



Burbank Housing and Safety Element Update

Recirculated Draft Environmental Impact Report

prepared by

City of Burbank
Community Development Department
150 North Third Street
Burbank, California 91502
Contact: Shipra Rajesh, Associate Planner

prepared with the assistance of

Rincon Consultants, Inc.
250 East First Street, Suite 1400
Los Angeles, California 90012

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RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

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ATTACHMENT 11-2

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1 Introduction

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

The Housing Element Update would lay the foundation for achievement of the City’s fair share housing needs for approximately 10,456 additional units. Technical amendments would be made to the Safety Element to ensure consistency with the Housing Element Update and to achieve compliance with State, regional, and local policies and guidelines. The Safety Element Update includes measures to consider climate change, update hazard mitigation plans, updated flood hazard requirements. In addition, the Update to the Burbank2035 General Plan would consider environmental justice strategies to reduce pollution exposure, promote public facilities, promote food access, promote safe and sanitary homes, promote physical activity, reduce unique or compounded health risks, promote civic engagement, and prioritize the needs of disadvantaged communities. Therefore, the Project is subject to environmental review requirements under the California Environmental Quality Act (CEQA). The purpose of this document is to analyze disclose the revised and new mitigation measures associated with public comments received regarding the analyses for the Biological Resources and Utilities/Service Systems.

This section discusses: (1) the EIR background; (2) the purpose and legal authority for preparing a Recirculated Draft EIR; (3) the organization of the Recirculated Draft EIR; and (4) the environmental review process.

1.1 Environmental Impact Report Background

In 2018, the City initially reviewed the proposed Project and prepared a Draft Environmental Impact Report (“Original Draft EIR”). A Notice of Preparation (NOP) for a Draft EIR was prepared in compliance with Section 15082 of the CEQA Guidelines by the Community Development Department and distributed to the State Clearinghouse, Office of Planning and Research, responsible agencies and other interested parties on February 22, 2021. The NOP for the Original Draft EIR was circulated for 30 days, until March 23, 2021. In addition, the City distributed a recirculated NOP of the EIR for an extended the review period to April 15, 2021. The original NOP stated that the EIR would analyze the addition of 8,800 units under the RHNA that was conducted for the Housing Element Update. However, it was determined that the EIR would analyze 10,456 units to account for the 2029 interpolated housing growth assumed under the two Specific

Plans along with the City's RHNA allocation. Therefore, the NOP was recirculated on March 17, 2021, with the higher number. Appendix A of the Original Draft EIR contain copies of the two NOPs, along with the written responses to the NOPs.

The Original Draft EIR was released for public review on January 26, 2022 and was available for review and comments until March 31, 2022. A Final EIR has not yet been prepared for the proposed project because, based on issues raised in comments on the Draft EIR, sections to the Original Draft EIR have been revised and recirculated.

The Recirculated Draft EIR includes revisions to three sections of the Original Draft EIR, consisting of Section 2, *Project Description*; Section 4.2, *Biological Resources*; and Section 4.12, *Utilities/Service Systems*.

As discussed in detail below, the City is recirculating the Draft EIR pursuant to CEQA Guidelines Section 15088.5, Subdivisions a(1), a(3) and (c), which require the modified or new sections of an EIR to be circulated in certain circumstances. The full Original Draft EIR is available for public viewing at the Community Services Building located at 150 North Third Street, 1st Floor, Burbank, CA 91510, and on the City's website using the following link: <https://www.burbankhousingelement.com/>

1.2 Purpose and Legal Authority

CEQA Guidelines Section 15088.5 requires that a lead agency recirculate an EIR, or portions of an EIR, when significant new information is added to the EIR after public notice for public review of the Draft EIR, but prior to certification. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponent has declined to implement.

"Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines Section 15088.5, subdivisions (a)[1]-[4])

In this case, new information requiring recirculation includes modifications to the following Draft EIR sections: Project Description, Biological Resources, and Utilities/Service Systems.

Under CEQA, if the revision is limited to a few chapters or portions of the Draft EIR, the lead agency only needs to recirculate the chapters or portions that have been modified (CEQA Guidelines Section 15088.5, subdivisions (c)). Recirculation of a Draft EIR requires notice pursuant to CEQA Guidelines section 15087 and consultation pursuant to CEQA Guidelines Section 15086.

1.3 Summary of the Recirculated Draft EIR

In accordance with State mandates, the City has prepared this Recirculated Draft EIR pursuant to CEQA Guidelines Section 15088.5, Subdivision (g). To help the reader locate information of particular interest, the following is a brief summary of the contents of each chapter of the Recirculated Draft EIR. Refer to the Original Draft EIR for the chapters and sections that are not included in the Recirculated Draft EIR.

- **Introduction.** This section provides introductory information, background information regarding the Original EIR, purpose and legal authority of the Recirculated Draft EIR, and describes the environmental review process for the Recirculated Draft EIR.
- **Section 2: Project Description.** This section identifies the project location, summarizes the proposed Project (including a change since the Original Draft EIR was published), identifies Project characteristics and associated anticipated development, and outlines the Project objectives.
- **Section 4: Environmental Impact Analysis (Biological Resources and Utilities/Service Systems).** This section contains the two revised environmental impact sections that supersede the corresponding sections of the Original Draft EIR.

The proposed Project for the Recirculated Draft EIR consists of the same development and land uses described in Section 2, *Project Description*, and includes a revision to the Housing Element Update based on public comments received regarding workforce training and prevailing wages. The Biological Resources section has been revised based on comments provided by the California Department of Fish and Wildlife (CDFW) on the Draft EIR, which indicate that development under the proposed Project may result in adverse impacts to the least Bell's vireo, bat species, and monarch butterflies through vegetation and tree removal. As such, Mitigation Measure BIO-1 has been revised to address these potential impacts. In addition, the Utilities/Service Systems section still deems the impacts associated with the City's wastewater conveyance system as significant and unavoidable; however, the revised analysis provides additional mitigation measures noted therein as Mitigation Measures UTIL-3a through UTIL-3d that would reduce the short-term impacts and require the preparation of plans and implementation of infrastructure capacity and conveyance expansion and upgrades as needed by the infrastructure plans for long-term solutions.

1.4 Environmental Review Process

The Recirculated Draft EIR is being circulated for a 47-day review period during which written comments on the scope and adequacy of the document can be submitted to the City Community Development Department. The public review period is from July 22, 2022, until September 6, 2022. All comments on the Recirculated Draft EIR should be sent to the following City contact by September 6th:

Shipra Rajesh, Senior Planner
 Community Development Department
 Planning Division
 150 North Third Street
 Burbank, California 91510

Burbank Housing and Safety Element Update

As CEQA Guidelines Section 15088.5, Subdivision (f)(2) permits, the City requests that reviewers limit the scope of their comments to the revised sections included in the Recirculated Draft EIR. Following the 47-day public review period, the City will prepare responses to the written comments received during the recirculation period that relate to the revised and recirculated portions of the Recirculated Draft EIR, as well as written comments previously received during the initial circulation period that relate to the portions of the Original Draft EIR that have not been recirculated and will compile the comments and responses into a Final EIR, which will consist of the following:

- Comments and Responses to Comments on the Recirculated Draft EIR, received during the 47-day public comment period (responses to comments related to recirculated sections included in the Recirculated Draft EIR only);
- Comments and Responses to Comments on all sections of the Original Draft EIR received during the original 65-day public comment period;
- Corrections or additions to the Draft EIR and Recirculated Draft EIR, if any; and
- The Mitigation Monitoring and Reporting Program.

The Final EIR will provide the basis for City decision-makers, such as the City Planning Commission and City Council to consider the environmental implications of the proposed project as well as possible ways to mitigate any potential significant environmental impacts. Prior to planning on the proposed project, the City must certify that the Final EIR has been completed in compliance with CEQA and was presented to the City's decision-making body, that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the proposed project, and that the Final EIR reflects the lead agency's independent judgment and analysis.

2 Project Description

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

2.1 Project Proponent

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

2.2 Lead Agency Contact Person

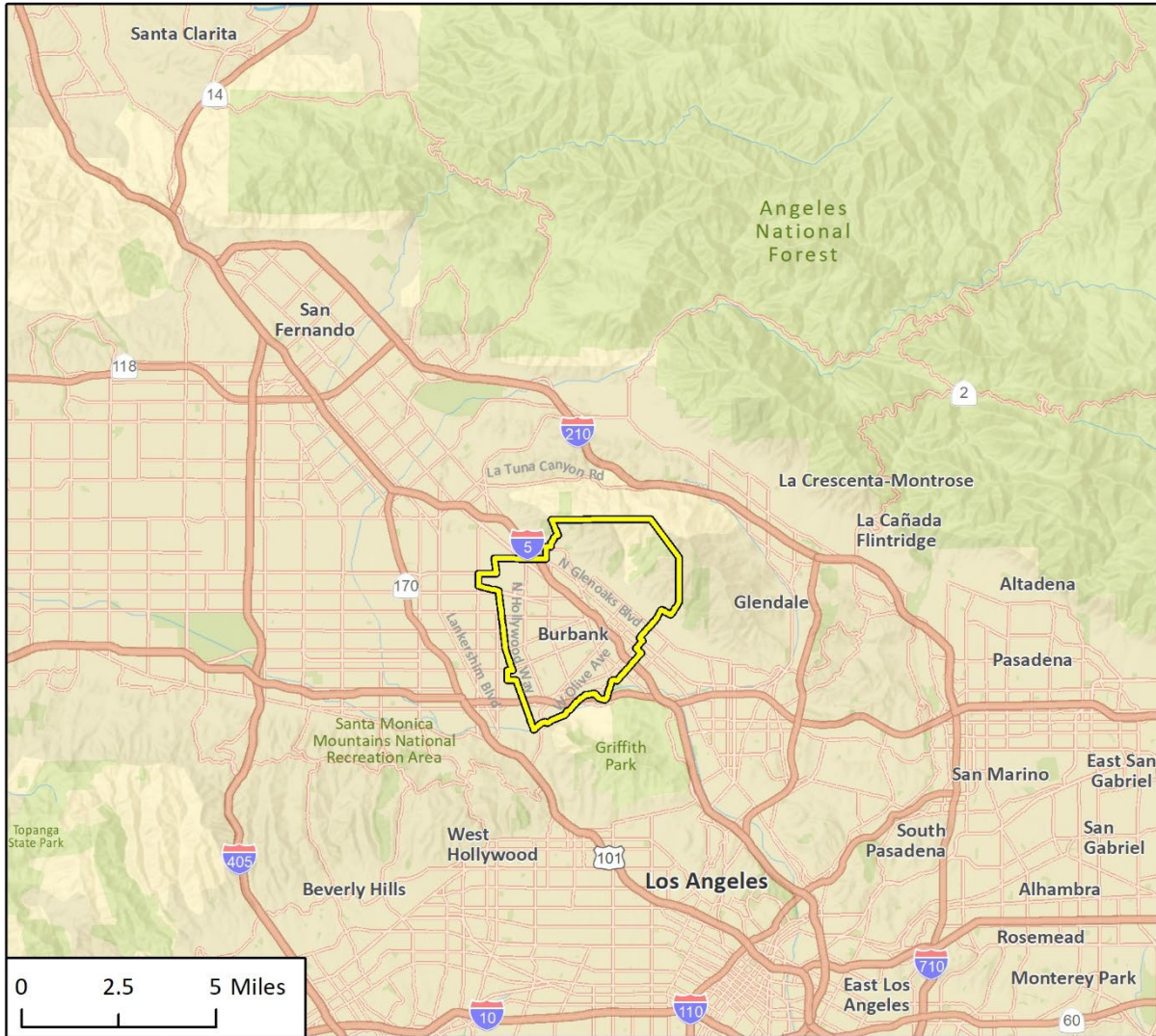
Shipra Rajesh, Senior Planner
City of Burbank
Community Development Department
150 North Third Street
Burbank, California 91502
(818) 238-5250

2.3 Project Location

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

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

Figure 2-1 Regional Location



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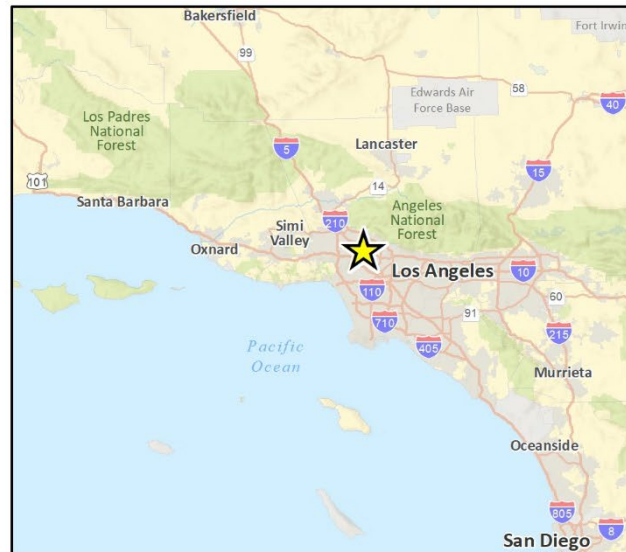
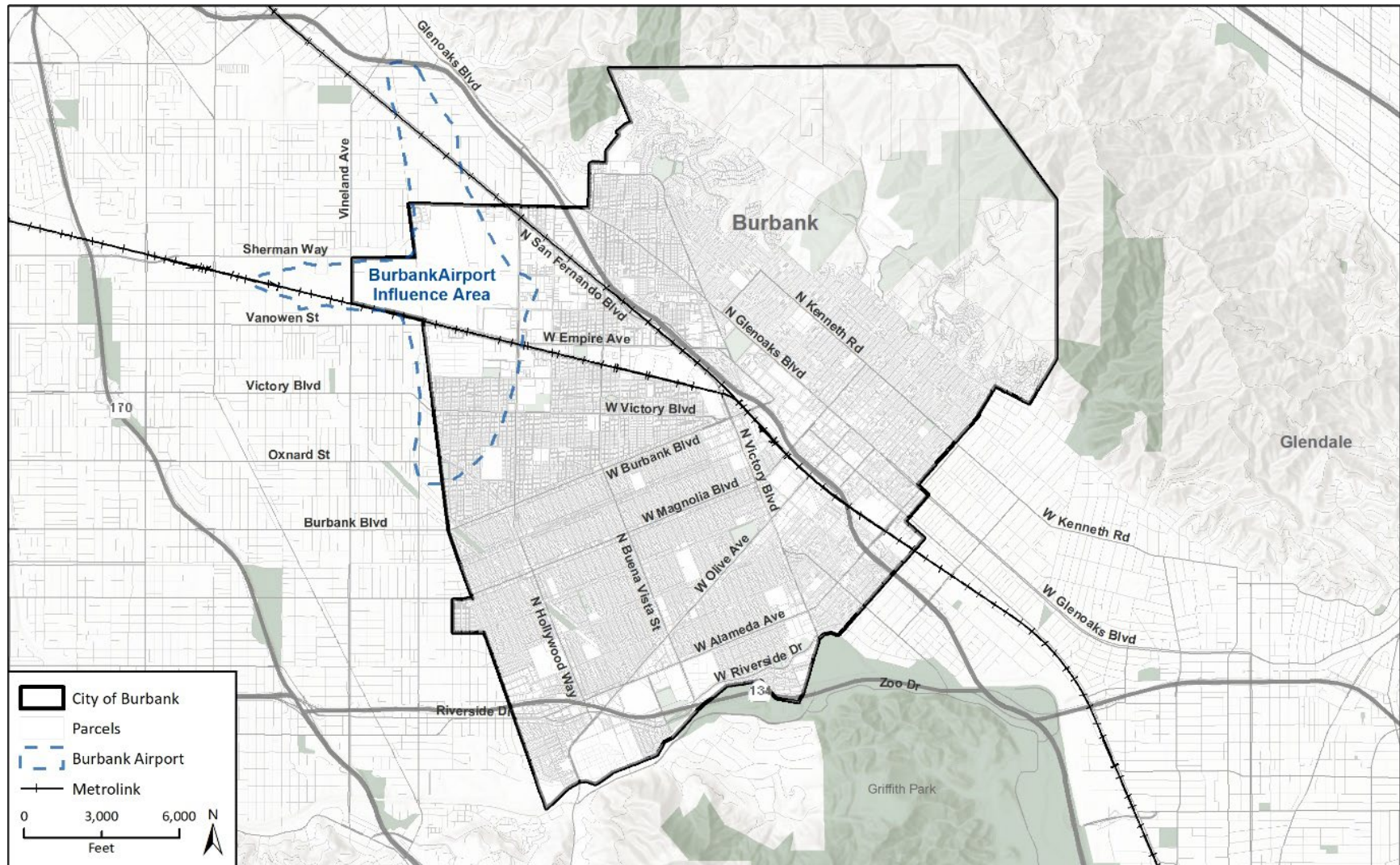


Fig. 1 Regional Location

Figure 2-2 City of Burbank



2.4 Existing Area Characteristics

2.4.1 Current Land Use Designation and Zoning

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

2.4.2 Land Uses in Surrounding Cities

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

2.5 Project Characteristics

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

2.5.1 Housing Element Update

The Housing Element is comprised of the following major components:

- Review of effectiveness of existing Housing Element
- Assessment of existing and projected housing needs
- Identification of resources – financial, land, administrative
- Evaluation of constraints to the development of housing
- Housing Plan – goals, policies, and programs including Programs 10 and 11 that provide for updates to local density bonus and inclusionary housing regulations that require an economic feasibility analysis to evaluate the potential impact of adding workforce training and prevailing wage requirements to new housing developments

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

2.5.2 RHNA Allocation

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

Table 2-1 RHNA Percentage of Income Distribution

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

Source: SCAG 2021

Table 2-2 shows the estimated number and affordability level of housing units to accommodate the City’s RHNA under the existing General Plan and zoning, including projects that are entitled and pending entitlement, specified housing opportunity sites, Accessory Dwelling Units (ADUs) expected to be developed over the course of the planning period, and units produced through the City’s committed assistance program. As shown in Table 2-2, these sources total 7,569, which falls short of the RHNA allocation by 1,203 units.

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

Sites/Projects	Total Net Units	Income Distribution			
		Very Low	Low	Moderate	Above Moderate
2021 – 2029 RHNA Targets	8,772	2,553	1,418	1,409	3,392
Entitled Projects	1,845	91	6	83	1,665
Pending Entitlement	490	27	138	29	296
Opportunity Sites (Zoning in place)	3,624	1,995	1,072	280	277
Accessory Dwelling Units (ADUs) ¹	1,600	384	704	32	480
Committed Assistance ²	10	10	0	0	0
Total Site Capacity	7,569	4,427		424	2,718
RHNA Surplus/(Shortfall)	(1,203)	+456		(985)	(674)

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

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

To make up for this shortfall of 1,203 units, the Housing Element includes a housing program to rezone additional opportunity sites through adoption of two specific plan projects: the Downtown Transit-Oriented-Development Specific Plan (Downtown TOD) and the Golden State Specific Plan (GSSP) (see Figure 2-3 for the Specific Plan locations and opportunity sites). Adoption of these Specific Plans will provide the necessary zoning, objective development standards, and processing procedures to facilitate the production of the shortfall of housing units required to accommodate the City’s RHNA during the Housing Element planning period. The zone changes required by these Specific Plans will be adopted in 2022-2023, or within three years of the start of the planning period as required by State law.

Table 2-3 shows the number of units expected from the rezoning of the Specific Plan areas. With the additional rezone sites the City would exceed the RHNA requirement by 1,239 units with an additional 2,442 units accommodated. The State requires jurisdictions to create a sufficient buffer in the Housing Element sites inventory beyond that required by the RHNA to ensure that adequate site capacity exists throughout the eight-year planning period. The Notice of Preparation that was circulated on March 17, 2021 for the proposed Project included an estimated growth of 10,088 housing units based on the City’s RHNA allocation and 15 percent buffer. However, the estimated growth for the purpose of this analysis was changed to 10,456 housing units to account for the 2029 interpolated housing growth assumed under the two Specific Plans along with the City’s RHNA allocation.

