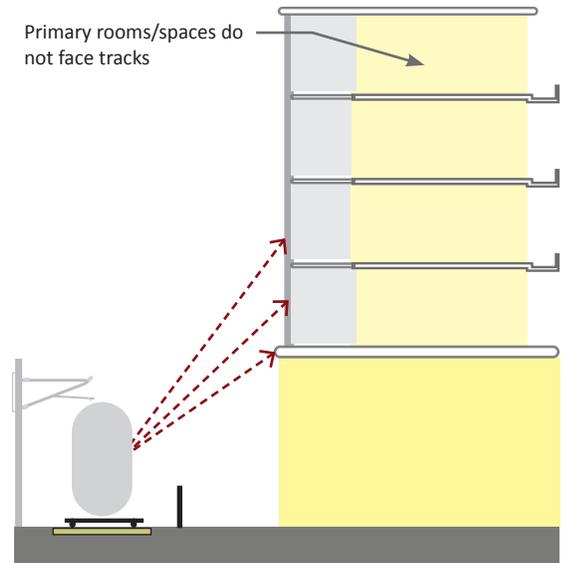
## 1.7 Project Orientation & Noise Mitigation

Metro may operate in and out of revenue service 24 hours per day, every day of the year, which can create noise and vibration (i.e. horns, power washing). Transit service and maintenance schedules cannot be altered to avoid noise for adjacent developments. However, noise and vibration impacts can be reduced through building design and orientation.

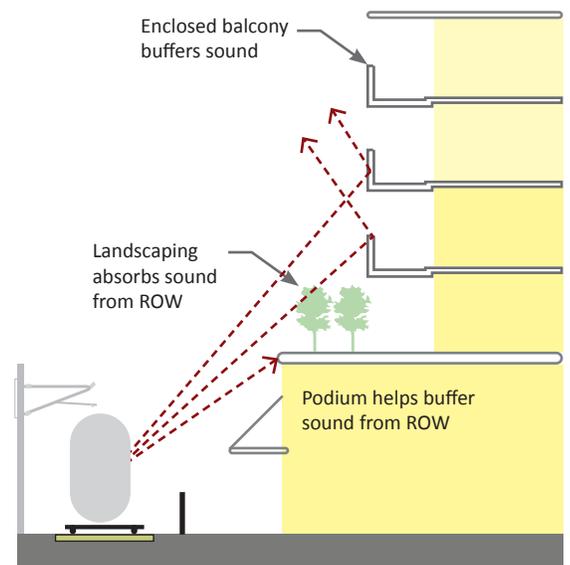
**RECOMMENDATION:** Use building orientation, programming, and design techniques to reduce noise and vibration for buildings along Metro ROW:

- Locate secondary or “back of house” rooms (e.g. bathrooms, stairways, laundry rooms) along ROW, rather than primary living spaces that are noise sensitive (e.g. bedrooms and family rooms).
- Use upper level setbacks and locate living spaces away from ROW.
- Enclose balconies.
- Install double-pane windows.
- Include language disclosing potential for noise, vibration, and other impacts due to transit proximity in terms and conditions for building lease or sale agreements to protect building owners/sellers from tenant/buyer complaints.

Developers are responsible for any noise mitigation required, which may include engineering designs for mitigation recommended by Metro or otherwise required by local municipalities. A recorded Noise Easement Deed in favor of Metro may be required for projects within 100 feet of Metro ROW to ensure notification to tenants and owners of any proximity issues.



*Building orientation can be designed to face away from tracks, reducing the noise and vibration impacts.*



*Strategic placement of podiums and upper-level setbacks on developments near Metro ROW can reduce noise and vibration impacts.*



## 1.8 At-Grade Rail Crossings

New development is likely to increase pedestrian activity at rail crossings. Safety enhancements may be needed to upgrade existing rail crossings to better protect pedestrians.

**RECOMMENDATION:** Coordinate with Metro, the California Public Utilities Commission (CPUC), and any other transit operators using the crossing (e.g. Metrolink) to determine if safety enhancements are needed for nearby rail crossings.

While Metro owns and operates the rail ROW, the CPUC regulates all rail crossings. Contact the CPUC early in the design process to determine if they will require any upgrades to existing rail crossings. The CPUC may request to review development plans and hold a site visit to understand future pedestrian activity. Metro's Corporate Safety Department can support the developer in coordination with the CPUC.



*Gates and pedestrian arms are common types of safety elements for pedestrians at rail crossings.*



*Safety elements of a gate and pedestrian arms have been constructed at the Monrovia Station.*

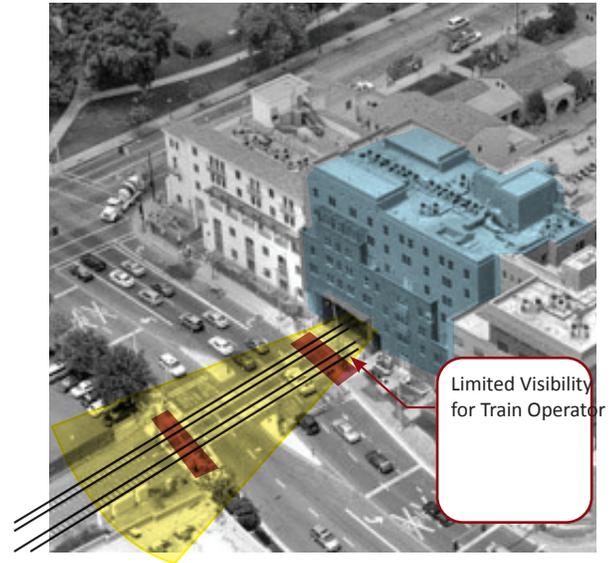
# Site Plan & Conceptual Design

## 1.9 Sight-Lines at Crossings

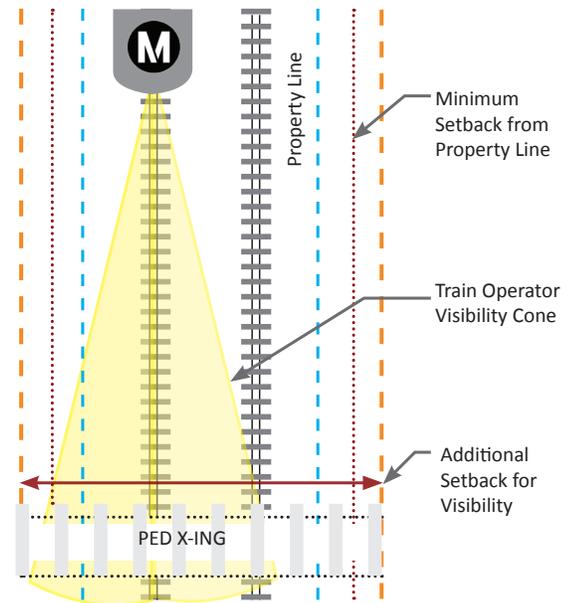
Developments adjacent to Metro ROW can present visual barriers to transit operators approaching vehicular and pedestrian crossings. Buildings and structures in close proximity to transit corridors can reduce sight-lines and create blind corners where operators cannot see pedestrians. This requires operations to reduce train speeds, which decreases efficiency of transit service.

**RECOMMENDATION:** Design buildings to maximize transit service sight-lines at crossings, leaving a clear cone of visibility to oncoming vehicles and pedestrians.

Metro Rail Operations will review, provide guidance, and determine the extent of operator visibility for safe operations. If the building envelope overlaps with the visibility cone near pedestrian and vehicular crossings, a building setback may be necessary to ensure safe transit service. The cone of visibility at crossings and required setback will be determined based on vehicle approach speed.



*Limited sight-lines for trains approaching street crossings create unsafe conditions.*



*Visibility cones allow train operators to respond to safety hazards.*

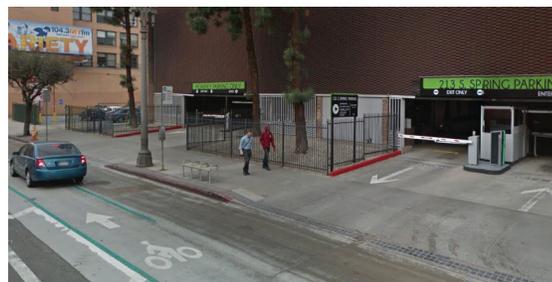


## 1.10 Driveway/Access Management

Driveways adjacent to on-street bus stops can create conflict for pedestrians walking to/from or waiting for transit. Additionally, driveways accessing parking lots and loading zones at project sites near Metro Rail and BRT crossings can create queuing issues along city streets and put vehicles in close proximity to fast moving trains and buses, which pose safety concerns.

**RECOMMENDATION:** Site driveways and other vehicular entrances to avoid conflicts with pedestrians, bicycles, and transit vehicles by:

- Placing driveways along side streets and alleys, away from on-street bus stops and transit crossings to minimize safety conflicts between active ROW, transit vehicles, and people, as well as queuing on streets.
- Locating vehicular driveways away from transit crossings or areas that are likely to be used as waiting areas for transit services.
- Placing loading docks away from sidewalks where transit bus stop activity is/will be present.
- Consolidating vehicular entrances and reduce width of driveways.
- Using speed tables to slow entering/exiting automobiles near pedestrians.
- Separating pedestrian walkways to minimize conflict with vehicles.
- Encouraging safe non-motorized travel.