Table 2-3 Projected Specific Plan Units

Specific Plan	Total Net Units
Downtown TOD rezone sites	627
Golden State Specific Plan rezone sites	1,815
Total	2,442
Existing GP Units (from Table 2-2)	7,569
New Total with Specific Plans, Entitled/Pending Projects and ADUs	10,011
RHNA Surplus/(Shortfall)	1,239

Housing Element Opportunity Sites

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

Table 2-4 Rezoning in Housing Opportunity Sites

Project	APNs	Gross Acres	Current Zoning District	Current Residential Density Units/Acre	Proposed Zoning Uses	Rezone?
TOD Plan Projects						
1	TOD-1 Carl's Jr	2460-010-010	NSFC (North San Fernando Commercial)	43	Residential (max. 43 du/acre)	No
		2460-010-011				
		2460-010-012				
		2460-010-013				
		2460-010-014	NSFC (North San Fernando Commercial)	27	Residential (max. 27 du/acre) Commercial (max. 1.0 FAR)	No
		2460-010-033				
		2460-010-036				
		Total	1.29			
2	TOD-2 Kmart	2460-006-045	NSFC (North San Fernando Commercial)	27	Residential (max. 27 du/acre) Commercial (max. 1.0 FAR)	No
		2460-007-036				
3	TOD-3 Caltrans/IHOP	2460-021-017	NSFC (North San Fernando Commercial)	27	Residential (max. 27 du/acre) Commercial (max. 1.0 FAR)	No
		2460-021-018				
		2460-021-019				
		2460-021-020				
		2460-021-027				
		2460-021-028				
4	TOD-4 Old Ikea	2460-023-044	PD (Planned Development)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No
		2460-023-045				
		2460-023-046				
		2460-023-047				
		2460-023-060	BCC-2 (Burbank Center Commercial Limited Business)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No
		2460-031-007				
		2460-031-008				
		2460-031-016				
		2460-031-018				
		2460-031-019				
2460-031-029						
2460-031-044						
2460-031-045						
		Total	13.80			
5	TOD-5 Ashley Home/El Pollo	2460-023-056	PD (Planned Development)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No
		2460-023-057				

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	Project	APNs	Gross Acres	Current Zoning District	Current Residential Density Units/Acre	Proposed Zoning Uses	Rezone?
6	TOD-6 Burbank Town Center	2460-023-048 2460-023-049 2460-023-050 2460-023-052 2460-023-054 2460-023-063 2460-023-064 2460-023-996	16.75	PD (Planned Development)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No
7	TOD-7 Civic Center	2453-008-900 2453-009-902 2453-008-903 2453-008-905 2453-008-908 2453-008-910 2453-008-911 2453-008-912	4.68	PD (Planned Development)	0	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	Yes
		2455-021-906	1.56	R-4 (Residential Multiple Medium Density) and C-3 Commercial General Business	0	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	Yes
	Total		6.24				
8	TOD-8 Olive/Glenoaks	2453-014-002 2453-014-003 2453-014-008 2453-014-024 2453-014-025	0.50	BCC-3 (Burbank Center Commercial General Business)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No
		2453-014-012 2453-014-014 2453-014-022 2453-014-023 2453-014-026 2453-014-029	1.05	BCC-2 (Burbank Center Commercial Limited Business)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No
	Total		1.55				
9	TOD-9 Fosters Freeze/ Boys and Girls Club	2453-021-026 2453-021-027 2453-021-029 2453-021-030	0.74	BCC-3 (Burbank Center Commercial General Business)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No
		2453-021-032 2453-021-033 2453-021-035 2453-021-041 2453-021-046 2453-021-062	1.20	BCC-2 (Burbank Center Commercial Limited Business)	43	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	Yes
	Total		1.94				

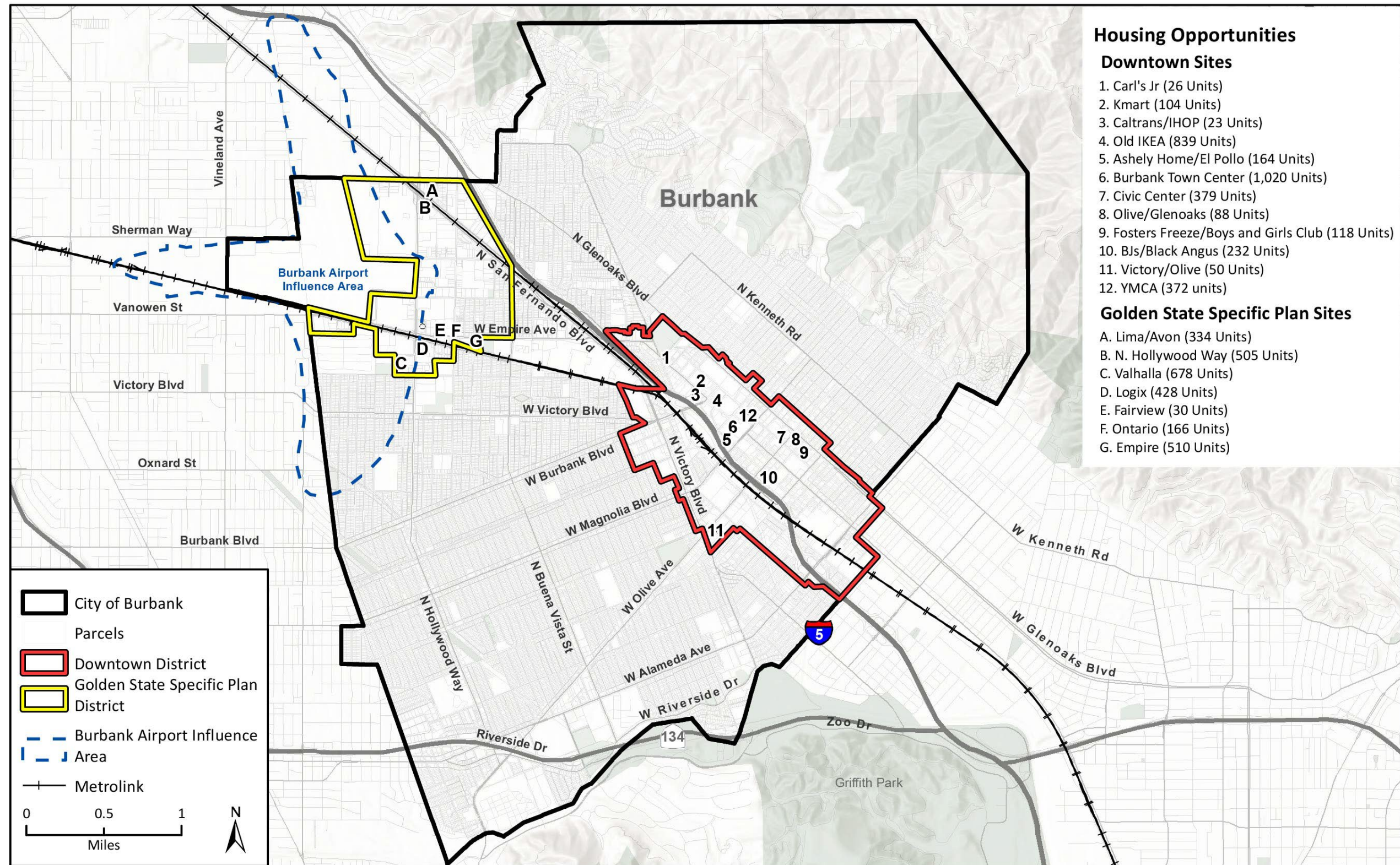
	Project	APNs	Gross Acres	Current Zoning District	Current Residential Density Units/Acre	Proposed Zoning Uses	Rezone?
10	TOD-10 BJs/Black Angus	2453-011-029 2453-018-017	3.83	BCC-2 (Burbank Center Commercial Limited Business)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No
11	TOD-11 Victory/Olive	2451-016-011 2451-016-012 2451-016-013 2451-016-014	2.88	BCCM (Burbank Center Commercial Manufacturing)	27	Residential (max. 27 du/acre) Commercial (max. 1.0 FAR)	No
12	TOD-12 YMCA	2460-034-021 2460-035-005 2460-035-007 2460-035-008	0.88	BCC-2 (Burbank Center Commercial Limited Business)	87		Yes
		2460-035-001 2460-035-003	1.07	BCC-3 (Burbank Center Commercial General Business)	87		Yes
		2460-035-014 2460-035-016 2460-035-017 2460-035-018	1.50	PD (Planned Development)	87		Yes
		Total	2.66				
GSSP Projects							
A	GSSP-1 Lima/Avon	2466-001-015 2466-001-016 2466-001-022 2466-001 023 2466-001-024 2466-001-025 2466-001-026 2466-001-029 2466-001-030 2466-001 045 2466-001-046 2466-001-063 2466-001-064 2466-001-077 2466-001-081	4.00	M-2 (Manufacturing General Industries)	27 1.25 FAR	Residential (max. 120 du/acre) Commercial (2.0 FAR)	Yes

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Burbank Housing and Safety Element Update

					Current Residential Density Units/Acre	Proposed Zoning Uses	Rezone?
B	GSSP-2 North Hollywood Way	2466-005-003 2466-005 013 2466-005 017 2466-005 018 2466-005-024 2466-005-025 2466-006-002 2466-006-003 2466-006-004 2466-006-005 2466-006-006 2466-006-007 2466-006-008 2466-006-009 2466-006-010 2466-006-011	5.28	M-2 (Manufacturing General Industries)	27 1.25 FAR	Residential (max. 120 du/acre) Commercial (4.5 FAR)	Yes
C	GSSP-3 Valhalla	2463-001-005 2463-001-006 2463-001-007 2463-001-008 2463-001-011 2463-001-012	8.10	M-1 (Manufacturing Limited Industries)	27 1.25 FAR	Residential (max. 120 du/acre) Commercial (2.0 FAR)	Yes
D	GSSP-4 Logix	2463-010-001	4.46	M-2 (Manufacturing General Industries)	27 1.25 FAR	Residential (max. 120 du/acre) Commercial (2.0 FAR)	Yes
E	GSSP-5 Fairview	2464-006-045	0.65	M-2 (Manufacturing General Industries)	58 1.25 FAR	Residential (max. 58 du/acre) Commercial (1.25 FAR)	No
F	GSSP-6 Ontario	2464-004-036	1.73	PD (Planned Development)	58 1.25 FAR	Residential (max. 120 du/acre) Commercial (3.0 FAR)	Yes
G	GSSP-7 Empire	2464-001-002 2464-001-003 2464-001-007 2464-001-015 2464-001-019 2464-001-020 2464-001-021 2464-001-906	6.33 0.06	M-2 (Manufacturing General Industries) RR (Railroad)	58 1.25 FAR 0	Residential (max. 58 du/acre) Commercial (2.0 FAR) Residential (max. 100 du/acre) Commercial (2.0 FAR)	Yes Yes
Total			6.39				

Note: As part of the rezoning and resulting 6,066 units in the TOD and GSSP specific plans (net increase of 2,442 additional units under current General Plan), the City included a projection of 1.4 million square feet of new commercial space.

Figure 2-3 Specific Plan and Housing Opportunity Locations



Imagery provided by Microsoft Bing and its licensors © 2021.

Fig 2-3 Housing Opportunity Sites

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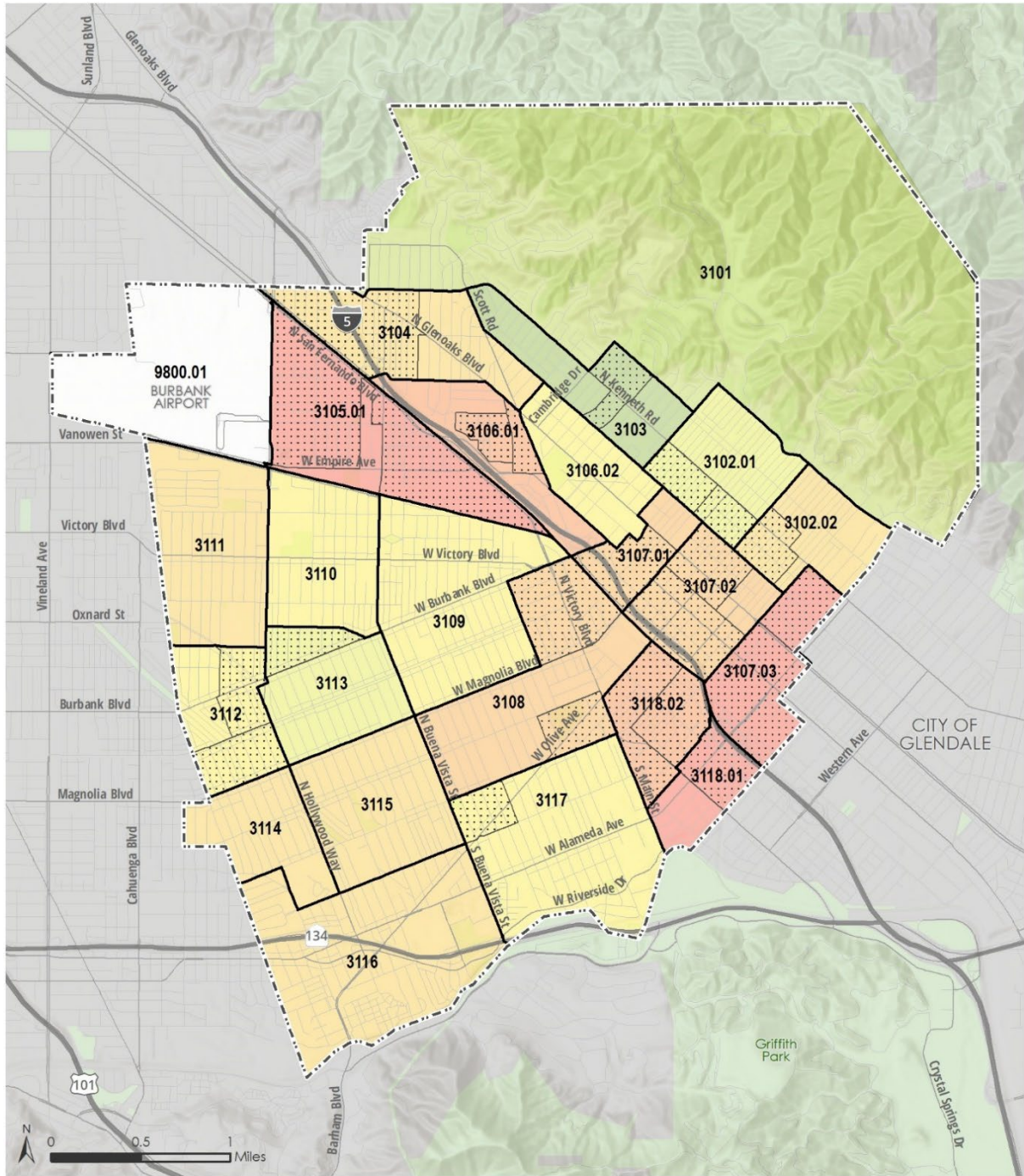
2.5.3 Safety Element Update

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

2.5.4 Environmental Justice Update

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

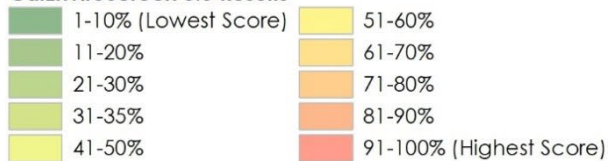
Figure 2-4 CalEnviroScreen – Disadvantaged Communities



Burbank City Boundary

3114 Census Tract

CalEnviroScreen 3.0 Results



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

Burbank_CensusTracts_CES

2.6 Project Objectives

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

2.7 Required Approvals

The Project would require the following discretionary approvals:

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

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

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4.2 Biological Resources

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

4.2.1 Environmental Setting

a. Regional Setting

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

b. Project Setting

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

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

4.2.2 Regulatory Setting

a. Federal Regulations

Federal Endangered Species Act

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

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

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

Migratory Bird Treaty Act

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

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

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

b. State Regulations

California Endangered Species Act

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

Take is defined in the California Fish and Game Code (CFGC) Section 86 as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” The CESA allows for take incidental to otherwise lawful activities under CFGC Section 2081. Project proponents wishing to obtain incidental take permits are able to do so through a permitting process outlined in California Code of Regulations (CCR) Section 783.

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

The CESA defines an endangered species as:

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

A threatened species is defined as:

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

Candidate species are defined as:

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

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

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

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

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

Natural Communities Conservation Planning Act

The Natural Communities Conservation Planning Act was established by the California Legislature, is directed by the CDFW, and is implemented by the State, as well as public and private partnerships to protect habitat in California. The Natural Communities Conservation Planning Act takes a regional approach to preserving habitat. A Natural Communities Conservation Plan (NCCP) identifies and provides for the regional protection of plants, animals and their habitats, while allowing compatible and appropriate economic activity. Once an NCCP has been approved, CDFW may provide take authorization for all covered species, including fully protected species, Section 2835 of the CFGC.

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

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

c. Local Regulations

Burbank2035 General Plan Goal and Policies

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

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

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

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

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

4.2.3 Impact Analysis

a. Thresholds of Significance

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

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service

The Initial Study (Appendix B of the Original Draft EIR) determined that the Project could result in potentially significant impacts related to nesting birds under Threshold 1. As such, an analysis of this issue is included in this section of the EIR. The Initial Study found no potentially significant impacts related to special status species (Threshold 1), riparian habitat or sensitive natural communities (Threshold 2), state or federally protected wetlands (Threshold 3), wildlife movement (Threshold 4), local biological resource policies or ordinances (Threshold 5), or habitat conservation plans (Threshold 6). However, due to comments received by the CDFW, the potential impacts to special status species, including bats, raptors, and butterflies, are included in under the Threshold 1 analysis.

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

b. Project Impacts

Threshold 1: Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

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

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

protects all birds-of-prey and their eggs and nests against take, possession, or destruction. Section 3515 makes it a State-level offense to take any bird in violation of the federal MBTA. Violation of these provisions would be considered a potentially significant impact.

Construction of reasonably foreseeable development under the proposed Project could potentially occur during the bird nesting season, which is generally from March 1 through August 31 and begins as early as February 1 for raptors. As such, potential construction impacts resulting in vegetation trimming or removal during the nesting season would have the potential to disturb active nests, either directly (e.g., injury, mortality, or disruption of normal nesting behaviors) or indirectly (e.g., construction noise, dust, and vibration from equipment). In addition, based on comments provided by the CDFW on the Draft EIR, development under the proposed Project may result in adverse impacts to the following biological resources: least Bell's vireo (*Vireo bellii pusillus*), a federally and State-listed Endangered species, by causing nest abandonment, reproductive suppression, or incidental loss of fertile eggs or nestlings if development occurs during the breeding and nesting season; bat species, such as pallid bat (*Antrozous pallidus*), big free tailed bat (*Nyctinomops macrotis*), and hoary bat (*Lasiurus cinereus*), which are designated as Species of Special Concern (SSC), by removal of trees, vegetation and/or structures that may provide roosting habitats; and monarch butterflies (*Danaus plexippus*) and monarch butterfly overwintering habitat through vegetation and tree removal. Therefore, construction activities have the potential to disturb biological resources, which would be a potentially significant impact.

Mitigation Measure

The following mitigation measure requires an initial site assessment for biological resources. Surveys may be required for sites that are in proximity to previously identified areas where habitats for the least Bell's vireo, bat species, or monarch butterflies have previously been identified, and for development activities that would occur during the nesting season.