*Driveways in close proximity to each other compromise safety for those walking to/from transit and increase the potential for vehicle-pedestrian conflicts.*

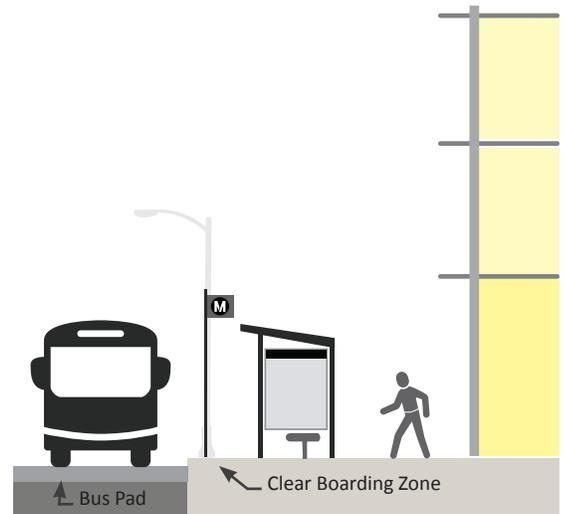
# Site Plan & Conceptual Design

## 1.11 Bus Stop & Zones Design

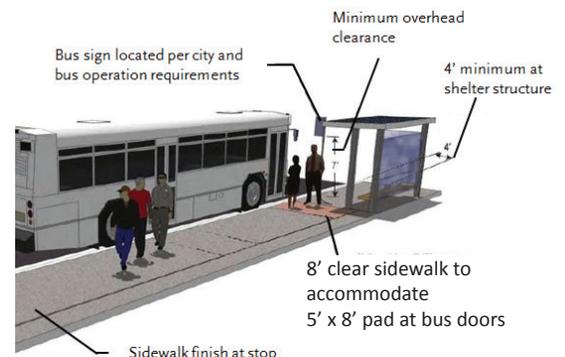
Metro Bus serves over 15,000 bus stops throughout the diverse landscape that is LA County. Typically located on sidewalks within public right-of-way owned and maintained by local jurisdictions, existing bus stop conditions vary from well-lit and sheltered spaces to uncomfortable and unwelcoming zones. Metro is interested in working with developers and local jurisdictions to create a vibrant public realm around new developments by strengthening multi-modal access to/from Metro transit stops and enhancing the pedestrian experience.

**RECOMMENDATION:** When designing around existing or proposed bus stops:

- Review Metro’s Transit Service Policy, which provides standards for design and operation of bus stops and zones for near-side, far-side, and mid-block stops.
- Review Metro’s Transfers Design Guide for more information at <https://www.metro.net/projects/station-design-projects/>
- Accommodate 5’ x 8’ landing pads at bus doors (front and back door, which are typically 23 to 25 feet apart).
- Locate streetscape elements (e.g. tree planters, street lamps, benches, shelters, trash receptacles and newspaper stands) outside of bus door zones to protect transit access and ensure a clear path of travel.
- Install a concrete bus pad within each bus stop zone to avoid street asphalt damage.
- Replace stand-alone bus stop signs with bus shelters that include benches and adequate lighting.
- Design wide sidewalks (15’ preferred) that accommodate bus landing pads as well as street furniture, landscape, and user travel space.
- Consider tree species, height, and canopy shape (higher than 14’ preferred) to avoid vehicle conflicts at bus stops. Trees should be set back from the curb and adequately maintained to prevent visual and physical impediments for buses when trees reach maturity. Avoid planting of trees that have an invasive and shallow root system.



*A concrete bus pad should be located at bus stops and bus shelters should be located along sidewalks to ensure an accessible path of travel to a clear boarding area.*



*Well-designed and accessible bus stops are beneficial amenities for both transit riders and users of adjacent developments.*



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**GORBEL 2.5**  
GORBEL, NEW YORK, U.S.A.  
DANGER! DO NOT EXCEED RATED CAPACITY





# Engineering & Technical Review

# Engineering & Technical Review

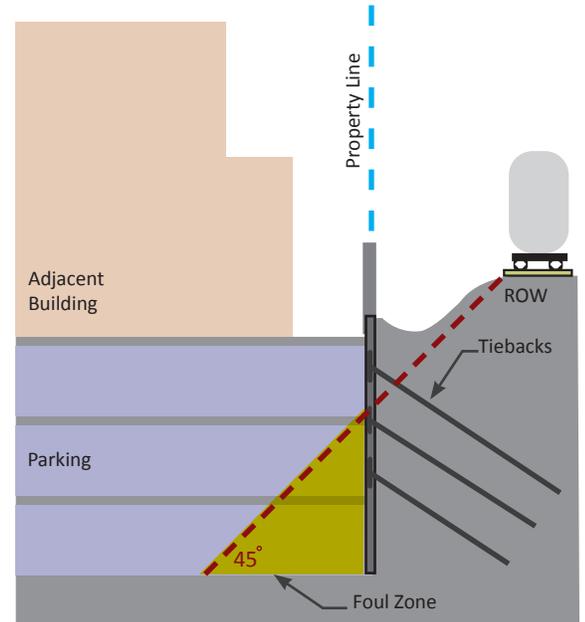
## 2.1 Excavation Support System Design

Excavation near Metro ROW has the potential to disturb adjoining soils and jeopardize support of existing Metro infrastructure. Any excavation which occurs within the geotechnical foul zone relative to Metro infrastructure is subject to Metro review and approval and meet Cal/OSHA requirements. This foul zone or geotechnical zone of influence shall be defined as the area below a track-way as measured from a 45-degree angle from the edge of the rail track ballast. Construction within this vulnerable area poses a potential risk to Metro service and requires additional Metro Engineering review.

**RECOMMENDATION:** Coordinate with Metro Engineering staff for review and approval of the excavation support system drawings and calculations prior to the start of excavation or construction. Tiebacks encroaching into Metro ROW may require a tieback easement or license, at Metro's discretion.

Any excavation/shoring within Metrolink operated and maintained ROW will require compliance with SCRRRA Engineering standards and guidelines.

See page 7 for a sample section showing Metro adjacent conditions.



*An underground structure located within the ROW foul zone would require additional review by Metro.*



## 2.2 Proximity to Tunnels & Underground Infrastructure

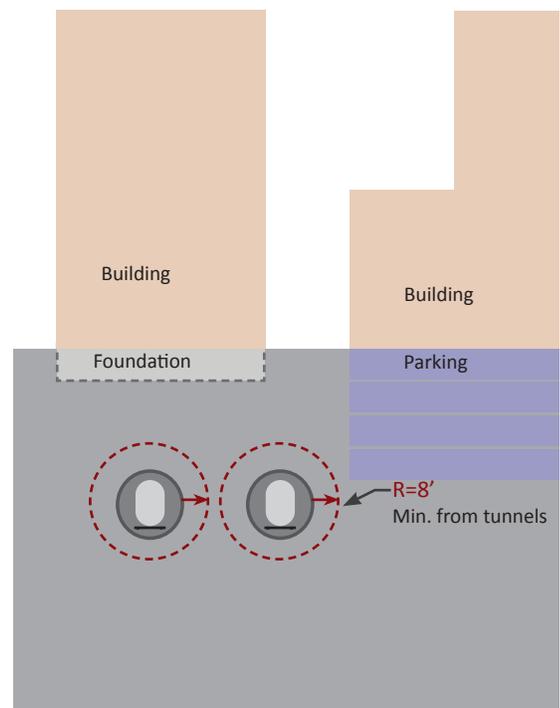
Construction adjacent to, over, or below underground Metro facilities (tunnels, stations and appendages) is of great concern and should be coordinated closely with Metro Engineering.

**RECOMMENDATION:** Coordinate with Metro early in the design process when proposing to build near underground Metro infrastructure. Metro typically seeks to maintain a minimum eight (8) foot clearance from existing Metro facilities to new construction (shoring or tiebacks). It will be incumbent upon the developer to demonstrate, to Metro's satisfaction, that both the temporary support of construction and the permanent works do not adversely affect the structural integrity, safety, or continued efficient operation of Metro facilities.

Dependent on the nature of the adjacent construction, Metro will need to review the geotechnical report, structural foundation plans, sections, shoring plan sections and calculations.

Metro may require monitoring where such work will either increase or decrease the existing overburden (i.e. weight) to which the tunnels or facilities are subjected. When required, the monitoring will serve as an early indication of excessive structural strain or movement. See Section 3.4, Excavation Drilling/Monitoring for additional information regarding monitoring requirements.

See page 7 for a sample section showing Metro adjacent conditions.

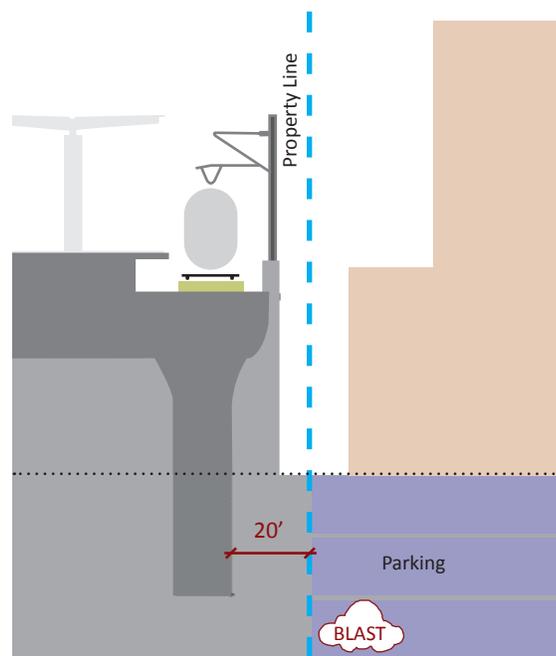


*Adjacent project structures in close proximity to underground Metro infrastructure will require additional review by Metro.*

## 2.3 Protection from Explosion/Blast

Metro is obligated to ensure the safety of public transit infrastructure from potential explosive sources which could originate from adjacent underground structures or from at-grade locations, situated below elevated guideways or near stations. Blast protection setbacks or mitigation may be required for large projects constructed near critical Metro facilities.

**RECOMMENDATION:** Avoid locating underground parking or basement structures within twenty (20) feet from an existing Metro tunnel or facility (exterior face of wall to exterior face of wall). Adjacent developments within this 20-foot envelope may be required to submit a Threat Assessment and Blast/Explosion Study for Metro review and approval.