BIO-1 Biological Resources Avoidance

For individual housing developments that will include disturbance of vegetation, trees, structures, or other areas where biological resources could be present, a qualified biologist shall be retained by the applicant to conduct an initial site assessment that will include review of the California Natural Diversity Database (CNDDDB) and iNaturalist maps to determine where sightings have occurred or habitats for the least Bell's vireo, bat species, or monarch butterflies have previously been identified.

If construction activities or other disturbances occur in areas within 500 feet of a previously identified habitat or observation according to CNDDDB or iNaturalist, the following measures shall be implemented:

- Prior to the issuance of a grading permit, a qualified biologist shall be retained by the project applicant to conduct a biological resources reconnaissance of the site. The qualified biologist shall thoroughly report on the biological resources present on a project site and submitted to the City.
- If the biologist determines that special-status species may occur, focused surveys for special-status plants shall be completed in accordance with *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (California Department of Fish and Wildlife [CDFW], March 20, 2018) and *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants* (USFWS,

September 23, 1996). If it is determined that the project site has suitable habitat for special-status wildlife, focused surveys shall be conducted to determine presence/absence including species-specific surveys in accordance with CDFW or United States Fish and Wildlife Service (USFWS) protocols for State or federally listed species, respectively, that may occur.

- If it is determined that a special-status species may be impacted by a specific project, consultation with USFWS and/or CDFW shall occur prior to issuance of a development permit from the City to determine measures to address impacts, such as avoidance, minimization, or take authorization and mitigation. The report shall include a list of special-status plants and wildlife that may occur on the project site and/or adjacent area.

If construction activities or other disturbances occur during the bird nesting season (February 1 through August 31), prior to issuance of grading permits for individual housing developments that will include disturbance of vegetation, structures, or other areas where bird nests could be present, the following requirements shall be implemented:

- Applicant shall submit a pre-construction nesting bird survey shall be conducted no more than seven days prior to initiation of grading or construction activities. The nesting bird pre-construction survey shall be conducted on foot on the construction site, including a 100-foot buffer, and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in southern California and a copy of the study shall be submitted to the Community Development Department and Building and Safety Division. The cost to hire a qualified biologist shall be borne entirely by the developer/project applicant.
- If nests are found, an avoidance buffer shall be demarcated by a qualified biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No parking, storage of materials, or construction activities shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.
- A survey report shall be prepared by the qualified biologist documenting and verifying compliance with the above requirements and applicable State and Federal regulations protecting birds that shall be submitted to the City of Burbank. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests would occur.

Significance After Mitigation

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

4.2.4 Cumulative Impacts

The area to analyze cumulative biological resource impacts includes the City limits. As defined in Section 3.3, vegetation, including trees, located in the City could potentially support nesting migratory birds, as well as bats, raptors, and butterflies. As discussed previously, the CFGC and MBTA protect migratory avian species when they are nesting. Compliance with the CFGC and MBTA by all reasonably foreseeable development under the Housing and Safety Element Update would

Burbank Housing and Safety Element Update

ensure that cumulative impacts to migratory birds would not be significant. Such regulatory compliance, including implementation of Mitigation Measure BIO-1, would ensure that the implementation of the proposed Project would not contribute to cumulatively considerable impacts related to nesting bird disturbance.

4.12 Utilities/Service Systems

This section analyzes environmental impacts associated with the provision of infrastructure for water supply, wastewater conveyance, treatment, and disposal, solid waste disposal, and stormwater management, as well as telecommunications facilities, energy, and natural gas. The discussion and analysis contained herein is informed by outputs from the CalEEMod prepared for the proposed Project, as well as publicly available data and reports from the City of Burbank, Burbank Water and Power (BWP), and other publicly available sources of information, as cited throughout the discussions below.

4.12.1 Environmental Setting

The environmental setting for infrastructure related to water supply, wastewater treatment conveyance and treatment, stormwater conveyance and treatment, solid waste conveyance and disposal, electricity and natural gas, and telecommunications, is described below.

a. Water Supply

BWP provides domestic and potable water service in Burbank. The City's water comes from two sources: water purchased from Metropolitan Water District of Southern California (Metropolitan), a regional wholesaler and State Water Project (SWP) contractor, and local groundwater from the San Fernando Valley Groundwater Basin (San Fernando Basin). BWP also uses recycled water to meet some of its water needs such as outdoor irrigation and power plant cooling.

Water purchased from Metropolitan is imported from the Colorado River Aqueduct and the SWP. Metropolitan is a regional wholesaler with no retail customers, which provides treated and untreated water directly to its 26 member agencies. Member agencies include 14 cities, 11 municipal water districts, and one county water authority (Metropolitan 2021). Each of Metropolitan's qualifying member agencies, including BWP, is responsible for implementing its own Urban Water Management Plan (UWMP); see further discussion of UWMPs in Section 4.13.2(a). BWP's 2020 UWMP, adopted in June 2021, includes an assessment of past and future water supplies and demands, evaluation of the future reliability of the region's water supplies over a 20-year planning horizon, discussion of demand management measures and Burbank's water shortage contingency plan, discussion of the use and planned use of recycled water, and an evaluation of distribution system water losses (BWP 2021a).

BWP does not have ownership rights to the naturally occurring groundwater underneath the City, but BWP does have rights to pump groundwater through groundwater credits. Groundwater provided by BWP is managed in accordance with the Upper Los Angeles River Adjudication Judgment, administered by the Upper Los Angeles River Area Watermaster as the Watermaster. The adjudication Judgment limits production from the San Fernando Basin to ensure the long-term reliability of the basin. As with Metropolitan, BWP also maintains an UWMP that forecasts future water demands in Burbank under average and dry year conditions, identifies future water supply projects, and evaluates future supply reliability. The UWMP discusses the provider's supply portfolio, including current and planned water conservation and recycling activities (BWP 2021a).

The Burbank Water Reclamation Plant (BWRP) produces a disinfected tertiary effluent that is approved for all uses, including full body contact, with the exception of human consumption. The BWRP produces up to 10,000 acre-feet per year (AFY) of recycled water, which is available for reuse in any of the following three ways:

Burbank Housing and Safety Element Update

- Flowed via gravity pipeline to the BWP campus
- Pumped into the recycled water distribution system
- Discharged to the Burbank Western Channel adjacent to the BWRP

Recycled water produced at the BWRP is used for power production, landscape irrigation, and evaporative cooling (BWP 2021a). BWP has recently completed a feasibility study of both indirect and direct potable reuse of BWP's excess recycled water.

b. Wastewater

Wastewater generated in Burbank is collected and conveyed by approximately 230 miles of underground pipelines ranging in diameter from six inches to 30 inches. The City's wastewater conveyance system also includes two pump stations and 19 diversion manholes. In addition, the Los Angeles 48-inch North Outfall Sewer (NOS) line runs from west to east through the southern portion of the City. A small number of flows go directly to the NOS.

Wastewater flows to the BWRP, which has a design capacity of 12.5 million gallons per day (mgd) and currently treats 8.5 mgd (BWP 2021a). The disinfected tertiary effluent produced by the BWRP is discharged to either the Burbank Western Channel or to the City's recycled water distribution system for non-potable use. The discharged tertiary effluent meets discharge limitations identified in its National Pollutant Discharge Elimination System (NPDES) permit issued by the Los Angeles Regional Water Quality Control Board (RWQCB). The BWRP's effluent also meets the most stringent water quality criteria for recycled water, as defined in the California Code of Regulations, Title 22, Division 4, Chapter 3 requirement as Disinfected Tertiary Recycled Water. The City of Burbank Department of Public Works is responsible for maintaining, replacing, and upgrading the City's sewer collection system.

The City of Burbank may divert wastewater to the Los Angeles sewer system, which is comprised of three systems: the Hyperion Sanitary Sewer System, the Terminal Island Water Reclamation Plant Sanitary Sewer System, and the Regional Sanitary Sewer System. Based on the Los Angeles Department of Public Works' Sewer System Management Plan (2017), the Hyperion Sanitary Sewer System is the largest of the City's three sanitary sewer systems. An average wastewater flow rate of approximately 300 million gallons per day (mgd) is treated by the system, which includes the Donald C. Tillman Water Reclamation Plant and the Los Angeles-Glendale Water Reclamation Plant; this systems has a peak wet weather capacity of 800 mgd. The Donald C. Tillman Water Reclamation Plant services the area between Chatsworth and Van Nuys in the San Fernando Valley. The Los Angeles-Glendale Water Reclamation Plant is located in the San Fernando Valley and services the communities in east San Fernando Valley that are both within and outside of the City limits. Approximately 60 mgd is treated at Donald C. Tillman and Los-Angeles Glendale Water Reclamation Plants. All other flows in the system, and the biosolids from the Donald C. Tillman and Los-Angeles Glendale Water Reclamation Plants which are returned to the collection system, are treated at the Hyperion Water Reclamation Plant (HWRP) located in Playa Del Rey.

c. Stormwater

The City of Burbank Public Works Department (PWD) oversees stormwater management throughout the City. In 2012, the Los Angeles RWQCB adopted the *Final Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County*. Burbank is a co-permittee in fulfilling the requirements of the municipal storm water permit, which regulates discharges of stormwater and urban runoff from

storm drain systems. Furthermore, the City has an established Storm Water Quality Management Program that educates existing and future efforts relating to stormwater management across the City. The City's existing stormwater pipeline system is comprised of 42-inch-wide reinforced concrete pipe (RCP) that collects stormwater runoff from throughout the city and ultimately discharges it into the Los Angeles County Flood Control District's (LACFCD) Burbank Western Channel and the Pacific Ocean.

d. Solid Waste

The Street and Solid Waste Division of the Burbank PWD is responsible for the collection of solid waste, green waste, recyclables, and bulky items in the City. City solid waste collection crews service all single-family residences, 50 percent of multifamily residences, and approximately 10 percent of the City's commercial/industrial refuse customers. Businesses and larger multifamily residences can use City solid waste and recycling services as well or hire a private waste collection and hauling company (Burbank 2020).

Solid waste generated in Burbank is transported to and disposed of at any of seven southern California landfills including Burbank Landfill Site No. 3, Chiquita Canyon Sanitary Landfill, Sunshine Canyon City/County Landfill, Simi Valley Landfill and Recycling Center, Puente Hills Landfill, Lancaster Landfill and Recycling Center, and Olinda Alpha Sanitary Landfill (City of Burbank 2013).

The City owns and operates the Burbank Landfill, located in the Verdugo Hills at the eastern edge of Burbank. The facility is located on 86 acres, 48 of which are used for disposal. The landfill has a maximum permitted capacity of 5,933,365 cy (CalRecycle 2019) and as of December 31, 2019, had a remaining capacity of 4,843,582 cy (approximately 82 percent of the maximum permitted capacity) (Los Angeles County 2020). The maximum permitted intake is 240 tons (436 cy) per operating day and average intake is approximately 123 tons (224 cy) per day. Burbank Landfill had an original expected closure year of 2053 but is now estimated to be open through 2150 (Los Angeles County 2020; Burbank Landfill 2021). Routine inspection for compliance with state minimum standards is conducted monthly. As of October 2021, the landfill's best management practices (BMPs) were observed to be fully in place and the site looked to be in satisfactory condition (CalRecycle 2021). One hundred percent of the intake at the landfill is from Burbank (City of Burbank 2013, Los Angeles County 2020). Residential trash collected by the City is deposited at this facility, including trash collected by the City from all single-family residences, 50 percent of multifamily residences, and 10 percent of commercial/industrial refuse customers. Private waste haulers also collect trash from within the City, and serves the multifamily residential units and commercial/industrial users that are not otherwise served by the City. Solid waste collected by private waste haulers may be transported to any of the landfill facilities.

The City also owns the Burbank Recycle Center, which houses a materials recovery facility and buyback/drop off center, as well as a used oil center, composting information, and a learning center. The Burbank Recycle Center is a private/public partnership with Burbank Recycling Inc. that collects and diverts wastes that contribute to the Burbank Landfill capacity (Burbank 2013).

Hazardous waste requiring disposal is sent to the Kettleman Hills Hazardous Waste Facility, a 1,600-acre hazardous waste and municipal solid waste disposal facility located southwest of Kettleman City in the western San Joaquin Valley. The facility is permitted for the direct landfill of California hazardous waste, Toxic Substances Control Act-regulated polychlorinated biphenyl (PCB) waste and Resource Conservation and Recovery Act (RCRA) wastes (that naturally meet treatment standards) (Waste Management 2015). The facility is regulated and inspected by the United States Environmental Protection Agency (USEPA), California Department of Toxic Substances Control

(DTSC), Central Valley RWQCB, Kings County Department of Public Health, San Joaquin Valley Air Pollution District (SJVAPD), and CalRecycle. It has a remaining capacity of six million cy. Permits are currently pending to expand the existing hazardous waste landfill to allow more years of disposal and to develop a new hazardous waste landfill on currently undeveloped land to open after the existing landfill reaches capacity (Waste Management 2018).

e. Telecommunications, Electricity, and Natural Gas

Telecommunications services in Burbank are provided by private companies, including AT&T, EarthLink, and Spectrum, among others. The telecommunications provider used by residents and businesses in Burbank is subject to the user's discretion. Telecommunications facilities are generally available throughout the City.

Electric power supply throughout the City is provided by BWP. According to the California Energy Commission (CEC), in 2020 BWP had a total usage of 995.1 Gigawatt hours (GWh). Residential uses consisted of the second most energy intensive source (287.6 GWh) for BWP, behind commercial and building (507.8 GWh) (CEC 2020a). BWP's power mix from the power content label (PCL), which shows total generation delivered for a calendar year, divided by retail sales (not renewable energy credits retired) for 2020 consisted of approximately 31percent renewable resources (wind, geothermal, biomass, solar, and small hydroelectric), 26 percent coal, 31 percent natural gas, eight percent nuclear, two percent hydroelectric, and the remainder from other sources (BWP 2020).

Burbank is in Southern California Gas Company's (SCG) natural gas service area, which provides service to most of southern California (SCG 2021). SCG's service area is equipped with approximately 5.9 million meters of gas transmission pipelines throughout the 24,000-square mile service area (SCG 2021). In 2019, SCG customers consumed a total of 5.2 billion therms of natural gas (CEC 2020b). Residential users accounted for approximately 46 percent of SCG's natural gas consumption. Industrial and commercial users accounted for another 31 percent and 17 percent, respectively. The remainder was used for mining, construction, agricultural, and water pump accounts (CEC 2020). Natural gas is also addressed in Section 4.6, *Energy*.

4.12.2 Regulatory Setting

The regulatory setting for utilities is provided below, organized per the topics addressed in this section, including water supply; wastewater; stormwater; solid waste; telecommunications, electricity, and natural gas.

a. Water Supply

State Regulations

California Water Conservation Bill (Senate Bill X7-7)

The Water Conservation Bill, enacted in 2009, set an overall goal of reducing per capita urban water use in the State by 20 percent by December 31, 2020. Under this bill, the State was required make incremental progress toward the 2020 goal by reducing per capita water use by at least 10 percent by December 31, 2015. The bill also required urban water suppliers (such as the City of Burbank) to reduce per capita water use 20 percent by 2020, establish water conservation targets for the years 2015 and 2020, and include the following information in their water management plans: the baseline daily per capita water use; water use targets; interim water use targets; compliance daily per capita water use.

Senate Bill 610

In 2001, California adopted Senate Bill (SB) 610, thereby amending California Water Code. Under this law, certain types of development projects are now required to provide detailed water supply assessments to planning agencies. Any project that is subject to CEQA and would demand more than 75 AFY of water, or an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling-unit project, is subject to SB 610 and is required to prepare a Water Supply Assessment (WSA). The primary purpose of a WSA is to determine whether the identified water supply or water supplier will be able to meet projected demands for the project, in addition to existing and planned future uses, over a 20-year projection and with consideration to normal, dry, and multi-dry water years.

The Project is subject to CEQA and includes more than 500 dwelling units. However, the Housing Element is a planning document, not a development project, and it therefore does not directly trigger the need for a WSA as defined by California Water Code. Nonetheless, a WSA was prepared for the Housing Element to provide a well-informed analysis of potential impacts to water supply availability and reliability.

Senate Bill 221

SB 221 also addresses water supply in the land use planning process and focuses on new residential subdivisions in nonurban areas. SB 221 requires the provision of written verification from the water service provider indicating that sufficient water supply is available to serve a proposed subdivision or a finding by the local agency that sufficient water supplies are or will be available prior to completion of a project. SB 221 specifically applies to residential subdivisions of 500 units or more. Government Code Section 66473.7(i) exempts “any residential project proposed for a site that is within an urbanized area and has been previously developed for urban uses, or where the immediate contiguous properties surrounding the residential project site are, or previously have been, developed for urban uses, or housing projects that are exclusively for very low and low-income households.”

The proposed Project involves the update of the Burbank General Plan and does not involve any development application. As such, it does not propose development of 500 or more dwelling units in a nonurban area and is not subject to SB 221.

Urban Water Management Act

The California Urban Water Management Planning Act (California Water Code Division 6, Part 2.6, Sections 10610–10656) requires that all public water suppliers that provide municipal and industrial water to more than 3,000 customers, or supply more than 3,000 AFY of water, adopt an UWMP. An UWMP is intended to forecast future water demand and supply under normal and dry conditions. The UWMP must include a description of existing and planned sources of water available to the water supplier; conservation efforts to reduce water demand; alternative sources of water; assessment of reliability and vulnerability of water supply; and water shortage contingency analysis. It must be updated every five years and submitted to the DWR for review. Metropolitan and BWP both maintain UWMPs for their water systems. BWP’s 2020 UWMP was updated in June 2021 and is therefore used to inform this analysis.

The Urban Water Management Planning Act has been modified several times in response to the water shortages, droughts, and other factors. The Water Conservation Act of 2009 amended the Urban Water Management Planning Act to call for a statewide reduction of 20 percent in urban

water use by the year 2020. An amendment in 2014 requires water suppliers to provide narrative descriptions of their water demand management measures and account for system water losses.

California Code of Regulations

CCR Title 24, Part 5, establishes the California Plumbing Code (last updated in 2013) that became effective January 1, 2014. The California Plumbing Code sets forth efficiency standards (i.e., maximum flow rates) for all new federally regulated plumbing fittings and fixtures, including showerheads and lavatory faucets.

CCR Title 22 regulates production and use of recycled water in California by establishing three categories of recycled water: (1) primary effluent, which typically includes grit removal and initial sedimentation or settling tanks; (2) adequately disinfected, oxidized effluent (secondary effluent), which typically involves aeration and additional settling basins; and (3) adequately disinfected, oxidized, coagulated, clarified, filtered effluent (tertiary effluent), which typically involves filtration and chlorination. In addition to defining recycled water uses, Title 22 also defines requirements for sampling and analysis of effluent and requires specific design requirements for plants.

CCR Title 24, Part 11, establishes planning and design standards for sustainable site development energy efficiency, water conservation, material conservation, and internal air contaminants. These provisions became effective January 1, 2011.

California Drought Update

In 2014, the governor issued a Drought Declaration and requested a voluntary 20 percent reduction in urban water use statewide, directing the State Board to adopt Emergency Regulations. As a result, the State Board adopted Emergency Regulations for Statewide Urban Water Conservation that were documented in CCR Title 23, Sections 863–865.