*An underground structure proposed within twenty (20) feet of a Metro structure may require a Threat Assessment and Blast/Explosion Study.*

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# Construction Safety & Management

# Construction Safety & Management

## 3.1 Pre-Construction Coordination

Metro is concerned with impacts to service requiring rail single line tracking, line closures, speed restrictions, and bus bridging occurring as a result of adjacent project construction. Projects that will require work over, under, adjacent, or on Metro property or ROW and include operation of machinery, scaffolding, or any other potentially hazardous work are subject to evaluation in preparation for and during construction to maintain safe transit operations and passenger well-being.

**RECOMMENDATION:** Following an initial screening of the project, Metro may determine that additional on-site coordination may be necessary. Dependent on the nature of the adjacent construction, developers may be requested to perform the following as determined on a case-by-case basis:

- Submit a construction work plan and related project drawings and specifications for Metro review.
- Submit a contingency plan, show proof of insurance coverage, and issue current certificates.
- Provide documentation of contractor qualifications.
- Complete pre-construction surveys, perform baseline readings, and install movement instrumentation.
- Complete readiness review and perform practice run of transit service shutdown per contingency plan.
- Designate a ROW observer or other safety personnel and an inspector from the project's construction team.
- Establish a coordination process for access and work in or adjacent to ROW for the duration of construction.

**Project teams will be responsible for the costs of adverse impacts to Metro transit operations caused by work on adjacent developments, including remedial work to repair damage to Metro property, facilities, or systems.** Additionally, a Construction Monitoring fee may be assessed based on an estimate of required level of effort provided by Metro.

All projects adjacent to Metrolink infrastructure will require compliance with SCRRRA Engineering Standards and Guidelines.



*Metro may need to monitor development construction near Metro facilities.*



## 3.2 Track Access and Safety

Permission from Metro is required to enter Metro property for rail construction and maintenance along, above, or under Metro ROW as these activities can interfere with Metro utilities and service and pose a safety hazard to construction teams and transit riders. Track access is solely at Metro's discretion and is discouraged to prevent electrocution and collisions with construction workers or machines.

**RECOMMENDATION:** Obtain and/or complete the following to work in or adjacent to Metro Rail ROW:

1. **Construction Work Plan:** Dependent on the nature of adjacent construction, Metro may request a construction work plan, which describes means and methods and other construction plan details, to ensure the safety of transit operators and riders.
2. **Safety Training:** All members of the project construction team will be required to attend Metro Rail Safety Training before commencing work activity. Training provides resources and procedures when working near active rail ROW.
3. **Right of Entry Permit/Temporary Construction Easement:** All access to and activity on Metro property, including easements necessary for construction of adjacent projects, must be approved through a Right-of-Entry Permit and/or a Temporary Construction Easement obtained from Metro Real Estate and may require a fee.
4. **Track Allocation:** All work on Metro Rail ROW must receive prior approval from Metro Rail Operations Control. Track Allocation identifies, reserves, and requests changes to normal operations for a specific track section, line, station, location, or piece of equipment to allow for safe use by a non-Metro entity. If adjacent construction is planned in close proximity to active ROW, flaggers must be used to ensure safety of construction workers and transit riders.



*Trained flaggers ensure the safe crossing of pedestrians and workers of an adjacent development.*

# Construction Safety & Management

## 3.3 Construction Hours

Building near active Metro ROW poses safety concerns and may require limiting hours of construction which impact Metro ROW to night or off-peak hours so as not to interfere with Metro revenue service. To maintain public safety and access for Metro riders, construction should be planned, scheduled, and carried out in a way to avoid impacts to Metro service and maintenance.

**RECOMMENDATION:** In addition to receiving necessary construction approvals from the local jurisdiction, all construction work on or in close proximity to Metro ROW must be scheduled through the Track Allocation Process, detailed in Section 3.2.

Metro prefers that adjacent construction with potential to impact normal, continuous Metro operations take place during non-revenue hours (approximately 1am-4am) or during non-peak hours to minimize impacts to service. The developer may be responsible for additional operating costs resulting from disruption to normal Metro service.



*Construction during approved hours ensures the steady progress of adjacent development construction and minimizes impacts to Metro's transit service.*



### 3.4 Excavation/Drilling Monitoring

Excavation is among the most hazardous construction activities and can pose threats to the structural integrity of Metro’s transit infrastructure.

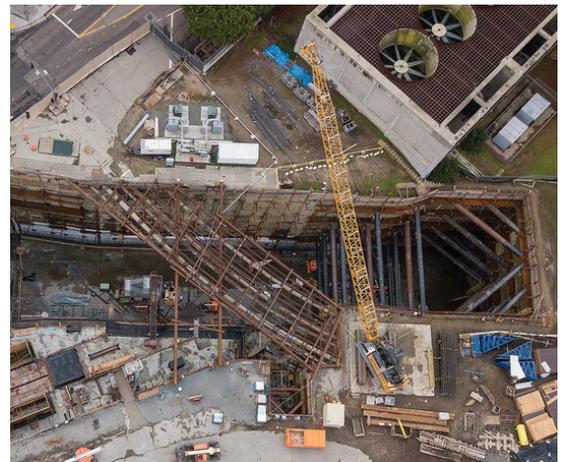
**RECOMMENDATION:** Coordinate with Metro Engineering to review and approve excavation and shoring plans during design and development, and well in advance of construction (see Sections 2.1 and 2.2).

Geotechnical instrumentation and monitoring will be required for all excavations occurring within Metro’s geotechnical zone of influence, where there is potential for adversely affecting the safe and efficient operation of transit vehicles. Monitoring of Metro facilities due to adjacent construction may include the following as determined on a case-by-case basis:

- Pre- and post-construction condition surveys
- Extensometers
- Inclinometers
- Settlement reference points
- Tilt-meters
- Groundwater observation wells
- Movement arrays
- Vibration monitoring



*Excavation and shoring plans must be reviewed by Metro to ensure structural compatibility with Metro infrastructure and safety during adjacent development construction.*



*A soldier pile wall used for Regional Connector station at 2nd/Hope.*

# Construction Safety & Management

## 3.5 Crane Operations

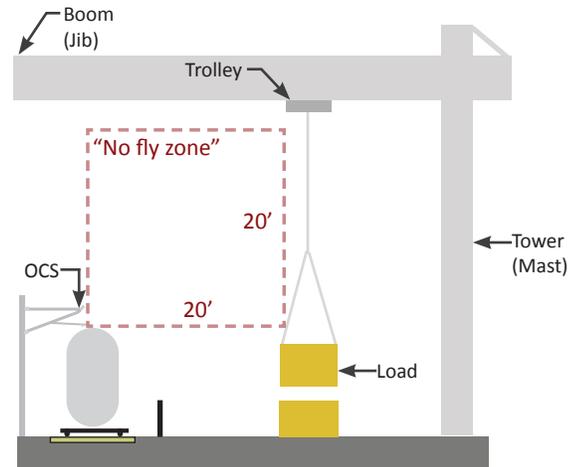
Construction activities adjacent to Metro ROW may require moving large, heavy loads of building materials and machinery using cranes. Cranes referenced here include all power-operated equipment that can hoist, lower, and horizontally move a suspended load. To ensure safety for Metro riders, operators, and transit facilities, crane operations adjacent to Metro ROW must follow the safety regulations and precautions below and are subject to California Occupational Safety and Health Administration (Cal/OSHA) standards.

### RECOMMENDATION:

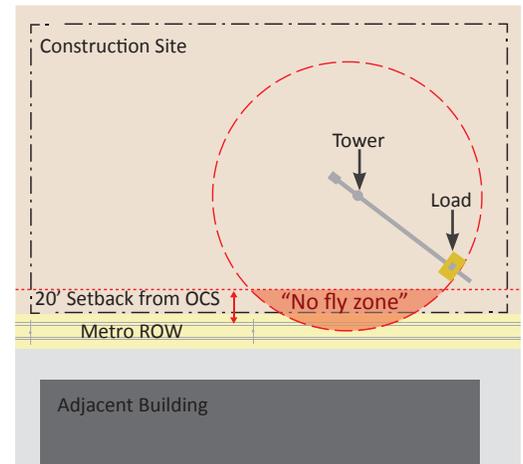
Coordinate with Metro to discuss construction methods and confirm if a crane work plan is required. Generally, crane safety near Metro's ROW and facilities largely depends on the following factors: 1) Metro's operational hours and 2) swinging a load over or near Metro power lines and facilities. Note:

1. Clearance: A crane boom may travel over energized Metro OCS only if it maintains a vertical 20-foot clearance and the load maintain a horizontal 20-foot clearance.
2. Power: Swinging a crane boom with a load over Metro facilities or passenger areas is strictly prohibited during revenue hours. To swing a load in the "no fly zone" (see diagrams to right), the construction team must coordinate with Metro to de-energize the OCS.
3. Weathervaning: When not in use, the crane boom may swing 360 degrees with the movement of the wind, including over energized Metro OCS, only if the trolley is fully retracted towards the crane tower and not carrying any loads.
4. Process: Developers and contractors must attend Metro Track Allocation (detailed in Section 3.2) to determine if Metro staff support is necessary during crane erection and load movement.
5. Permit: Developers must apply for a Metro Right-of-Entry permit to swing over Metro facilities.