In 2015, the governor issued an Executive Order for mandatory statewide water reductions to reduce water usage by 25 percent. The Executive Order directed local water agencies to increase enforcement over wasteful use of water and invest in modern technologies that will make California more drought resilient. The Executive Order establishes several provisions for water saving and increased enforcement against wasteful water use:

- The State Board shall impose restrictions to achieve a statewide 25 percent reduction in potable urban water usage, compared to amount used in 2013, through February 28, 2016;
- The Department of Water Resources (DWR) shall lead a statewide initiative to replace 50 million sf of lawns and ornamental turf with drought tolerant landscapes;
- The CEC, jointly with the Department of the Water Board, shall implement a time-limited statewide appliance rebate program to replace inefficient household devices;
- The State Board shall impose restrictions to require that commercial, industrial, and institutional uses implement water efficiency measures to reduce potable water usage;
- The State Board shall prohibit irrigation with potable water of ornamental turf on public street medians;
- The State Board shall prohibit irrigation with potable water outside of newly constructed homes/buildings that is not delivered by drip or microspray systems; and
- The State Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.

Local Regulations

Metropolitan's Integrated Water Resources Plan – 2015 Water Tomorrow Update

The proposed Project is located within the services areas of BWP (discussed above) and Metropolitan. Metropolitan's Integrated Water Resources Plan was first developed in 1996 to establish targets for a diversified portfolio of supply investments. The 2015 Water Tomorrow Update is a plan to provide water supplies under a wide range of potential future conditions and risks. It identifies supply actions including recycled water, seawater desalination, stormwater capture, conservation, and groundwater cleanup to ensure local water supply reliability. The 2015 Water Tomorrow Update was adopted by Metropolitan's board of directors in January 2016 (Metropolitan 2016b). The 2015 Water Tomorrow Update is separate from Metropolitan's UWMP and is incorporated by reference in the UWMP, as applicable.

Greater Los Angeles County Region IRWMP

The Greater Los Angeles County (GLAC) Integrated Regional Water Management Plan (IRWMP) is a regional plan designed to improve collaboration in water resources management. To make governance and stakeholder involvement manageable, the GLAC Region was organized into five Subregions which consider both geographic and demographic variations over the 2,058 square mile area. These Subregions include: Lower San Gabriel and Los Angeles Rivers (Lower SG & LA); North Santa Monica Bay (North SM Bay); South Bay; Upper Los Angeles River Area (ULARA); Upper San Gabriel and Rio Hondo Rivers (Upper SG & RH). Of these regions, BWP is a member of the ULARA Steering Committee. The first IRWMP for the GLAC Region was published in 2006, following a multi-year collaborative effort between water retailers, wastewater agencies, stormwater and flood managers, watershed groups, businesses, tribes, the agriculture community, and non-profits. In 2014, the IRWM group updated the IRWMP to comply with new State integrated planning requirements and update the content (Leadership Committee of the GLAC IRWMP 2014). The IRWMP provides a mechanism for: 1) coordinating, refining, and integrating existing planning efforts within a comprehensive, regional context; 2) identifying specific regional and watershed-based priorities for implementation projects; and 3) providing funding support for the plans, programs, projects, and priorities of existing agencies and stakeholders.

Burbank 2035 General Plan

The Burbank 2035 General Plan (adopted February 2013) is the primary mechanism for guiding future population growth and development in Burbank and provides a guide for land use decision-making. The General Plan's Open Space and Conservation Element addresses the conservation and enhancement of open space, parks, recreation, and natural resources within the City. The goals and policies of the Open Space and Conservation Element are intended to protect natural resources including water resources (Burbank 2013). The goal and policies applicable to water resources are presented below:

Goal 9: Water Resources

Adequate sources of high-quality water provide for various uses within Burbank.

Burbank Housing and Safety Element Update

Policy 9.1: Meet the goal of a 20 percent reduction in municipal water use by 2020.

Policy 9.2: Provide public information regarding the importance of water conservation and avoiding wasteful water habits.

Policy 9.3: Offer incentives for water conservation and explore other water conservation programs.

Policy 9.4: Pursue infrastructure improvements that would expand communitywide use of recycled water.

Policy 9.5: Require on-site drainage improvements using native vegetation to capture and clean stormwater runoff

City of Burbank Sustainable Use Ordinance

Section 8-2, Article 3, Sustainable Water Use Ordinance, of the Burbank Municipal Code (BMC) established procedures for implementing and enforcing sustainable water use practices to mitigate the effect of a shortage of water resources. The ordinance establishes mandatory water use practices related to outdoor uses such as irrigation of outdoor landscaped areas, washing down of driveways and walkways, use of evaporative coolers (mistlers), and the filling or refilling of swimming pools and spas. The ordinance also establishes mandatory restrictions on service of drinking water at restaurants, hotels, and eating establishments if not requested by customers. The ordinance establishes six incremental stages of water use restrictions and penalties in order to discourage wasteful water use practices and achieve reduced water consumption and conservation during drought conditions.

b. Wastewater

Federal Regulations

Clean Water Act (CWA)

The objective of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (CWA), is to restore and maintain the chemical, physical, and biological integrity of the nation's waters and maintain the integrity of wetlands. The CWA seeks to regulate point and nonpoint pollution sources, providing assistance to publicly owned treatment works (commonly known as wastewater treatment plants owned by a governmental agency for the improvement of wastewater treatment).

The CWA established the NPDES, which requires a Stormwater Pollution Prevention Plan (SWPPP) to be developed and implemented for projects that disturb more than 0.5 acre of land. The State Water Resources Control Board (SWRCB) and the nine RWQCBs administer NPDES to regulate and monitor discharged waters and to ensure they meet water quality standards.

State Regulations

Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act), enacted by the State in 1969, includes provisions to address requirements of the CWA. The Porter-Cologne Act is broad in scope and addresses issues relating to the conservation, control, and utilization of the water resources of the State. The SWRCB and the RWQCBs are the State agencies with primary responsibility for the

coordination and control of water quality. Porter-Cologne grants the RWQCBs authority to implement and enforce water quality laws, regulations, and plans to protect the groundwater and surface waters.

In 2006, the SWRCB adopted the Statewide General Waste Discharge Requirements for publicly owned sanitary sewer systems with greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a publicly owned treatment facility in California. Under the Statewide General Waste Discharge Requirements, the owners of such systems must comply with the following requirements: (1) acquire an online account from the SWRCB and report all sanitary sewer overflows online; and (2) develop and implement a written Sewer System Management Plan (SSMP) to control and mitigate sanitary sewer overflows and make it available to any member of the public upon request in writing.

SSMP requirements are modeled on proposed Federal capacity, management, operations, and maintenance plans. The SSMP policy requires dischargers to provide adequate capacity in the sewer collection system, take feasible steps to stop sewer overflows, identify and prioritize system deficiencies, and develop a plan for disposal of grease, among other requirements. In addition, wastewater providers must report sanitary sewer overflows to the Los Angeles Regional Water Quality Control Board, must keep internal records of these overflows, and must produce an annual report on overflows. Reporting of overflows from laterals on private property, if caused by an owner, is not required.

California Code of Regulations

The California Water Code requires the Department of Health Services (DHS) to establish water reclamation criteria. In 1975, the DHS prepared Title 22 to fulfill this requirement, regulating production/use of recycled water by establishing three categories of recycled water:

- Primary effluent, that typically includes grit removal and initial sedimentation or settling tanks;
- Adequately disinfected, oxidized effluent (secondary effluent), that typically involves aeration and additional settling basins; and
- Adequately disinfected, oxidized, coagulated, clarified, filtered effluent (tertiary effluent), that typically involves filtration and chlorination.

In addition to defining recycled water uses, Title 22 defines requirements for sampling and analysis of effluent and requires specific design requirements for plants.

CCR Title 24, Part 5, establishes the California Plumbing Code, which became effective January 1, 2014, and sets efficiency standards (i.e., maximum flow rates) for all new federally regulated plumbing fittings and fixtures, including showerheads and lavatory faucets. Accordingly, the maximum flow rate for showerheads is 2.0 gallons per minute (GPM) at 80 pounds per square inch (psi) and for lavatory faucets is 1.5 GPM at 60 psi. In addition, all water closets (i.e., flush toilets) are limited to 1.6 gallons per flush (GPF) and urinals are limited to 0.5 GPF. In addition, Section 1605.3(h) establishes State efficiency standards for non-federally regulated plumbing fittings, including commercial pre-rinse spray valves.

CCR Title 24, Part 11, establishes planning and design standards for sustainable site development energy efficiency, water conservation, material conservation, and internal air contaminants. These provisions became effective January 1, 2011.

Local Regulations

Burbank Sewer System Management Plan

In compliance with SWRCP Order No. 2006-0003-DWQ, the City has adopted a Sewer System Management Plan (SSMP) that also include a Sanitary Sewer Overflow Emergency Response Plan. The SSMP addresses the operation, maintenance, design, and performance of the City's sewers and provides an overflow emergency response plan and a system evaluation and capacity assurance plan to reduce the frequency and volume of sanitary sewer overflows. Implementation of the SSMP, requires the City to (1) properly fund, manage, maintain, and operate its sanitary sewer systems to prevent sanitary sewer overflows; (2) construct and maintain the collection system using trained staff possessing adequate knowledge, skills, and abilities, as demonstrated through validated programs; and (3) fully comply with SWRCB Order No. 2006-003-DWQ.

Burbank Sewer System Evaluation and Capacity Assurance Plan

The City prepared a Sewer System Evaluation and Capacity Assurance Plan (SSECAP) in 2006 (Chapter 8 of the Burbank Sewer System Management Plan). The SSECAP includes hydraulic modeling of the City's existing wastewater system. The SSECAP also identifies areas of future study that are cost-effective and technically feasible to address both potential capacity and operational constraints and are coordinated with other improvement projects. The plan contains the following key objectives:

- Properly fund, manage, operate, and maintain all parts of the wastewater collection system;
- Provide adequate capacity to convey peak sewer flows;
- Minimize the frequency of sanitary sewer overflows (SSOs); and
- Construct and maintain the collection system using trained staff possessing adequate knowledge, skills, and abilities as demonstrated through a validated program.

The SSECAP and the City's capital improvement plan (CIP) provide hydraulic capacity of key sanitary sewer system elements for peak flow conditions, to facilitate design of sufficient capacity to accommodate runoff from storm events.

Burbank Municipal Code (BMC)

Title 8, Chapter 1, Article 1, Sewers, of the BMC establishes regulatory compliance for discharges to the publicly owned treatment works (POTW), sewer system and storm drain system for the City and requires compliance with applicable State and Federal laws, including the CWA (33 United States Code 1251 et seq.) and the general pretreatment regulations (40 Code of Federal Regulations Part 403). Per BMC Section 8-1-301, to connect to the City's main sewer line, an excavation permit and a sewer connection permit must be obtained from the Burbank Public Works Department. For sewer construction entirely on private property, the owner must obtain a plumbing permit from the Building Department, and an excavation permit from the Burbank PWD.

c. Stormwater

Federal Regulations

Clean Water Act (CWA)

The objective of the Federal Water Pollution Control Act, commonly referred to as the CWA, is to restore and maintain the chemical, physical, and biological integrity of the nation's waters and maintain the integrity of wetlands. The CWA seeks to regulate point and nonpoint pollution sources, providing assistance to publicly owned treatment works (commonly known as wastewater treatment plants owned by a governmental agency for the improvement of wastewater treatment).

The CWA established the NPDES, which requires a SWPPP to be developed and implemented for projects that disturb more than 0.5 acre of land. The SWRCB and the nine regional water quality control boards RWQCBs administer NPDES to regulate and monitor discharged waters and to ensure they meet water quality standards.

Clean Water Act Section 303(d)

Section 303(d) of the CWA (CWA, 33 USC 1250, et seq., at 1313(d)) requires states to identify "impaired" waterbodies as those which do not meet water quality standards. States are required to compile this information in a list and submit the list to the USEPA for review and approval. This list is known as the Section 303(d) list of impaired waters. As part of this listing process, states are required to prioritize waters and watersheds for future development of total maximum daily loads (TMDL). The SWRCB and RWQCBs have ongoing efforts to monitor and assess water quality, to prepare the Section 303(d) list, and to develop TMDL requirements.

National Pollutant Discharge Elimination System (NPDES)

The Federal government also administers the NPDES permit program, which regulates discharges into surface waters. The primary regulatory control relevant to the protection of water quality is the NPDES permit administered by the SWRCB. The SWRCB establishes requirements prescribing the quality of point sources of discharge and water quality objectives. These objectives are established based on the designated beneficial uses (e.g., water supply, recreation, and habitat) for a particular surface water body or groundwater basin. The NPDES permits are issued to point source dischargers of pollutants to surface waters pursuant to Water Code Chapter 5.5, which implements the Federal CWA. Examples include, but are not limited to, public wastewater treatment facilities, industries, power plants, and groundwater cleanup programs discharging to surface waters (SWRCB, Title 23, Chapter 9, Section 2200). The RWQCB establishes and regulates discharge limits under the NPDES permits.

Projects that will disturb more than one acre of land during construction are required to file a Notice of Intent with the SWRCB to be covered under the NPDES Construction General Permit for discharges of stormwater associated with construction activity. The project proponent must develop measures that are consistent with the Construction General Permit. Furthermore, a SWPPP must be developed and implemented for each site covered under the Construction General Permit. The SWPPP describes the BMPs the discharger will use to protect stormwater runoff and reduce potential impacts on surface water quality through the construction period. The SWPPP must contain the following:

- A visual monitoring program;
- A chemical monitoring program for nonvisible pollutants (to be implemented if a BMP failure occurs); and
- A sediment monitoring plan if the site discharges directly to a water body on the 303(d) list for sediment.

State Regulations

Porter-Cologne Water Quality Control Act

California's Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act) established the SWRCB and divided the state into nine regional basins, each with a RWQCB. The Project is located within the jurisdiction of the Los Angeles RWQCB. The SWRCB is the primary state agency with responsibility to protect surface water and groundwater quality. The Porter-Cologne Act authorizes the SWRCB to draft policies regarding water quality in accordance with CWA Section 303. In addition, the Porter-Cologne Act authorizes the SWRCB to issue waste discharge requirements for projects that would discharge to state waters. These requirements regulate discharges of waste to surface and groundwater, regulate waste disposal sites, and require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, or oil or petroleum product.

The Porter-Cologne Act requires the SWRCB or the RWQCBs to adopt water quality control plans (basin plans) and policies for the protection of water quality. The Basin Plan must conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its State Water Policy. The Basin Plan must:

- Identify beneficial uses for the water to be protected,
- Establish water quality objectives for the reasonable protection of the beneficial uses, and
- Establish an implementation program for achieving the water quality objectives.

Basin plans also provide the technical basis for determining waste discharge requirements, taking enforcement actions, and evaluating clean water grant proposals. Basin plans are updated and reviewed every 3 years in accordance with Article 3 of Porter-Cologne Act and CWA Section 303(c).

California Toxics Rule

The California Toxics Rule is a USEPA-issued federal regulation that provides water quality criteria for potentially toxic constituents in California surface waters with designated uses related to human health or aquatic life. The rule fills a gap in California water quality standards that was created in 1994 when a state court overturned the state's water quality control plans containing water quality criteria for priority toxic pollutants. These federal criteria are legally applicable in the State of California for inland surface waters, enclosed bays, and estuaries for all purposes and programs under the CWA. The California Toxics Rule establishes two types of aquatic life criteria:

- Acute criteria represent the highest concentration of a pollutant to which aquatic life can be exposed for a short period of time without harmful effects; and
- Chronic criteria equal the highest concentration to which aquatic life can be exposed for an extended period of time (4 days) without deleterious effects.

- Due to the intermittent nature of stormwater runoff (especially in southern California), the acute criteria are considered to be more applicable to stormwater conditions than chronic criteria.

State Antidegradation Policy

Under the State Antidegradation Policy, whenever the existing quality of waters is better than what is needed to protect present and future beneficial uses, such existing quality must be maintained. This state policy has been adopted as a water quality objective in all the State's Basin Plans. The State policy establishes a two-step process to determine if discharges with the potential to degrade the water quality of surface or groundwater will be allowed.

The first step requires that, where a discharge would degrade high-quality water, the discharge may be allowed only if any change in water quality would:

- Be consistent with the maximum benefit to the people of the state;
- Not reasonably affect present and anticipated beneficial uses of such water; and
- Result in water quality that is not less than that prescribed in state policies (i.e., Basin Plans).

The second step states that any activity resulting in discharge to high-quality waters is required to use the best practicable treatment or control of the discharge necessary in order to avoid the occurrence of pollution or nuisance and to maintain the "highest water quality consistent with the maximum benefit to the people of the state." The State policy applies to both surface and groundwater, as well as to both existing and potential beneficial uses of the applicable waters.

In 1999, the SWRCB issued and subsequently amended the General Construction Stormwater Permit that governs discharges from construction sites that disturb 1 acre or more of surface area. Again, on September 2, 2009, the SWRCB adopted a new General Construction Permit that substantially alters the approach taken to regulate construction discharges through (1) requiring the determination of risk levels posed by a project's construction discharges to water quality and (2) establishing numerical water quality thresholds that trigger permit violations. These new permit regulations took effect on July 1, 2010.

California Code of Regulations – Recycled Water Regulations (Titles 22 and 17)

Titles 22 and 17 of the CCR include regulations for the various uses of recycled water within the state. According to the CCR, recycled water used for the following purposes shall be at least disinfected secondary-23 recycled water: (1) industrial boiler feed, (2) nonstructural firefighting, (3) backfill consolidation around non-potable piping, (4) soil compaction, (5) mixing concrete, (6) dust control on roads and streets, (7) cleaning roads, sidewalks and outdoor work areas, and (8) industrial process water that will not come into contact with workers. The CCR also requires that spray, mist, or runoff of recycled water does not enter dwellings, designated outdoor eating areas, or food handling facilities. Drinking water fountains must also be protected against contact with recycled water spray, mist, or runoff. No irrigation with, or impoundment of, disinfected secondary-2.2 or disinfected secondary-2.3 recycled water can take place within 100 feet of any domestic water supply well.

Municipal Regional Stormwater NPDES Permit

On November 8, 2012, the RWQCB adopted Order R4-2012-0175, the MS4 Permit. Order R4-2012-0175 became effective on December 28, 2013 and serves as the NPDES permit for coastal watershed stormwater and non-stormwater discharges originating from the Los Angeles County region. The permit covers the land areas in the Los Angeles County Flood Control jurisdiction, unincorporated areas of Los Angeles County, and 84 cities in the County. The City of Burbank is included in the MS4 Permit as a permittee under Order R4-2012-0175.

In coordination with permittees under MS4 Permit, RWQCB staff performs annual performance reviews and evaluations of the City's stormwater management program and NPDES compliance activities.

Local Regulations

City of Burbank Low Impact Development (LID) Ordinance

On June 16, 2015, the Burbank City Council adopted a LID Ordinance in compliance with the requirements of the MS4 Permit. The City uses the LID Ordinance to review and permit development and redevelopment projects that qualify under the triggering requirements of the ordinance. Qualifying development projects are directed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention, and/or rainfall harvest and use. The intent of the LID ordinance is to retain stormwater runoff on site in a manner that is similar to predevelopment conditions.

Los Angeles County Department of Public Works Hydrology Manual

The Los Angeles County Department of Public Works Hydrology Manual (2006) contains the Standard Urban Stormwater Mitigation Plan (SUSMP) that applies to development and redevelopment projects in Los Angeles County. The SUSMP is described in detail below. The Hydrology Manual also includes TMDLs for pollutants per Section 303 of the CWA and BMPs for managing stormwater quality during construction. As the holder of the MS4 Permit, the RWQCB is responsible for enforcing these BMPs.

Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP)

The SUSMP is a comprehensive stormwater quality program to manage urban stormwater and minimize pollution of the environment in Los Angeles County. The purpose of the SUSMP is to reduce the discharge of pollutants in stormwater by outlining BMPs that must be incorporated into the design plans of new development and redevelopment. The SUSMP requirements contain a list of minimum BMPs that must be employed to infiltrate or treat stormwater runoff, control peak flow discharge, and reduce the post-Project discharge of pollutants from stormwater conveyance systems. The SUSMP requirements define, based upon land use type, the types of practices that must be included and issues that must be addressed as appropriate to the development type and size. The SUSMP requirements apply to all development and redevelopment projects that fall into one of the following categories:

- Single-family hillside residences
- One acre or more of impervious surface area for industrial/commercial developments
- Automotive service facilities

- Retail gasoline outlets
- Restaurants
- Ten or more residential units
- Parking lots of 5,000 square feet or greater or with 25 or more spaces
- Projects located in or directly discharging to an Ecologically Sensitive Area

The SUSMP requirements are administered, implemented, and enforced through the Community Development Department Building and Safety Division and final review would be conducted by the Chief Building Official. During the review process, individual development project plans are reviewed for compliance with stormwater requirements.

Water Quality Control Plan for the Los Angeles Region (Basin Plan)

The County of Los Angeles is under the jurisdiction of RWQCB Region 4 (Los Angeles Region). The RWQCB provides permits for projects that may affect surface waters and groundwater locally, and is responsible for preparing the Water Quality Control Plan for the Los Angeles Region (Basin Plan). The Basin Plan designates beneficial uses of water in the region and establishes narrative and numerical water quality objectives. Water quality objectives, as defined by the CWA Section 13050(h), are the “limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses or the prevention of nuisance within a specific area.” The State has developed TMDLs that are a calculation of the maximum amount of a pollutant that a water body can have and still meet water quality objectives established by the region.

Enhanced Watershed Management Program (EWMP) Plan

Conditions of the MS4 Permit require that all permittees develop a watershed management plan on an individual or joint basis that will address water quality issues in the permittee’s jurisdictional area. The City of Burbank is a member of the Los Angeles River Watershed Management Group’s EWMP. The EWMP submitted its Revised EWMP Plan to the RWQCB for review in January 2016 and the Plan was approved in April 2016. The EWMP Plan, along with a Coordinated Monitoring Plan, serves as a guiding document for implementing water quality improving infrastructure, policies, and programs.

City of Burbank General Plan 2035

On February 19, 2013, the City of Burbank approved the updated elements of the Burbank2035 General Plan, except for the Housing Element which was adopted in January 2014. The General Plan is certified through 2035. The updates are intended to refine policies regarding long-term growth in the community through the year 2035 and to ensure that the General Plan reflects current State law (Burbank 2013). The goal and policies applicable to stormwater are presented below.

Goal 6: Flood Safety

Potential risks—such as injury, loss of life and property, and economic and social disruption—caused by flood and inundation are minimized.

Policy 6.5: Enforce regulations prohibiting the draining of rainwater into the sewer system.

Policy 6.6: Prepare and update a stormwater master plan to ensure proper maintenance and improvements to storm drainage facilities.

Policy 6.7: Employ strategies and design features to reduce the area of impervious surface in new development projects.

Goal 9: Water Resources

Adequate sources of high-quality water provide for various uses within Burbank.

Policy 9.5: Require on-site drainage improvements using native vegetation to capture and clean stormwater runoff

d. Solid Waste

State Regulations

Assembly Bill 1327

The California Solid Waste Reuse and Recycling Access Act of 1991 or Assembly Bill (AB) 1327, as amended, requires each local jurisdiction in the State to adopt an ordinance requiring commercial, industrial, or institutional buildings; marinas; or residential buildings having five or more living units to provide an adequate storage area for the collection and removal of recyclable materials. The City passed an ordinance in 1997.

Assembly Bill 939 and Senate Bill 1016

The California Integrated Waste Management Act of 1989, or Assembly Bill (AB) 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of all solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. In 2006, SB 1016 updated the requirements. The updated per capita disposal and goal measurement system moves the emphasis from an estimated diversion measurement number to using an actual disposal measurement number as a factor, along with evaluating program implementation efforts. These two factors will help determine each jurisdiction's progress toward achieving its AB 939 diversion goals. The 75 percent diversion requirement is now measured in terms of per-capita disposal expressed as pounds per person per day.

Assembly Bill 341

The purpose of AB 341 is to reduce GHG emissions by recycling commercial solid waste rather than diverting it for landfill disposal, and to expand the opportunity for additional recycling services and recycling manufacturing facilities in California. In addition to Mandatory Commercial Recycling, AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

*Construction and Demolition Waste Materials Diversion Program Requirements
(SB 1374)*

In 2002, Construction and Demolition Waste Materials Diversion Requirements (SB 1374) added California Public Resources Code Section 42912, requiring jurisdictions to include in their annual AB 939 report a summary of the progress made in diverting construction and demolition waste. The legislation also requires that CalRecycle adopt a model ordinance for diverting 50 to 75 percent of all construction and demolition waste from landfills.

Zero Waste California

Zero Waste California is a State program launched by CalRecycle in 2002 to promote a new vision for the management of solid waste. Zero waste provides that wasting resources is inefficient and that the efficient use of natural resources should be achieved. The concept requires maximizing existing recycling and reuse efforts, while ensuring that products are designed for the environment and have the potential to be repaired, reused, or recycled. The Zero Waste California program promotes the goals of market development, recycled product procurement, and research and development of new and sustainable technologies.

California Green Building Standards Code (CALGreen)

Effective January 1, 2017, the State's Green Building Code requires developers of newly constructed buildings to develop a waste management plan to divert 60 percent of the construction waste generated by project construction. Builders or developers are required to submit a construction waste management plan to the appropriate jurisdiction's enforcement agency. The City has adopted the 2019 CALGreen Code as part of its Municipal Code.

Local Regulations

County of Los Angeles Integrated Waste Management Plan

The County of Los Angeles Integrated Waste Management Plan (CoIWMP), approved by the CIWMB in 1999, sets forth a regional approach for the management of solid waste through source reduction, recycling and composting, and environmentally safe transformation and disposal. The CoIWMP ensures that the waste management practices of cities and other jurisdictions in the County are consistent with the solid waste diversion goals of AB 939 through source reduction, recycling and composting programs, household hazardous waste management programs, and public education awareness programs. The plan calls for the establishment of 50 years of in-County permitted landfill capacity, as well as the County's support for the development of disposal facilities outside the County.

The County continually evaluates landfill needs and capacity through the preparation of the CoIWMP annual reports. Within each annual report, future landfill disposal needs over the next 15-year planning horizon are addressed, in part, by determining the available landfill capacity. The most recent annual report is the 2012 report, completed in August 2013.

As part of the CoIWMP, the County prepared the Countywide Siting Element which identified goals, policies, and strategies for the proper planning and siting of solid waste disposal and transformation facilities over 15 years, through year 2014. The latest Siting Element was approved by CalRecycle in 2016 and, as with the previous Siting Element, provides strategic planning over a 15-year horizon, through year 2031.

Burbank Municipal Code (BMC)

Title 4, Chapter 2, Article 1, *Solid Waste Management*, of the BMC establishes regulatory compliance for the collection, removal and disposal of garbage, solid waste, green waste, and recyclable material within the City.

Burbank Construction and Demolition Debris Diversion Ordinance

The Construction and Demolition Debris Ordinance was designed to meet the goals of the California Waste Management Act (SB 1374), which requires all cities and counties in the State to reduce the amount of waste materials deposited in landfills by 65 percent. The ordinance requires new building projects meeting specified size requirements to divert and recycle at least 65 percent of their construction and demolition debris. To obtain a building permit from the City, proponents for projects meeting specified size requirements must prepare and implement a Waste Management Plan (WMP) that outlines how much scrap and debris would be generated during construction, what proportion of this debris would be diverted and how, and the final destination for both the diverted and non-diverted components of construction debris (City of Burbank 2016).

City of Burbank Sustainability Action Plan and Zero Waste Policy

In January 2008, the City Council adopted the Sustainability Action Plan to support the United Nations' Urban Environmental Accords. The Sustainability Action Plan addresses the City's efforts toward providing a clean, healthy, and safe environment. The Accords include 21 specific actions organized into seven urban themes designed to collectively address urban sustainability concerns. The themes include energy, waste reduction, urban design, urban nature, transportation, environmental health, and water (City of Burbank 2008a). Action items related to waste include zero waste, manufacturer responsibility, and consumer responsibility. As part of the Sustainability Action Plan, the City adopted the Zero Waste Strategic Plan, which includes a goal to achieve zero waste by 2040. The Zero Waste Plan includes four basic strategies, with a priority placed on "upstream" solutions to eliminate waste before it is created. The plan also includes actions to build on the City's traditional "downstream" recycling programs to fully utilize the existing waste diversion infrastructure (City of Burbank 2008b). The four basic strategies include:

1. Advocate for Manufacturer Responsibility for Product Waste and Support Elimination of Problem Materials
2. Adopt New Rules and Incentives to Reduce Waste
3. Expand and Improve Local and Regional Recycling and Composting
4. Educate, Promote, and Advocate a Zero Waste Sustainability Agenda

e. Telecommunications, Electricity, and Natural Gas

Federal Regulations

Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission (FERC) regulates the interstate transmission of electricity, natural gas, and oil. The FERC is an independent Agency. The Energy Policy Act of 2005 gave FERC additional responsibilities in its capacity. The Federal Communications Commission (FCC) regulates interstate and international communications by radio, television, wire, satellite, and cable in all 50 states.

State Regulations

California Public Utilities Commission

The California Public Utilities Commission (CPUC) regulates private and investor-owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies.

The CPUC regulates natural gas rates and natural gas services, including in-state transportation over the utilities' transmission and distribution pipeline systems, storage, procurement, metering, and billing.

California Energy Commission

The CEC regulates publicly owned utilities (POUS), like BWP, as it comes to compliance with state mandates. However, the City Council ensures the City's compliance with regulations and reporting and compliance filings for Burbank Water and Power, as it relates to power supply, is regulated through the CEC. The CEC is the state's primary energy policy and planning agency.

California Air Resources Board

The California Air Resources Board (CARB) regulates electric utilities, including BWP, as it comes to compliance with emissions related activities. CARB manages the Mandatory Greenhouse Gas (GHG) Reporting Regulation which includes regulations that mandate GHG reporting for retail providers and operators. CARB also manages the Cap-and-Trade Program which is an offset tool to minimize State GHG emissions.

Senate Bill 100

SB 100 modifies the State Renewable Portfolio Standards (RPS) and establishes robust clean energy goals. SB 100 modifies the RPS from requiring that 50 percent of electricity be procured by renewable electricity sources by 2030 (set by SB 350), to 60 percent by 2030. In addition, SB 100 sets a goal of a 100 percent zero-carbon resource portfolio by 2045.

Senate Bill 1368

SB 1368 also referred to as the Emissions Performance Standard, prohibits purchase arrangements for baseload energy for periods of longer than five years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. The purpose is to limit carbon emissions associated with electrical energy consumed in California. Coal-fired plants cannot meet this standard because these plants emit roughly twice as much carbon as combined cycle natural gas power plants. SB 1368 effectively prevents California's utilities from investing in, financially supporting, or purchasing power from new coal plants located in or out of the State.

California Green Building Standards Code (2019), California Code of Regulations Title 24

California's Green Building Code, referred to as CalGreen, was developed to reduce GHG emissions from buildings, promote environmentally responsible, cost-effective, healthier places to live and work, reduce energy and water consumption, and respond to the environmental directives of the administration. The most recent version of CalGreen (January 2019) lays out the minimum requirements for newly constructed residential and nonresidential buildings to reduce GHG

emissions through improved efficiency and process improvements. It also includes voluntary tiers to encourage building practices that improve public health, safety, and general welfare by promoting a more sustainable design.

Local Regulations

Burbank2035 General Plan

The Burbank2035 General Plan includes an Air Quality and Climate Change Element as well as an Open Space and Conservation Element, both of which address energy efficiency and overall energy reduction the City. The goals and policies of each element are intended to increase the City's overall energy efficiency and help achieve the City's goal of using 100 percent clean energy. The goals and policies applicable to energy resources are presented below:

Burbank2035 Land Use Element

Goal 2: Sustainability

Burbank is committed to building and maintaining a community that meets today's needs while providing a high quality of life for future generations. Development in Burbank Respects that environmental and conserves natural resources.

Policy 2.3: Require that new development pay its fair share for infrastructure improvements. Ensure that needed infrastructure and services are available prior to or at project completion.

Burbank2035 Air Quality and Climate Change Element

Goal 3: Reduction of Greenhouse Gas Emissions

Burbank seeks a sustainable, energy-efficient future and complies with statewide greenhouse gas reduction goals.

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

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

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

Policy 3.9: Continue efforts to diversify Burbank Water and Power's energy portfolio beyond 2020.

Burbank2035 Open Space and Conservation Element

Goal 9: Water Resources

Burbank seeks to provide adequate sources of high-quality water for uses throughout the City.

Policy 9.1: Meet the goal of a 20 percent reduction in municipal water use by 2020.

Policy 9.2: Provide public information regarding the importance of water conservation and avoiding wasteful water habits.

Policy 9.3: Offer incentives for water conservation and explore other water conservation programs.

Policy 9.4: Pursue infrastructure improvements that would expand communitywide use of recycled water.

Policy 9.5: Require on-site drainage improvements using native vegetation to capture and clean stormwater runoff.

Goal 10: Energy Resources

Burbank conserves energy, uses renewable energy sources, zero-carbon energy sources and promotes sustainable energy practices that reduce pollution and fossil fuel consumption.

Policy 10.1: Incorporate energy conservation strategies in City projects.

Policy 10.2: Promote energy-efficient design features to reduce fuel consumption for heating and cooling.

Policy 10.3: Continue to acquire alternative fuel vehicles like hybrid, natural gas, electric, or hydrogen-powered vehicles when adding to the City's vehicle fleet.

Policy 10.4: Encourage residents and businesses to reduce vehicle use or to purchase alternative fuel vehicles.

Policy 10.5: Promote technologies that reduce use of non-renewable energy resources.

Policy 10.6: Support private sources of sustainable, environmentally friendly energy supplies.

Policy 10.7: Encourage the use of solar energy systems in homes and commercial businesses as a form of renewable energy.

Burbank Municipal Code (BMC)

Title 8, Chapter 2, *Utilities*, of the BMC establishes regulatory compliance for rules, regulations, fees, charges, and other additional requirements related to energy and energy use within the City.

4.12.3 Impact Analysis

a. Thresholds of Significance

To determine whether a project would result in a significant impact related to Utilities and Service Systems, thresholds were developed based on Appendix G of the State CEQA Guidelines. The impact would be significant if the proposed Project would meet the criteria below.

1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects
2. Not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple-dry years

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3. Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments
4. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals
5. Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste

The Initial Study (Appendix B of the Original Draft EIR) determined that the project would result in no impacts related to compliance with solid waste statutes and regulations; therefore, this issue is not studied further herein. The Initial Study also determined that potential impacts to energy and natural gas would be less than significant under the State CEQA Guidelines Appendix G Environmental Checklist issue area for *Energy*; however, because the Initial Study also determined that impacts to energy and natural gas would be potentially significant under the issue area for *Utilities and Service Systems*, these topics are therefore addressed further herein for the purposes of this EIR.

b. Methodology

Impacts related to utilities and service systems were evaluated by forecasting utility demands associated with the proposed Project and comparing such demands to current and planned service system capacity. Utility and service system demands of the proposed Project were quantified where possible, based upon readily available public information and industry standards, with all assumptions identified in the analysis below. Where insufficient data was available to quantify utility and service system demands, such demands are discussed qualitatively in order to inform the impact analysis.

c. Project Impacts

Threshold 1: Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Impact UTIL-1 REASONABLY FORESEEABLE DEVELOPMENT UNDER THE PROPOSED PROJECT WOULD REQUIRE UTILITY SERVICE AND CONNECTIONS FOR WATER SUPPLY, WASTEWATER CONVEYANCE, AND STORMWATER CONVEYANCE, AS WELL AS TELECOMMUNICATIONS, ELECTRICITY, AND NATURAL GAS. EXISTING UTILITY SYSTEMS FOR WATER, ELECTRIC POWER, NATURAL GAS, AND TELECOMMUNICATIONS FACILITIES IN BURBANK HAVE SUFFICIENT CAPACITY TO SERVE REASONABLY FORESEEABLE DEVELOPMENT. HOWEVER, NEW CONNECTIONS TO EXISTING OR EXPANDED WASTEWATER SERVICE SYSTEMS WOULD BE REQUIRED, AND SUCH CONNECTIONS COULD RESULT IN POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS. NONETHELESS, IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Reasonably foreseeable development under the Housing Element Update would involve up to 10,456 new housing units by 2029. The Safety Element Update would not involve new development so would not affect utilities or service systems. Impacts associated with the Housing Element Update are discussed below. As mentioned under *Thresholds of Significance*, above, the topic of solid waste is not assessed herein because the Initial Study determined that potential impacts would be less than significant and therefore do not require further analysis.

Water Supply

Construction activities associated with reasonably foreseeable development under the Housing Element Update would require recycled water for dust suppression, concrete manufacturing, and such activities as washing wheels and equipment. Temporary construction recycled water would be trucked to active construction sites or produced from existing fire hydrants near the applicable site(s), with City approval. Temporary construction water demands would not require new connections or conveyance facilities, as existing or mobile facilities would be used.

New water supply connections and associated facilities would be required for future developments, to convey potable water supply to future housing developments. Such upgrades would occur within existing utility easements and would be located underground, primarily within existing roadways. Housing development under the proposed Project would be located in previously developed areas that are either currently zoned for residential development or would be rezoned for residential development under the proposed Project. As shown in Figure 2-2 of Section 2, *Project Description*, the proposed Project area is previously disturbed and largely urbanized. Due to the built-up nature of this area, there are substantial existing utility rights-of-way previously established, largely within existing roadways, which are prevalent. New water service connections that may be required for development associated with the proposed Project would be conducted within previously disturbed areas and existing rights-of-way, and would be consistent with utility expansion in urbanized areas, such that minimal areas of new disturbance would occur. Although all parcels in Burbank have access to public utility infrastructure, in some cases the infrastructure is older and in need of replacement or insufficient to meet the needs of a particular project. Pursuant to General Plan Land Use Policy 2.3, new development is required to pay for their share of upgrading the utility infrastructure as needed to serve their project. This may include installing larger water mains, new water meters, and/or upgrades to existing facilities.

Developers are responsible for funding any infrastructure improvements that are required to mitigate project impacts and have not been previously identified as part of a capital improvement program covered by the development impact fees. Consistent with applicable State law, the City's development fees will ensure that the developers pay the cost attributable to the increased demand for the affected public facilities reasonably related to the development project in order to refurbish the existing facilities to maintain the existing level of service and achieve an adopted level of service that is consistent with the City's General Plan (California Government Code Section 66001(g)).

As individual housing projects are proposed and considered for approval by the City, project proponents would be required to demonstrate that any identified system deficiencies reasonably related to the development project are adequately addressed by the responsible project proponent and future upgrades are designed in accordance with the BMC and to the satisfaction of the City Engineer. In addition, the City requires applicants to coordinate with the Burbank Fire Department and City of Burbank Building and Safety Division to ensure that existing and planned fire hydrants provide sufficient fire flow pressure requirements. The City's issuance of building permits is contingent upon review, testing, and approval that sufficient fire flow pressure is provided for the applicable site. Due to the existing built-up nature of the City, it is reasonably anticipated that future improvements for water supply and fire flow requirements would not disturb previously undisturbed areas and would be situated within existing utility rights-of-way, such as but not limited to within public roadways.

Water supply for new housing developments would be provided by BWP, which purchases imported surface water supplies from the SWP and the Colorado Aqueduct via Metropolitan, as well as local

groundwater supplies which are pumped by the City in accordance with groundwater credits consistent with the local Adjudication Judgment for the underlying groundwater basin. The availability and reliability of water supply for the proposed Project is addressed below, under Impact UTIL-2. Potential impacts related to relocation or construction of water supply facilities would be less than significant.

Wastewater

Reasonably foreseeable development under the proposed Project would require new connections for wastewater conveyance. As described in Section 4.13.1(b) above, wastewater conveyance in Burbank is provided by approximately 230 miles of City-owned and operated underground pipelines and associated pump stations. The Burbank Public Works Department is responsible for the maintenance of the City's sewer mainlines, while individual property owners are responsible for the maintenance of the sewer laterals that connect buildings to mainlines. All structures producing sewage or liquid waste in the City of Burbank must be connected to the sewer system mainline by sewer lateral lines, which require issuance of an excavation permit and a sewer connection permit from the Public Works Permit Section (Burbank 2021). All sewer connections are subject to a Sewer Service Charge (SSC). For residential developments such as those that would occur under the proposed Project, the SSC is not based on water usage rates, but rather on the actual costs associated with providing sewer services (Burbank 2021). The majority of wastewater generated in the City is conveyed to the BWRP for treatment prior to discharge in accordance with an existing NPDES permit. Project impacts related to wastewater treatment capacity at BWRP are discussed further under Impact UTIL-3.

Reasonably foreseeable development under the Housing Element Update would occur in compliance with the requirements of BMC Chapter 8-1, *Sewers*, which establishes City standards related to wastewater discharge, peak flow, and sewer capacity. New connections to the City sewer system, including the construction of new laterals connecting to the sewer mainline, would be subject to permitting approval by the City of Burbank Public Works Permit Section (Burbank 2021). To the extent that sewer pipeline upgrades may be necessary as reasonably foreseeable development under the proposed Project occurs, such upgrades would occur either within existing utility easements to the maximum extent practicable or when determined necessary through project sewer capacity analysis, the construction of new facilities and/or upgrades to existing ones, and any required upgrades resulting from the Project that are necessary to mitigate potential significant impacts to the City's wastewater system. New wastewater conveyance connections are allowed and will be the responsibility of the private property owner to connect their private sewer lateral to the City sewer main provided that the appropriate permits are obtained, and sufficient capacity exists prior to construction. Although all parcels in Burbank have access to public utility infrastructure, in some cases the infrastructure is older and in need of replacement to meet the needs of a particular project. Pursuant to *Burbank2035* General Plan Land Use Policy 2.3, new development is required to pay for their share of upgrading the utility infrastructure as needed to serve their project. Based on project-specific conditions and General Plan policy related to ensuring sufficient wastewater infrastructure to support projects as envisioned through the Housing Element, a sewer capacity analysis would be required for individual projects to determine the applicable development fees and any physical improvements that would be needed to ensure the City's wastewater system can adequately address the needs of these future developments envisioned under the proposed Project and continue to meet the needs of surrounding land uses within the Project area and the community as a whole. Based on the results of the sewer capacity analysis, these improvements may include, but not be limited to installing new or larger sewer lines and/or upgrading existing facilities.

Developers are responsible for funding any infrastructure improvements that are required to mitigate project impacts as part of a capital improvement program covered by the development fees. Consistent with applicable State law, the City's development fees would ensure that the developers pay the cost attributable to the increased demand for the affected public facilities reasonably related to the development project, such that existing facilities can maintain the necessary capacity to serve existing and future demand and achieve an adopted level of service that is consistent with the City's General Plan (California Government Code Section 66001(g)). However, where sanitary sewer capital upgrades are needed because of new development, the developer would be responsible for payment of applicable sewer infrastructure fees and any physical improvements to the wastewater system that are necessary to serve the project as determined by the Director of Public Works prior to the proposed project's construction.

Development under the proposed Project would be in previously developed areas that are either currently zoned for residential development or would be rezoned for residential development under the proposed Project. Due to the built-up nature of this area, there are substantial existing utility rights-of-way previously established, largely within existing roadways, which are prevalent. New wastewater service connections that may be required as a direct result of new development associated with the proposed Project would be conducted within previously disturbed areas, existing rights-of-way, and, in some cases, a new easement would be created. Nonetheless, these connections would be subject to City approval prior to the issuance of building permits.

While individual projects conducted under the Housing Element Update would require new wastewater conveyance connections, such connections would be designed and permitted on a project-specific basis. In addition, future project proponents have a legal obligation for all future wastewater upgrades to be designed in accordance with the BMC and to the satisfaction of the Director of Public Works or their designee. However, as noted above, where sanitary sewer capital upgrades are needed it is possible that a new development may require new or expanded facilities to serve the project prior to the proposed project's construction (at cost to the developer). Therefore, impacts to new or expanded wastewater conveyance associated with build-out of future housing development projects associated with the Housing Element would be potentially significant.

Stormwater

Reasonably foreseeable residential development under the Housing Element Update would not result in a substantial increase in impervious surfaces since it would be focused in urban infill areas already largely covered with impervious surfaces. Compliance with Sections 9-3-413 and 9-3-414 of the BMC would ensure that future development projects resulting from the Housing and Safety Element Update would be implemented with appropriately sized and sited stormwater conveyance facilities. In the long-term, redevelopment of properties in the City is anticipated to improve the quality of stormwater runoff by replacing older development with new development that incorporates Low Impact Development (LID) methods. LID methods include features such as stormwater detention basins and vegetated swales that slow the velocity of surface runoff and filter some water quality constituents before the runoff percolates to the underlying groundwater system or is conveyed through the City's, or Los Angeles County Flood Control District's (LACFCD), stormwater infrastructure. In accordance with the BMC, post-construction stormwater runoff from new projects must be captured and used to the maximum extent practicable, including through the implementation of on-site BMPs for stormwater management. Therefore, while individual housing developments would include site-specific stormwater drainage and conveyance facilities, such facilities would be designed and built in accordance with the BMC and BMPs for stormwater

management. Potential impacts related to relocation or construction of new wastewater conveyance facilities would be less than significant.

Telecommunications, Electricity, and Natural Gas

Telecommunications services are provided by private companies, at the discretion of the customer. Electricity in Burbank is provided by BWP, and natural gas is provided by the Southern California Gas Company (SCG). Each of these utility areas are addressed below, with respect to the potential of the proposed Project to result in impacts.

Telecommunications

The City is highly urbanized with existing above- and below-ground telecommunications infrastructure. Telecommunications services are provided by ONE Burbank, AT&T, EarthLink, Spectrum or other providers, at the discretion of current and future residents. Reasonably foreseeable development under the proposed Project would increase demand for existing telecommunications in the City. Individual telecommunication providers implement planned improvements throughout their service areas on an as-needed basis, which are typically limited to small-scale upgrades and new facilities in existing developed areas. Construction of additional telecommunications facilities or upgrades to existing facilities to meet demands from the proposed Project would be undertaken by private telecommunication service providers in accordance with applicable federal, state, and local regulations. Telecommunications are generally available in the City and substantial upgrades to existing telecommunications facilities would not likely be necessary. Necessary facility upgrades to accommodate new service connections would be undertaken by individual telecommunication providers. No restrictions on the ability to provide adequate telecommunication service are present or anticipated to occur as a result of the proposed Project. In addition, due to the built-up nature of the City and the nature of telecommunication upgrades being small-scale and sited within the development footprint of new projects, potential impacts associated with new or expanded facilities would be less than significant.

Electricity

Electricity in Burbank is provided by BWP, which maintains a fully functional system of above-ground and underground electrical facilities, primarily found along roadways throughout the City of Burbank. In addition to electrical power conveyance lines, there are numerous electrical substations throughout the City, from which these conveyance lines flow. Future housing developments that would occur under the proposed Project would require electric power, natural gas, and telecommunications facilities. The services would be provided by BWP, through new future connections that would be implemented on a project-specific basis, and subject to the review and approval of BWP.

Numerous plans by BWP have shifted the generation of electric power to renewable sources of energy. The most recent plan, BWP's *2019 Final Power Integrated Resource Plan (IRP)*, identifies a planning tool that is central to the continued reliability of the BWP power system while meeting all regulatory requirements through 2038 (BWP 2019). The 2019 IRP provides analysis of the State of California's increased RPS, set by SB 100, of 60 percent renewable energy sources by 2030. Achievement of the RPS includes expansion of local solar power generation, energy storage, and transportation electrification efforts over a 20-year horizon. In order to ultimately achieve a 100 percent zero-carbon resource portfolio as set by SB 100 by 2045, BWP is taking actions to reduce non-renewable energy sources, including the 2025 retirement of BWP's share of the Intermountain

Power Project (IPP) coal-fired generating plant in Utah. BWP is looking at several alternative energy options including implementing solar, wind, and batteries to help replace energy that has traditionally been sourced from the Utah IPP coal resource. BWP will procure resources that meet or exceed state clean energy standards, while maintaining reliability of the grid in a cost-effective manner.

To help achieve the City's renewable energy source goals, BWP may integrate the following issues into future resource planning analysis:

- **Rate Design:** Design time-varying rates that encourage customers to shift their consumption away from higher cost periods to lower cost periods
- **Demand Response (DR).** Consider cost-effective BWP customer DR programs
- **Beneficial Electrification.** Enhance and extend BWP efforts to encourage growth in beneficial electrification that reduces GHG emissions, including electric vehicles.
- **Disadvantaged Communities.** Develop and implement a program to target disadvantaged communities with selected BWP energy efficiency, demand response, and beneficial electrification programs.
- **IPP Coal Replacement.** Work with LADWP and other IPP participants to determine resources that will replace the IPP coal plant when it is retired in 2025.
- **Transmission Delivery for Renewables.** Identify options and costs for transmission delivery of large quantities of renewable energy resulting from SB 100.
- **Solar Over-Generation.** Work to mitigate the impact of solar generation (including morning and afternoon ramping, overgeneration, and instantaneous intermittency) such that reliability and affordability are maintained.
- **Resource Positioning.** Position BWP's resources to balance supply and demand on the grid as increased renewable energy sources come online, thereby minimizing costs and maximizing energy reliability for Burbank. In this connection, evaluate further improvement in the operational flexibility of the Magnolia Power Project.

The City's movement towards the contracting of new renewable energy sources, through Power Purchase Agreement, as discussed above, will further bolster the City's ability to meet energy demands associated with future population growth. In addition, BWP is taking action to diversify energy generation sources, improve energy storage capabilities, and secure future energy reliability. These efforts are implemented to address the challenges of the power grid's baseload reliability, which can fluctuate with the introduction of many renewable energy sources to the grid. This fluctuation is directly tied to the fluctuating nature of energy captured; for example, solar energy is only accumulated during optimum sunlight hours, while energy is consumed 24 hours per day. Therefore, diversification of energy sources is critical to providing reliably energy supply, when incorporating substantial new sources of renewable energy to a power grid. BWP's efforts toward energy source diversification are consistent with the California Independent System Operator Corporation (CAISO) *2019-2020 Transmission Plan*, which provides a comprehensive evaluation of the California energy transmission grid to identify upgrades needed to successfully meet California's policy goals (CAISO 2019).

New connections for electrical power would be implemented on a project-by-project basis. As shown in Figure 2-2 of Section 2, *Project Description*, the proposed Project area is previously disturbed and largely urbanized. Due to the built-up nature of this area, there are substantial existing utility rights-of-way previously established, largely within existing roadways, which are

prevalent. New electricity service connections that may be required for development associated with the proposed Project would be conducted within previously disturbed areas and existing rights-of-way, and would be consistent with utility expansion in urbanized areas. Although all parcels in Burbank have access to public utility infrastructure, in some cases the infrastructure is older and in need of replacement or insufficient to meet the needs of a particular project. Pursuant to General Plan Land Use Policy 2.3, new development is required to pay for their share of upgrading the utility infrastructure as needed to serve their project. This may include new electrical transformers, new transmission lines and/or new substations.

Developers are responsible for funding any infrastructure improvements that are required to mitigate project impacts and have not been previously identified as part of a capital improvement program covered by the development impact fees. Consistent with applicable State law, the City's development fees will ensure that the developers pay the cost attributable to the increased demand for the affected public facilities reasonably related to the development project in order to refurbish the existing facilities to maintain the existing level of service and achieve an adopted level of service that is consistent with the City's General Plan (California Government Code Section 66001(g)).

Therefore, potential impacts would be less than significant.

Natural Gas

Natural gas infrastructure is located throughout Burbank, typically underground and beneath existing paved roadways. Reasonably foreseeable development under the Housing Element Update would increase the demand for natural gas and associated connections. Natural gas is provided by the SCG, which projects total gas demand to decline at an annual rate of approximately one percent per year from 2020 through 2035. The decline is due to modest economic growth, and CPUC mandates for energy efficiency (EE) standards and programs. Other factors that contribute to the downward trend are tighter standards created by revised Title 24 Codes and Standards, renewable electricity goals, a decline in core commercial and industrial demand, and conservation savings linked to Advanced Metering Infrastructure. Pursuant to the 2020 *California Gas Report*, SCG will meet its projected demand for natural gas resources through at least year 2026, as determined by modeled forecasts (SCG 2020).

Although development associated with the proposed Project would increase the number of natural gas connections in Burbank, all new development would be designed for consistency with the CPUC mandates for implementing EE standards and practices. In addition, as development of additional renewable energy sources for the City continues to expand as discussed above, it is reasonably inferred that demand for natural gas will decrease due to the increased diversity of the City's energy supply portfolio. Therefore, although natural gas connections would likely increase under the proposed Project, the per capita demand for natural gas in the City is expected to continue decreasing, through compliance with CPUC mandates for EE standards and practices, and through the greater diversification of energy supplies to include a suite of renewable energy sources in addition to natural gas. New connections for natural gas would be implemented on a project-by-project basis and would be implemented within previously disturbed areas and existing rights-of-way. Potential impacts to natural gas would be less than significant.

Mitigation Measure

The following mitigation measure has been incorporated to identify any sewer service constraints and determine if there are any sewer capacity issues and necessary mitigations relative to each opportunity site identified in the Project.

UTIL-1 Sewer Service Constraints Analysis

The City will conduct an analysis to identify any sewer service constraints to determine if there are any sewer capacity issues and any constraints in the City's wastewater system including assessment of system capacity relative to the locations of opportunity sites identified in the Housing Element Update. The analysis will identify upgrades necessary to mitigate the constraints in the system to ensure that individual housing development projects implemented under the Housing Element can be completed and that sufficient capacity and conveyance in the wastewater system exists. However, if a proposed development has a construction schedule that the City cannot accommodate, the developer may be responsible for performing the necessary sewer infrastructure upgrades per Burbank Municipal Code (BMC) 8-1-304.

Based on the constraints identified in the analysis, the City's Public Works Department will prepare a nexus fee study to develop a fair share requirement in the form of a wastewater connection or similar project impact fee, which helps to pay for implementation of upgrades necessary to accommodate future development, including development of the opportunity sites where deficiencies in the system are identified to exist. Through the fee study, subsequent cost recovery fees applied to individual housing development projects will be based on a rough proportionality related to demands on the system reasonably attributed to the development project.

In the event it is determined that necessary upgrades to serve a project cannot be completed by the City prior to project completion, the City may require the developer to perform the necessary sewer infrastructure upgrades (Per BMC 8-1-304) at cost to the developer, or may choose to enter into a reimbursement agreement so that a developer may fund and construct the improvements within the necessary timeframe with subsequent partial reimbursement. If the City and Developer mutually agree to enter into reimbursement agreement (approved as to form by the City Attorney and approved by the City Council), it would be administered by the City's Public Works Director on behalf of the City.

Significance After Mitigation

Mitigation Measure UTIL-1 would require a sewer service constraints analysis that would be developed by the Public Works Department. The subsequent analysis would provide the necessary information to allow the Public Works Department to initiate work on preparing a fee study to identify a wastewater connection fee that facilitates the recovery of City's costs of future upgrades necessary to address identified constraints that are attributed to the type of development being proposed and proportional to the individual project's impact to the City's wastewater system. The development of a sewer service constraints analysis as designed and developed the Public Works Department (the plan for addressing existing and future demands), and the resulting wastewater connection fee, would be further bolstered by the City's establishment of a process to allow reimbursement agreements (approved as to form by the City Attorney and approved by the City Council), between the City and the developer for projects that must construct improvements to serve the project ahead of the City's implementation. The noted plan, cost recovery fee, and reimbursement agreement process collectively result in Mitigation Measure UTIL-1 would reduce the noted potential significant impacts to the City's wastewater conveyance system to less than significant.

Threshold 2: Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Impact UTIL-2 REASONABLY FORESEEABLE DEVELOPMENT UNDER THE PROPOSED PROJECT WOULD REQUIRE A TEMPORARY RECYCLED WATER SUPPLY DURING CONSTRUCTION AND A LONG-TERM WATER SUPPLY DURING OPERATION AND MAINTENANCE. WATER SUPPLY WOULD BE PROVIDED BY THE CITY OF BURBANK, WHICH PURCHASES IMPORTED SURFACE WATER FROM THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA AND RECEIVES GROUNDWATER CREDITS TO SUPPLEMENT ITS PURCHASED WATER SUPPLY WITH LOCALLY PRODUCED GROUNDWATER. GROWTH UNDER THE PROPOSED PROJECT IS ACCOUNTED FOR IN THE CITY OF BURBANK URBAN WATER MANAGEMENT PLAN, AS INFORMED BY THE GENERAL PLAN, AND SUFFICIENT WATER SUPPLIES ARE AVAILABLE TO SERVE REASONABLY FORESEEABLE DEVELOPMENT. POTENTIAL IMPACTS WOULD BE LESS THAN SIGNIFICANT.

As discussed in Section 4.14.1, *Setting*, water supply in Burbank is provided by BWP, which purchases imported surface water supplies from Metropolitan. The City overlies the San Fernando Valley Groundwater Basin but does not have overlying landowner rights to produce groundwater because the basin is adjudicated and managed in accordance with Upper Los Angeles River Adjudication Judgment, administered by the Upper Los Angeles River Area Watermaster as the Watermaster. Although the City is not party to the Adjudication Judgment, it receives groundwater credits based upon the amount of water BWP imports to Burbank that eventually infiltrates through the ground surface to recharge the underlying groundwater basin (BWP 2021b). Accordingly, Burbank receives groundwater credits equivalent to 20 percent of the total water distributed in the City, including as recycled water (BWP 2021b). These groundwater credits allow BWP to produce groundwater from four City-owned wells, which the City treats to meet State and Federal drinking water standards.

Reasonably foreseeable development under the Housing Element Update would involve up to 10,456 new residential units, which may occur anywhere in the City where residential uses are currently permitted, as well as in areas that may be rezoned in the future to allow for multi-family residential and mixed use of adequate density. As discussed in Section 2.2, *Land Use*, of the City's current (2020) UWMP, the City expects that new residential development will be predominantly multi-family (BWP 2021a), which is consistent with the Housing Element Update, as assessed herein. The City's 2020 UWMP also reports that 2020 potable water demand was 138 gallons per capita per day (gpcd), indicating a slight bounce-back after drought restrictions, but not returning to pre-drought levels. In addition, the City's 2020 UWMP reports that water usage in the City is projected to increase to 150 gpcd in 2025, then gradually increase by 2045 to 170 gpcd. Burbank intends to maintain such trends in a sustainable manner through the continued implementation of drought-period conservation efforts as well as long-term plans and programs.