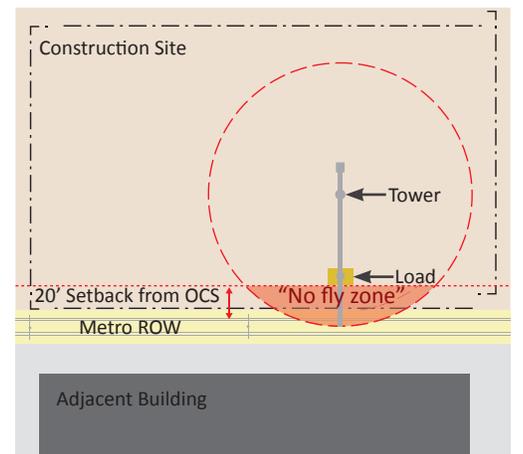
**Project teams will bear all costs associated with impacts to Metro Rail operations and maintenance.**



*Cranes and construction equipment should be staged to avoid conflicts with the rail OCS.*



*Plan View: Crane swing and load are restricted near Metro ROW.*



*Plan View: While crane boom swings over "no fly zone," the trolley and load are retracted to maintain clearance from OCS.*



### 3.6 Construction Barriers & Overhead Protection

During construction, falling objects can damage Metro facilities and pose a safety concern to the riders accessing them.

**RECOMMENDATION:** Erect vertical construction barriers and overhead protection compliant with Metro and Cal/OSHA requirements to prevent objects from falling into Metro ROW or areas designed for public access to Metro facilities. A protection barrier shall be constructed to cover the full height of an adjacent project and overhead protection from falling objects shall be provided over Metro ROW as necessary. Erection of the construction barriers and overhead protection for these areas shall be done during Metro non-revenue hours.



*Overhead protection is required when moving heavy objects over Metro ROW or in areas designated for public use.*



*Constructed above is a wooden box over the entrance portal for overhead protection at the 4th/Hill Station.*

# Construction Safety & Management

## 3.7 Pedestrian & Emergency Access

Metro’s riders rely on the consistency and reliability of access and wayfinding to and from stations, stops, and facilities. Construction on adjacent property must not obstruct pedestrian access, fire department access, emergency egress, or otherwise present a safety hazard to Metro operations, its employees, riders, and the general public. Fire access and safe escape routes within all Metro stations, stops, and facilities must be maintained at all times.

**RECOMMENDATION:** Ensure pedestrian and emergency access from Metro stations, stops, and transit facilities is compliant with the Americans with Disabilities Act (ADA) and maintained during construction:

- Temporary fences, barricades, and lighting should be installed and watchmen provided for the protection of public travel, the construction site, adjacent public spaces, and existing Metro facilities.
- Temporary signage should be installed where necessary and in compliance with the latest California Manual on Uniform Traffic Control Devices (MUTCD) and in coordination with Metro Art and Design Standards.
- Emergency exits shall be provided and be clear of obstructions at all times.
- Access shall be maintained for utilities such as fire hydrants, stand pipes/connections, and fire alarm boxes as well as Metro-specific infrastructure such as fan and vent shafts.



*Sidewalk access is blocked for a construction project, forcing pedestrians into the street or to use less direct paths to the Metro facility.*



### 3.8 Impacts to Bus Routes & Stops

During construction, bus stop zones and routes may need to be temporarily relocated. Metro needs to be informed of activities that require stop relocation or route adjustments in order to ensure uninterrupted service.

**RECOMMENDATION:** During construction, maintain or relocate existing bus stops consistent with the needs of Metro Bus Operations. Design of temporary and permanent bus stops and surrounding sidewalk areas must be compliant with the ADA and allow passengers with disabilities a clear path of travel to the transit service. Existing bus stops must be maintained as part of the final project. Metro Bus Operations Control Special Events Department and Metro Stops & Zones Department should be contacted at least 30 days before initiating construction activities.



*Temporary and permanent relocation of bus stops and layover zones will require coordination between developers, Metro, and other municipal bus operators and local jurisdictions.*

# Construction Safety & Management

## 3.9 Utility Coordination

Construction has the potential to interrupt utilities that Metro relies on for safe operations and maintenance. Utilities of concern to Metro include, but are not limited to, condenser water piping, potable/fire water, storm and sanitary sewer lines, and electrical/telecommunication services.

**RECOMMENDATION:** Coordinate with Metro Real Estate during project design to gauge temporary and permanent utility impacts and avoid conflicts during construction.

The contractor shall protect existing above-ground and underground Metro utilities during construction and coordinate with Metro to receive written approval for any utilities pertinent to Metro facilities that may be used, interrupted, or disturbed.

When electrical power outages or support functions are required, approval must be obtained through Metro Track Allocation in coordination with Metro Real Estate for a Right of Entry Permit.

To begin coordination with Metro Real Estate, visit [www.metro.net/devreview](http://www.metro.net/devreview) and select the drop-down “Utility Project Coordination.”



*Coordination of underground utilities is critical to safely and efficiently operate Metro service.*



### 3.10 Air Quality & Ventilation Protection

Hot or foul air, fumes, smoke, steam, and dust from adjacent construction activities can negatively impact Metro facilities, service, and users.

**RECOMMENDATION:** Ensure that hot or foul air, fumes, smoke, and steam from adjacent facilities are discharged beyond 40 feet from existing Metro facilities, including but not limited to ventilation system intake shafts and station entrances. Should fumes be discharged within 40 feet of Metro intake shafts, a protection panel around each shaft shall be required.