As discussed in Section 4.9, *Population and Housing*, the City of Burbank's average household size is 2.45 individuals. Accordingly, the proposed Project's increase of 10,456 residential units could generate a population increase of approximately 25,617 individuals. Assuming a per capita water demand of 170 gpcd in 2045, as discussed above, the additional population of 25,617 individuals (based on 10,456 new housing units) would increase potable water demand by 4,354,890 gallons per day, which equates to approximately 4,878 AFY. This represents approximately 22 percent of the City's available water supply in 2045 under normal water year (non-drought) conditions, as shown in . The water supply availability information provided in was sourced from the City's 2020 UWMP, which is informed by growth projections provided in the Housing Element, which has been updated with the current Housing Element Update, assessed herein.

Therefore, as discussed above, the increased housing that would occur under the proposed Project would increase citywide water demand by up to 4,878 AFY, or approximately 22 percent of the City’s available water supply in 2045. In addition, although population growth has continued to increase, citywide water demand throughout Burbank has declined compared to the early 1970s due to efficient water use after major droughts in the 1970s, 1990s, and especially in response to the previous significant water shortage and closure of major industries (BWP 2021a). The Burbank2035 General Plan includes policies and programs in the Land Use Element as well as the Open Space and Conservation Element to address water resources and prepare Burbank for the possible consequences of climate change on water supply availability. Such policies include using native or drought-tolerant plants in landscaping, using recycled water in irrigation, and promoting all possible water conservation efforts (Burbank 2013). Conservation efforts would continue to be implemented and expanded as development associated with the proposed Project is constructed, and it is reasonably anticipated that conservation efforts will continue to be effective at reducing water demands.

As mentioned above, the City of Burbank’s primary water supply is comprised of imported SWP and Colorado River water purchased by BWP from Metropolitan. The City also receives credits to use locally produced groundwater for 20 percent of all water supply distributed in the City because imported water supplies from outside the City ultimately recharge local groundwater through infiltration from landscaping, as well as through infiltration of recycled water produced at the BWRP. These groundwater credits diversify the City’s water supply portfolio and further bolster water supply reliability within the City. In addition, because the amount of groundwater credits received by the City is a factor of the total amount of water imported to the City, as water demands increase and the corresponding amount of water imported to the City increases, the amount of groundwater credits received by the City will also increase. Table 4.12-1 summarizes BWP’s current and projected water supplies, as provided in the City’s 2020 UWMP, and delineates both supplies purchased from Metropolitan as well as supplies available through groundwater credits (indicated as “Supplier-Produced Groundwater” and recycled water.

Table 4.12-1 Burbank Water Supplies – Current and Projected

Water Supplies (acre-feet)	2020	2025	2030	2035	2040	2045
Potable						
Metropolitan Treated Potable	6,165	7,407	9,722	10,714	11,012	11,310
Supplier-Produced Groundwater	9,997	10,655	10,658	10,672	10,700	10,700
Potable Total	16,162	18,062	20,380	21,386	21,712	22,010
Non-Potable						
Metropolitan Replenishment	152	6,800	6,800	6,800	6,800	6,800
Recycled Water ¹	3,149	3,540	3,540	3,540	3,540	3,540
Non-Potable Total	3,301	10,340	10,340	10,340	10,340	10,340

¹ Recycled water is produced at the BWRP by treating wastewater conveyed from throughout the City.

Note: Recycled water includes proposed deliveries to Los Angeles in exchange for groundwater credits. The amounts estimated for untreated replenishment depend on these Los Angeles exchange amounts. If less recycled water is exchanged for groundwater credits, the difference must be made up by increased replenishment purchases.

Source: BWP 2021a

As shown in Table 4.12-1, the City’s potable water demands are anticipated to increase between years 2020 and 2045. Burbank primarily sources its supply from Metropolitan, such that the City’s primary water supply is imported surface water purchased in amounts matching demand. BWP reports that citywide water demands have decreased compared to the 1970s even as population has increased. In addition, as shown in Table 4.12-1, the City’s non-potable water supplies are anticipated to increase between the years 2020 and 2045 due to the continued expansion of recycled water uses and programs throughout the City, specifically at the BWRP. As discussed above, the increased housing that would occur under the proposed Project would increase citywide water demand by up to 4,878 AFY, or approximately 22 percent of the City’s available water supply in 2045, which will continue to be sources primarily from Metropolitan.

Metropolitan’s projected supply allocations for Burbank are shown in Table 4.12-2, for comparison with the City of Burbank demand projections as shown in Table 4.12-1. Metropolitan estimates future water demands for Burbank and the entire region using its Econometric Demand Model, developed by the Brattle Group. BWP utilizes Metropolitan’s projections to provide the basis for dry-year (drought) water supply reliability planning.

Table 4.12-2 Metropolitan Wholesale Supply Allocation for Burbank

Source	2020 (actual)	2025	2030	2035	2040	2045
Treated Potable	6,165	7,407	9,722	10,714	11,012	11,310
Untreated Groundwater Replenishment	152	6,800	6,800	6,800	6,800	6,800

Notes: Units in acre-feet (AF)
MWD Replenishment supply was especially low in 2020 due to previous recharge of large quantities of surplus water through MWD’s cyclic storage program. Over the long term, Burbank projects the need to recharge approximately 6,800 AFY to balance groundwater inventory.
Source: BWP 2021a

Table 4.12-1 indicates that Metropolitan’s treated potable water supply allocation for the City of Burbank in 2020 was 6,165 AF. In comparison, Table 4.12-2 indicates that the City of Burbank purchased 6,165 acre-feet of treated potable water from Metropolitan in 2020. As such, the City’s demand for treated potable water in 2020 was equal to the demand projected by Metropolitan. The City’s demand and Metropolitan’s demand projections remain equal over time under all climatic conditions considered, and in the year 2045, the City’s demand for potable treated water is projected to be 11,310 AF, which is also the same as Metropolitan’s projection. Metropolitan further details supply and demand projections under normal water year conditions, singly dry year (drought) conditions, and multiple dry year (extended drought) conditions, as shown in Table 4.12-3 through Table 4.12-5 below.

Table 4.12-3 BWP Normal Year Supply and Demand

Sources	2025	2030	2035	2040	2045
Potable					
Normal Year Supply	18,062	20,380	21,386	21,712	22,010
Normal Year Demand	18,062	20,380	21,386	21,712	22,010
Non-Potable					
Normal Year Supply	10,340	10,340	10,340	10,340	10,340
Normal Year Demand	10,340	10,340	10,340	10,340	10,340

Units in acre-feet (AF)
Source: BWP 2021

Table 4.12-4 BWP Single Dry Year Supply and Demand

Sources	2025	2030	2035	2040	2045
Potable					
Single Dry Year Supply	17,989	20,298	21,300	21,625	21,922
Single Dry Year Demand	17,989	20,298	21,300	21,625	21,922
Non-Potable					
Single Dry Year Supply	10,340	10,340	10,340	10,340	10,340
Single Dry Year Demand	10,340	10,340	10,340	10,340	10,340

Units in acre-feet (AF)
Source: BWP 2021

Table 4.12-5 LVMWD Multiple Dry Year Supply and Demand

Sources	2025	2030	2035	2040	2045
First Year- Potable					
First Dry Year Supply	18,214	20,730	21,693	22,111	22,406
First Dry Year Demand	18,214	20,730	21,693	22,111	22,406
First Year- Non-Potable					
First Dry Year Supply	10,340	10,340	10,340	10,340	10,340
First Dry Year Demand	10,340	10,340	10,340	10,340	10,340
Second Year- Potable					
Second Dry Year Supply	18,600	20,935	21,693	22,172	22,406
Second Dry Year Demand	18,600	20,935	21,693	22,172	22,406
Second Year- Non-Potable					
Second Dry Year Supply	10,340	10,340	10,340	10,340	10,340
Second Dry Year Demand	10,340	10,340	10,340	10,340	10,340
Third Year- Potable					
Third Dry Year Supply	18,986	21,139	21,693	22,232	22,406
Third Dry Year Demand	18,986	21,139	21,693	22,232	22,406
Third Year- Non-Potable					
Third Dry Year Supply	10,340	10,340	10,340	10,340	10,340
Third Dry Year Demand	10,340	10,340	10,340	10,340	10,340
Fourth Year- Potable					
Fourth Dry Year Supply	19,373	21,344	21,891	22,293	22,406
Fourth Dry Year Demand	19,373	21,344	21,891	22,293	22,406
Fourth Year- Non-Potable					
Fourth Dry Year Supply	10,340	10,340	10,340	10,340	10,340
Fourth Dry Year Demand	10,340	10,340	10,340	10,340	10,340
Fifth Year- Non-Potable					
Fifth Dry Year Supply	19,759	21,549	21,958	22,354	22,406
Fifth Dry Year Demand	19,759	21,549	21,958	22,354	22,406

Sources	2025	2030	2035	2040	2045
Fifth Year- Non-Potable					
Fifth Dry Year Supply	10,340	10,340	10,340	10,340	10,340
Fifth Dry Year Demand	10,340	10,340	10,340	10,340	10,340

Units in acre-feet (AF)
 Source: BWP 2021

As shown above, Metropolitan projects that water supply will be equal to water demand under all climatic conditions considered, such that water supply reliability is 100 percent through the year 2045 (BWP 2021a). This is partly due to the effectiveness of conservation programs implemented throughout the planning period. The projections shown above for imported surface water supply availability from Metropolitan indicate that sufficient supplies are available to the City to meet projected demands. These projections are based upon the City’s 2020 UWMP which reflects population growth associated with the Housing Element Update, as well as additional supplies associated with expansion of the City’s current water supply portfolio through increased conservation and conjunctive use management efforts. Since BWP water demands are accounted for in the supply availability projections identified above, and with consideration to BWP’s access to local groundwater supplies and recycled water supplies, both of which are expected to increase over time, it is reasonably anticipated that sufficient water supply is available for the proposed Project demands.

As noted in the City’s UWMP, future development projects that meet the definition of “project” in the California Water Code as amended by Senate Bill 610 are required to develop a project-specific WSA. A WSA is required for several types of development projects, and specifically for residential developments of 500 or more units, or projects that would introduce a water demand equivalent to or greater than that of a 500-unit residential development. In accordance with California Water Code, a WSA is required to evaluate the availability and reliability of water supply over a 20-year projection and with consideration to varying climatic (drought) conditions, similar to the types of projections provided in the UWMP as shown in . Project-specific WSAs are subject to the review and approval of BWP, as the water supplier throughout Burbank, and WSAs will be considered in BWP supply planning documents, including future iterations of the UWMP. As discussed above, based upon the City’s 2020 UWMP and supply availability projections, as well as projected demands associated with the proposed Project, it is reasonably anticipated that sufficient water supply is available to meet future water demands in the City.

In addition to the anticipated sufficiency and reliability of existing and planned water supplies in Burbank, BWP and Metropolitan are actively developing and implementing water supply-related projects that further bolster the reliability of future water supplies. These projects include but are not limited to: an increase of up to 200 AFY of expanded water recycling activities at BWRP; development of North Hollywood Operable Unit wells for expanded potable reuse supplies at the Burbank Operable Unit; and a feasibility study to assess opportunities for indirect potable reuse / direct potable reuse, thereby further bolstering available future supplies (BWP 2021a). Through these efforts, BWP anticipates that recycled water will play an integral role in future water supplies.

In summary, regulatory orders and management agencies ensure the sustainability and reliability of water supplies currently used in the City of Burbank. In addition, BWP and Metropolitan have identified potential future supply sources to augment water supplies and further insulate the region from hydrological uncertainty. Therefore, sufficient water supplies are available to serve reasonably

foreseeable development under the proposed Project, including reasonably foreseeable future development during normal (water year), dry-year, and multiple-dry-year (drought) conditions. Potential impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Threshold 3: Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Impact UTIL-3 WASTEWATER GENERATED IN THE CITY OF BURBANK IS CONVEYED TO AND TREATED AT THE BURBANK WATER RECLAMATION PLANT. REASONABLY FORESEEABLE DEVELOPMENT UNDER THE PROPOSED PROJECT WOULD INCREASE WASTEWATER GENERATION COMMENSURATE WITH THE INCREASED POPULATION. SIGNIFICANT TREATMENT CAPACITY IS CURRENTLY AVAILABLE AT THE BWRP TO TREAT INCREASED WASTEWATER GENERATED AS A RESULT OF THE PROJECT. HOWEVER, BASED ON THE SEWER GENERATION RATES THAT WERE CALCULATED FOR THE PROPOSED PROJECT, ALONG WITH CONSTRAINTS WITHIN THE CITY'S TREATMENT SYSTEM, POTENTIALLY SIGNIFICANT IMPACTS COULD RESULT ON A PROJECT-SPECIFIC BASIS. SHORT- AND LONG-TERM MITIGATION MEASURES ARE REQUIRED TO REDUCE THE POTENTIAL IMPACTS AND ENSURE UPGRADES TO THE SYSTEM. NONETHELESS, IMPACTS WOULD REMAIN SIGNIFICANT AND UNAVOIDABLE UNTIL THE PLANS AND UPGRADES ARE IMPLEMENTED.

As discussed in Section 4.13.1(b), all wastewater generated in the City of Burbank is conveyed via sewer laterals to the sewer mainline, which conveys wastewater to the BWRP for treatment and reuse as applicable. The BWRP has a design capacity of 12.5 mgd and currently treats approximately 8.5 mgd (BWP 2021a). The BWRP produces a disinfected tertiary effluent that is discharged to either the Burbank Western Channel or the City's recycled water distribution system for non-potable use, which is conducted in compliance with an existing NPDES permit issued by the Los Angeles RWQCB. The City has substantially expanded its recycled water program through petitions filed with and approved by the SWRCB, to change the place of use and purpose of use for treated wastewater from the BWRP to the Burbank Western Channel, which flows to the Los Angeles River (SWRCB 2018). As such, average daily flow rates to BWRP have decreased in recent years due to the successful implementation of water conservation measures that have resulted in less wastewater generated per capita. Water usage is projected to increase to 150 gpcd for 2025, and then gradually increase by 2045 to 170 gpcd (BWP 2021a). Wastewater generation would be reduced by water reuse efforts and programs which are currently being expanded by BWP, such as reusing graywater for landscaping and other non-potable purposes.

The proposed Housing Element Update would increase wastewater generation and the amount of wastewater conveyed to the BWRP for treatment.

The estimated wastewater generated by the Project was calculated using the City's Department of Public Works sewage generation rates, including a 2.5 peaking factor, to determine if the existing sewer system has the adequate capacity to convey sewage from the existing properties and the proposed developments.¹ As discussed in Section 2, *Project Description*, the estimated growth for the purpose of the EIR analysis is 10,456 housing units to account for the 2029 interpolated housing

¹ City of Burbank Public Works Department sewage generation rates available at: <https://www.burbankca.gov/documents/174714/1196790/Sewage+Generation+Rates.pdf/5a6181e4-4f22-906e-bc32-9c29b18cb417?t=1618365964641>.

growth assumed under the two Specific Plans along with the City's RHNA allocation. Furthermore, the City projects approximately 1.4 million square feet of new commercial space (with an allowance of up to 10 percent of that to be restaurant space) as part of the Housing Element Update. Based on the City's wastewater generation rates (and including a peaking factor of 2.5), the Project would generate an estimated 6.3 million gallons per day (mgd) (Burbank, N.d).² As previously stated, the BWRP's current available treatment capacity is 4 mgd, which would not be sufficient to accommodate the estimate of 6.3 mgd of wastewater generated by a full buildout of the proposed Housing Element Update.

The City of Burbank Public Works Department is responsible for maintaining, replacing, and upgrading the City's sewer collection and treatment system. The Public Works Department conducts repairs and upgrades as necessary to accommodate the wastewater conveyance and treatment demands throughout the City. As specific development projects are proposed and evaluated, General Plan Land Use Element Policy 2.3 would require developers to pay their fair share for infrastructure improvements as needed to serve their project, and ensure that needed infrastructure and services are available prior to or at project completion, this may include the requirement that the developer pays for and performs the necessary sewer infrastructure upgrades, per BMC 8-1-304. In addition, the projected wastewater generation rates identified herein do not account for the effectiveness of ongoing and future conservation programs at reducing water use rates and associated wastewater generation rates. Wastewater generation rates will likely be less than projected herein as water use efficiencies reduce water use rates and corresponding wastewater generation rates. However, as discussed in Impact UTIL-1, based on the City's most recent analysis of the sewer system, constraints within the system could result from subsequent build out of housing development projects under the Project depending on location, timing, and size/scale of the project, and it cannot be assumed that necessary upgrades can always be completed prior to project completion based on the constraints. As a result, measures under Mitigation Measure UTIL-1 provide for an updated sewer service constraints analysis that identifies any such constraints and necessary mitigations relative to each opportunity site identified in the Project. The measure also requires an assessment of the need to prepare a cost of service and rate study to determine the updated sewer service charges and sewer facilities charges for the recovery of development fees for implementation of the upgrades necessary to address the identified constraints. This may also result in the creation of a process for reimbursement agreement (approved as to form by the City Attorney and approved by the City Council) for projects that must construct improvements to serve the project ahead of the City's implementation. To reiterate, the developer may also be required to pay for and build improvements to the wastewater system as of result of their project impacts.

Although significant treatment capacity is currently available at the BWRP to treat wastewater generated because of the Project, the BWRP's capacity is 4 mgd, which would not be sufficient to accommodate a conservative estimate of 6.3 mgd of wastewater generated by a full buildout of the Housing Element Update. Therefore, the Housing Element Update would result in potentially significant impacts to wastewater treatment capacity.

² Per the City's wastewater generation rates, multi-family apartment units generate 183 gallons per day (gpd) per unit, single-family residences generate 215 gpd per unit, restaurants generate 2,272.65 gpd per 1,000 sf, and commercial/retail uses generate 85.39 gpd per 1,000 sf. It is assumed that 10% of the mixed-use area is allocated to restaurants and 90% is allocated to retail. Therefore, based on these rates and a 2.5 peak factor, the Project will generate 6,275,625.16 gpd:
 $2.5 * [(5,385 \text{ multi-family units} * 183 \text{ gpd/unit}) + (5,071 \text{ single-family units} * 215 \text{ gpd/unit}) + (1,285,947 \text{ sf of commercial/retail use} * 0.08539 \text{ gpd/sf}) + (142,883 \text{ sf of restaurant use} * 2.27265 \text{ gpd/sf})]$
 $2.5 * [985,455 \text{ gpd} + 1,090,265 \text{ gpd} + 109,807.01 \text{ gpd} + 324,723.05 \text{ gpd}]$
 $2.5 * 2,510,250.06 \text{ gpd} = 6,275,625 \text{ gpd}$

Mitigation Measures

Mitigation Measures UTIL-1 and UTIL-3a through UTIL-3d would address potential impacts related to the City's wastewater conveyance system but would not reduce potential impacts to a level of less than significant due to the exceedance of the available wastewater treatment capacity at BWRP associated with full buildout of the Housing Element Update. Mitigation Measures UTIL-3a and 3b would reduce short-term impacts, and Mitigation Measures UTIL-3c and 3d require the preparation of plans, and the implementation of infrastructure capacity and conveyance expansion and upgrades as needed by the infrastructure plans for long-term solutions.

UTIL-3a Sewer System Upgrades by Developers

A Sewer Capacity Analysis shall be required for individual housing projects of five (5) or more multi-family units, so the City may identify sewer infrastructure upgrades that can be implemented by developers when a nexus and rough proportionality is established between proposed project(s) impact to City sewer infrastructure. The SCA must be completed as part of the City's development review process or prior to the submittal of plan check documents, whichever occurs first.