*A worker breaks up concrete creating a cloud of silica dust.*

# Glossary

## **Cone of Visibility**

A conical space at the front of moving transit vehicles allowing for clear visibility of travel way and/or conflicts.

## **Construction Work Plan (CWP)**

Project management document outlining the definition of work tasks, choice of technology, estimation of required resources and duration of individual tasks, and identification of interactions among the different work tasks.

## **Flagger/Flagman**

Person who controls traffic on and through a construction project. Flaggers must be trained and certified by Metro Rail Operations prior to any work commencing in or adjacent to Metro ROW.

## **Geotechnical Foul Zone**

Area below a track-way as measured from a 45-degree angle from the edge of the rail track ballast.

## **Guideway**

A channel, track, or structure along which a transit vehicle moves.

## **Heavy Rail Transit (HRT)**

Metro HRT systems include exclusive ROW (mostly subway) trains up to six (6) cars long (450') and utilize a contact rail for traction power distribution (e.g. Metro Red Line).

## **Joint Development (JD)**

JD is the asset management and real estate development program through which Metro collaborates with developers to build housing, retail, and other amenities on Metro properties near transit, typically through ground lease. JD projects directly link transit riders with destinations and services throughout LA County.

## **Light Rail Transit (LRT)**

Metro LRT systems include exclusive, semi-exclusive, or street ROW trains up to three (3) cars long (270') and utilize OCS for traction power distribution (e.g. Metro Blue Line).

## **Measure R**

Half-cent sales tax for LA County approved in November 2008 to finance new transportation projects and programs. The tax expires in 2039.

## **Measure M**

Half-cent sales tax for LA County approved in November 2016 to fund transportation improvements, operations and programs, and accelerate projects already in the pipeline. The tax will increase to one percent in 2039 when Measure R expires.

## **Metrolink**

A commuter rail system with seven lines throughout Los Angeles, Orange, Riverside, San Bernardino, Ventura, and North San Diego counties governed by the Southern California Regional Rail Authority (SCRRA).

## **Metro Adjacent Construction Design Manual**

Volume III of the Metro Design Criteria & Standards, which outlines the Metro adjacent review procedure as well as operational requirements when constructing over, under, or adjacent to Metro facilities, structures, and property.

## **Metro Bus**

Metro "Local" and "Rapid" bus service runs within the street, typically alongside vehicular traffic, though occasionally in "bus-only" lanes.

## **Metro Bus Rapid Transit (BRT)**

High quality bus service that provides faster and convenient service through the use of dedicated ROW, branded vehicles and stations, high frequency and intelligent transportation systems, all-door boarding, and intersection crossing priority. Metro BRT may run within dedicated ROW or in mixed flow traffic on streets.

**Metro Design Criteria and Standards**

A compilation of documents that govern how Metro transit service and facilities are designed, constructed, operated, and maintained.

**Metro Rail**

Urban rail system serving LA County consisting of six lines, including two subway lines and four light rail lines.

**Metro Rail Design Criteria (MRDC)**

Volume IV of the Metro Design Criteria & Standards which establishes design criteria for preliminary engineering and final design of a Metro Rail Project.

**Metro Transit Oriented Communities**

Land use planning and community development program that seeks to maximize access to transportation as a key organizing principle and promote equity and sustainable living by offering a mix of uses close to transit to support households at all income levels, as well as building densities, parking policies, urban design elements, and first/last mile facilities that support ridership and reduce auto dependency.

**Noise Easement Deed**

Easement granted by property owners abutting Metro ROW acknowledging noise due to transit operations and maintenance.

**Overhead Catenary System (OCS)**

One or more electrified wires situated over a transit ROW that transmit power to light rail trains via pantograph, a current collector mounted on the roof of an electric vehicle. Metro OCS is supported by hollow poles placed between tracks or on the outer edge of parallel tracks.

**Right of Entry Permit**

Written approval granted by Metro Real Estate to enter Metro ROW and property.

**Right of Way (ROW)**

Legal right over property reserved for transportation purposes to construct, protect, maintain and operate transit services.

**Southern California Regional Rail Authority (SCRRA)**

A joint powers authority made up of an 11-member board representing the transportation commissions of Los Angeles, Orange, Riverside, San Bernardino and Ventura counties. SCRRA governs and operates Metrolink service.

**Threat Assessment and Blast/Explosion Study**

Analysis performed when adjacent developments are proposed within twenty (20) feet from an existing Metro tunnel or facility.

**Track Allocation/Work Permit**

Permit granted by Metro Rail Operations Control to allocate a section of track and perform work on or adjacent to Metro Rail ROW. This permit should be submitted for any work that could potentially foul the envelope of a train.

**Wayfinding**

Signs, maps, and other graphic or audible methods used to convey location and directions to travelers.

[metro.net/projects/devreview/](https://metro.net/projects/devreview/)