UTIL-3b Sewage Diversion

Per the City's Public Works Department there are several locations throughout the City of Burbank where sewage can potentially be diverted away from the BWRP and conveyed to the City of Los Angeles' Hyperion wastewater treatment system. As a short-term measure, diversion of sewage may be used to alleviate capacity concerns for certain sewage conveyance pipelines (but not all pipelines) as well as temporarily lowering the influent flows to the BWRP. Diverting flows to the Los Angeles system would result in an increase in one-time Sewer Facility Charges (SFCs) and other recurring annual charges (capital improvement and operation & maintenance fees) that shall be paid to the City of Los Angeles by the developer.

UTIL-3c Sewer Master Plan

The City shall prepare a new Sewer Master Plan in 2023 to evaluate the City's sewer conveyance and treatment system over the next twenty years, which is inclusive of the proposed Housing Element update planning and implementation period, as well as developing the appropriate sewer facility impact fees to ensure that developers pay their fair share of the cost to expand and upgrade the capacity of the BWRP treatment facilities.

UTIL-3d Expansion and Upgrades to BWRP Treatment Facilities

The City shall expand and upgrade the BWRP treatment facilities as needed consistent with the City's Sewer Master Plan including but not limited to, the acquisition of land adjacent to the BWRP facilities, the addition of new primary clarifiers, increased capacity in the equalization basins, and upgrades to other parts of the sewage treatment process.

Significance After Mitigation

A residual impact associated with implementation of Mitigation Measure UTIL-3b that may occur due to the diversion of flows to the Los Angeles system would be a temporary reduction of recycled water that could be produced in the future at the BWRP. As discussed in this section under Water Supply, the BWRP produces up to 10,000 AFY of recycled water, which is used for power production, landscape irrigation, and evaporative cooling. This is an alternative water supply initiative intended

to supplement the imported surface water supplies purchased from Metropolitan, which the City receives credits based upon the total amount of water imported to the City. In addition, the water supply analysis found that sufficient water supplies are available to serve reasonably foreseeable development under the proposed Project and other projects in the cumulative scenario for water supply during normal year, dry year, and multiple dry-year conditions. Therefore, the temporary reduction of recycled water at the BWRP would not result in a significant impact to the City's water supplies.

Regarding wastewater impacts, Public Works is currently working on a both Cost of Service/Rate Study and Needs Assessment for the BWRP. However, the Sewer Master Plan will take approximately one to two years to be completed, and the final recommendations will not be available at the time the Housing Element is scheduled to be approved. Therefore, no feasible mitigation measure is identified at the plan level to reduce impacts to wastewater treatment capacity associated with the Project and impacts would remain significant and unavoidable.

Threshold 4: Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Impact UTIL-4 SOLID WASTE CONVEYANCE AND DISPOSAL SERVICES IN BURBANK ARE PROVIDED BY THE STREET AND SOLID WASTE DIVISION OF PUBLIC WORKS WHICH TRANSPORTS SOLID WASTE TO THE CITY-OWNED AND OPERATED BURBANK LANDFILL. SUFFICIENT CAPACITY IS AVAILABLE AT THE BURBANK LANDFILL TO ACCOMMODATE SOLID WASTE DISPOSAL VOLUMES ASSOCIATED WITH REASONABLY FORESEEABLE DEVELOPMENT UNDER THE PROPOSED PROJECT. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

As described in Section 4.13.1, *Setting*, the Street and Solid Waste Division of Public Works is responsible for the collection of solid waste, green waste, recyclables, and bulky items. The City owns and operates the Burbank Landfill, located in the Verdugo Hills at the eastern edge of Burbank, which is expected to have an operational lifetime through year 2150. Solid waste received and processed at Burbank Landfill is 100 percent single family residential, and approximately 50 percent of multi-family and 10 percent commercial solid waste throughout the City. As of 2019, Burbank Landfill had a remaining capacity of 4,843,582 cy, or approximately 82 percent of the maximum permitted capacity of 5,933,365 cy (Los Angeles County 2020; CalRecycle 2019b). The maximum permitted intake to Burbank Landfill is 240 tons (436 cy) per operating day, while the average intake is approximately 123 tons (244 cy) per day, or approximately 51 percent of the permitted daily intake (Los Angeles County 2020). As such, Burbank Landfill has approximately 117 tons (192 cy) of its permitted daily intake available, or approximately 49 percent of the permitted daily intake.

Solid waste generation rates depend on the land use type, with multi-family residential units generating approximately four pounds per dwelling unit per day (lb/du/day), consistent with outputs from the CalEEMod prepared for the proposed Project. If all 10,456 new housing units included under the proposed Project are constructed as multi-family residential units, this equates to approximately 40,352 lb/day (20.2 tons) of solid waste. As stated above, the Burbank Landfill has average daily available permitted capacity of 117 tons (192 cy) per day, or approximately 49 percent of the permitted daily intake. Accordingly, sufficient solid waste disposal capacity is available at Burbank Landfill to meet the potential needs associated with reasonably foreseeable development under the proposed Project; although, new sources of solid waste will inevitably lower the overall lifespan of the Burbank Landfill. In addition, as discussed in Section 4.13.1(d), "Solid Waste," multiple landfill facilities in southern California also accept and process solid waste from Burbank. In

addition to the Burbank Landfill, approximately 50 percent of new wastes from multi-family residential development generated in Burbank will be transported to and disposed of at seven other southern California landfills including Burbank Landfill Site No. 3, Chiquita Canyon Sanitary Landfill, Sunshine Canyon City/County Landfill, Simi Valley Landfill and Recycling Center, Puente Hills Landfill, Lancaster Landfill and Recycling Center, and Olinda Alpha Sanitary Landfill (Burbank 2013), which will lower their lifespans while still maintaining sufficient capacity. Therefore, potential impacts from future residential development projects facilitated by the Housing Element will be mitigated through payment of fees charged for new development commensurate with the cost to transport the waste out of the City; such fees are adjusted annually as needed to ensure cost recovery.

Based upon the existing capacity of landfills available to the City, the solid waste generated by reasonably foreseeable development under the proposed Project would not require the development of new or expanded solid waste facilities but, over time, will contribute to the need as other municipalities expand their housing. The proposed Project would not generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals. Potential impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

4.12.4 Cumulative Impacts

Cumulative impacts may occur if impacts of the proposed Project combine with similar impacts of other projects in the geographic and temporal scope of cumulative analysis. The proposed Project, including future housing development facilitated by the proposed Project, in conjunction with cumulative development citywide and within neighboring cities that are also served by the respective service areas, would increase demands for utilities that could require facility expansion or construction. Potential impacts would be site-specific and would require evaluation on a case-by-case basis at the project level when future development is proposed in accordance with the proposed project. Each cumulative project would require separate review, which would address potential impacts to utilities and service systems, as well as the identification and implementation of project-specific mitigation measures as identified under UTIL-1, including conducting an updated sewer service constraints analysis to identify deficiencies in existing utility systems and a resulting update in City fees for new development projects to help offset the cost of any future necessary upgrades on a project-specific basis as deemed necessary. The geographic scope of analysis for utilities and service systems varies depending on the service addressed, as discussed below.

Water Supply

The geographic extent of cumulative analysis for the topic of water supply includes all of Metropolitan's service territory because Metropolitan provides the primary water supply source to the City, as purchased imported surface water. As discussed in the impact analysis above, full buildout of the proposed Housing Element Update would increase water demands throughout the City. Past and ongoing trends indicate that while population increases, per capita water consumption rates decrease, likely due to the effectiveness of conservation and drought response programs. In addition, the City continues to develop alternative water supplies to supplement the imported surface water supplies purchased from Metropolitan, through recycled water at the BWRP as well as local groundwater, which the City receives credits to use based upon the total amount of water imported to the City. Other projects that are anticipated to occur during implementation of

projects under the Housing Element Update include non-residential developments, primarily in the form of commercial land uses. While these cumulative projects would also introduce new water demands, future development would be consistent with the City's General Plan, which informs the City's UWMP to project water supply availability and reliability, including as related to imported surface water from Metropolitan as well as locally developed water supplies including recycled water and groundwater. In addition, as with projects under the Housing Element Update, future projects in the cumulative scenario would be subject to the same regulatory orders and management agencies as the proposed Project that ensure the sustainability and reliability of water supplies currently used in the City of Burbank. In addition, BWP and Metropolitan have identified potential future supply sources to augment water supplies and further insulate the region from hydrological uncertainty. Therefore, sufficient water supplies are available to serve reasonably foreseeable development under the proposed Project and other projects in the cumulative scenario for water supply during normal year, dry year, and multiple dry-year conditions. Potential cumulative impacts associated with water supply would be less than significant.

Wastewater

The geographic extent of cumulative analysis for the topic of wastewater includes the Public Works Department's service territory as wastewater conveyance and treatment throughout the City is conducted by the City's Public Works Department. As discussed in the impact analysis above, new wastewater service connections would be installed as needed, on a project-specific basis; this would occur for non-residential developments within the cumulative scenario as it would for residential developments under the proposed Project. The Public Works Department conducts repairs and upgrades to the existing City-owned wastewater conveyance system throughout the City on an as-needed basis. However, as specific development projects are proposed and evaluated, General Plan Land Use Element Policy 2.3 would require developers to pay their fair share for infrastructure improvements as needed to serve their project, and ensure that needed infrastructure and services are available prior to or at project completion, this may include the requirement that the developer pays for and performs the necessary sewer infrastructure upgrades, per BMC 8-1-304. With implementation of Mitigation Measure UTIL-1 (Sewer Service Constraints Analysis), cumulative impacts related to wastewater conveyance would be less than significant.

Wastewater generation for full buildout of the proposed Housing Element Update is estimated to be up to approximately 6.3 mgd, which is not within the City's currently available treatment capacity of 4 mgd. Therefore, impacts would be, significant and unavoidable due to constraints within the sewer system and development under the proposed Project would contribute to a cumulatively significant impact associated with wastewater generation.

Stormwater

The geographic extent of cumulative analysis for the topic of stormwater includes the entire City of Burbank because the Public Works Department and LACFCD operates and maintain the Citywide stormwater conveyance system. Non-residential projects in the cumulative scenario would introduce project-specific needs for stormwater conveyance that would be reviewed and permitted on a project-by-project basis by the City. Due to the extensive built-up nature of the City, new development is not anticipated to introduce substantial new areas of impervious surfaces, such that substantial expansion of existing stormwater conveyance infrastructure would be necessary. Therefore, potential cumulative impacts associated with stormwater would be less than significant.

Solid Waste

The geographic extent of cumulative analysis for solid waste is the entire City of Burbank as all solid waste within the City is collected and transported for landfill disposal at one of seven southern California landfills, including Burbank Landfill Site No. 3, Chiquita Canyon Sanitary Landfill, Sunshine Canyon City/County Landfill, Simi Valley Landfill and Recycling Center, Puente Hills Landfill, Lancaster Landfill and Recycling Center, and Olinda Alpha Sanitary Landfill (City of Burbank 2013). The Street and Solid Waste Division of the Burbank PWD provides solid waste collection services for all single-family residences, 50 percent of multifamily residences, and approximately 10 percent of the City's commercial/industrial refuse customers. All other uses are served by private solid waste hauling companies which also transfer solid waste from Burbank to one of the aforementioned landfill sites for disposal. The cumulative scenario for solid waste is characterized by non-residential developments that would require solid waste hauling and disposal; such developments would include commercial and industrial land uses, which are primarily served by private waste hauling companies. Based on the existing capacity of landfill sites in the vicinity of Burbank, including the Burbank Landfill which has a remaining disposal capacity of approximately 82 percent (of the maximum permitted capacity) and is estimated to remain operational through 2150, sufficient landfill disposal capacity is anticipated to be available to accommodate cumulative projects. Therefore, potential cumulative impacts associated with solid waste would be less than significant.

Telecommunications, Electricity, and Natural Gas

The geographic extent of cumulative analysis for telecommunications, electricity, and natural gas includes the entire service territories of the providers for each of these utilities.

Telecommunications

Telecommunications services in Burbank are provided by private companies, including AT&T, EarthLink, and Spectrum, among others, and telecommunications facilities are generally available throughout the City. Connections for new telecommunications services are implemented on an as-needed basis, and the service provider used is generally at the discretion of the customer. Cumulative projects will establish telecommunications service connections in the same manner as residential developments under the proposed Project. There are no anticipated limitations to the availability of telecommunications service. Potential cumulative impacts associated with telecommunications would be less than significant.

Electricity

Electric power supply throughout the City is provided by BWP. Residential uses in Burbank represent the second most energy intensive land use serviced by BWP (287.6 GWh), behind commercial and building (507.8 GWh). Future housing in the City would be implemented in accordance with the Housing Element Update assessed herein, such that projects in the cumulative scenario for energy are non-residential uses, which are generally more energy-intensive than residential uses such as would occur under the proposed Project. As with the proposed Project, other projects in the cumulative scenario would require electric service and would be connected to electricity through BWP. BWP's unaudited power mix from the PCL, which shows total generation delivered for a calendar year, divided by retail sales (not renewable energy credits retired) for 2020 consisted of approximately 31 percent renewable resources (wind, geothermal, biomass, solar, and small hydroelectric), 26 percent coal, 31 percent natural gas, eight percent nuclear, two percent hydroelectric, and the remainder from other sources (BWP 2020). As such, although electricity

Burbank Housing and Safety Element Update

usage within the City is anticipated to increase as cumulative projects are implemented, BWP has a diverse power supply portfolio that includes renewable resources as well as traditional power sources and electricity.

In addition, BWP has numerous plans that are being implemented to shift the generation of electric power to renewable sources of energy. The most recent plan, BWP's 2019 *Final Power Integrated Resource Plan*, identifies a planning tool that is central to the continued reliability of the BWP power system while meeting all regulatory requirements through 2038 (BWP 2019). BWP is also looking at expanding several alternative energy options including implementing solar, wind, and batteries to help replace energy that has traditionally been sourced from the IPP coal resource. Through the continued expansion of alternative energy sources and compliance with the State's RPS (discussed under Impact UTIL-1), sufficient power, including as electricity, will be available to meet future demands. Potential cumulative impacts associated with electricity would be less than significant.

Natural Gas

The City of Burbank receives natural gas from the Southern California Gas Company (SCG), which provides service to most of southern California (SCG 2021). In 2019, SCG's residential customers accounted for approximately 46 percent of SCG's natural gas consumption, while industrial and commercial customers accounted for another 31 percent and 17 percent, respectively. Projects in the cumulative scenario are anticipated to primarily consist of commercial and industrial developments, as residential developments would be implemented under the proposed Project; as such, cumulative projects will introduce a lower demand for natural gas than the proposed Project. Given the extent of SCG's service territory comprising the majority of southern California, sufficient infrastructure is anticipated to be present to accommodate future development under the cumulative scenario, with connections established on a project-by-project basis. In addition, as discussed above for *Electricity*, the City of Burbank is actively expanding its power supply portfolio, including as applicable to natural gas. Therefore, sufficient natural gas infrastructure and energy supply is available to development projects under the cumulative scenario. Potential cumulative impacts associated with natural gas would be less than significant.

Mitigation Measures

No mitigation measures are required.

Notice of Availability

To: Public Agencies and Other Interested Parties

From: City of Burbank
Community Development Department
Planning Division
150 North Third Street
Burbank, California 91502



Subject: Notice of Availability of a Recirculated Draft Environmental Impact Report (EIR)

Project Title: Burbank Housing and Safety Element Update

Updated: July 22, 2022

This is a Notice of Availability to inform your agency that the City of Burbank Community Development Department has released the Recirculated Draft EIR for the proposed updates to the Burbank Housing and Safety Elements (hereafter referred to as “Housing and Safety Element Update” or “Project”) for a 47-day review period beginning on **July 22, 2022**, and ending on **September 6, 2022**.

The Housing and Safety Element Update involves an update to the Housing Element of the City’s Burbank2035 General Plan for the 2021-2029 planning period, along with minor updates to the Safety, Land Use, Open Space and Conservation, Air Quality and Climate Change, Noise, and Mobility Elements, and incorporation of environmental justice policies into the Burbank2035 General Plan as required by State law. The Project establishes programs, policies and actions to further the goal of meeting the existing and projected housing needs of all household income levels of the community; provides evidence of the City’s ability to accommodate the Regional Housing Needs Assessment (RHNA) allocation through the year 2029, as established by the Southern California Association of Governments (SCAG); and identifies any rezoning program needed to reach the required housing capacity.

The sections included in the Recirculated Draft EIR have been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA) and the State CEQA Guidelines (California Code of Regulations Section 15088.5), which allows the lead agency to recirculate only the chapters or portions of the EIR that have been revised based on issues raised in comments on the Draft EIR. The following sections of the Draft EIR are available for comment as part of recirculation: Section 4.2, *Project Description*, Section 4.2, *Biological Resources*, and Section 4.12, *Utilities/Service Systems*. The Project Description provides the Project details and includes a revision to the Housing Element Update based on public comments received regarding workforce training and prevailing wages. The Biological Resources section has been revised based on comments provided by the California Department of Fish and Wildlife (CDFW) on the Draft EIR, which indicate that development under the proposed Project may result in adverse impacts to the least Bell’s vireo, bat species, and monarch butterflies through vegetation and tree removal. As such, Mitigation Measure BIO-1 has been revised to address these potential impacts. In addition, the Utilities/Service Systems section still deems the impacts associated with the City’s wastewater conveyance system as significant and unavoidable; however, the revised analysis provides additional mitigation measures noted

therein as *Mitigation Measures UTIL-3a through UTIL-3d* that would reduce the short-term impacts and require the preparation of plans and implementation of infrastructure capacity and conveyance expansion and upgrades as needed by the infrastructure plans for long-term solutions.

The Recirculated Draft EIR is available for review online at: <https://www.burbankhousingelement.com/>

Hard copies are available for review at the City of Burbank Community Development Department and at all local libraries.

Recirculated Draft EIR Review Locations
City of Burbank Community Services Building, 1 st Floor Community Development Department 150 North Third Street, Burbank, California 91510
Burbank Central Library 110 North Glenoaks Boulevard Burbank, California 91502
Buena Vista Branch Library 300 North Buena Vista Street Burbank, California 91505
Northwest Branch Library 3323 West Victory Boulevard Burbank, California 91505
City Website: https://www.burbankhousingelement.com/

Please provide any comments your agency may have on this Recirculated Draft EIR in writing no later than 5:00 PM on September 6, 2022, to:

Shipra Rajesh, Senior Planner
 Community Development Department-Planning Division
 150 North Third Street
 Burbank, California 91502

You may also email your response to SRajesh@burbankca.gov. Please provide the name of a contact person at your agency.

Upcoming Planning Board Meeting and Hearing

The Recirculated Draft EIR will be reviewed by the City of Burbank Planning Board on August 22, 2022. The public can provide comments on the Recirculated Draft EIR during the August 22, 2022, Planning Board hearing.

Additionally, on August 22, 2022, the Burbank Planning Board will conduct a public hearing to consider a staff recommendation to the Board on the proposed updates to the City of Burbank’s General Plan Housing and Safety Elements as well as the incorporation of environmental justice policies into the General Plan as

required by State law. A final Board recommendation would be forwarded to the City Council for their consideration at a future noticed public hearing. A separate notice of the Planning Board public hearing will be provided no later than 15 business days prior to the date of the August 22, 2022, public hearing.

The meeting, which includes the public hearing on the proposed updates to the City's General Plan Housing and Safety Elements will be held at 6:00 PM in the City Council Chambers in City Hall at 275 E. Olive Avenue in Burbank. The Burbank Planning Board will hold a public meeting on August 22, 2022, at 6:00 p.m. to receive public comments on this Draft EIR. The meeting will be held in the City Council Chambers in City Hall at 275 E. Olive Avenue in Burbank.

Date: July 22, 2022

Signature: *Shipra Rajesh*

Shipra Rajesh
Title: Senior Planner
Telephone: (818) 238-5250

Burbank Housing and Safety Element Update - Project Description

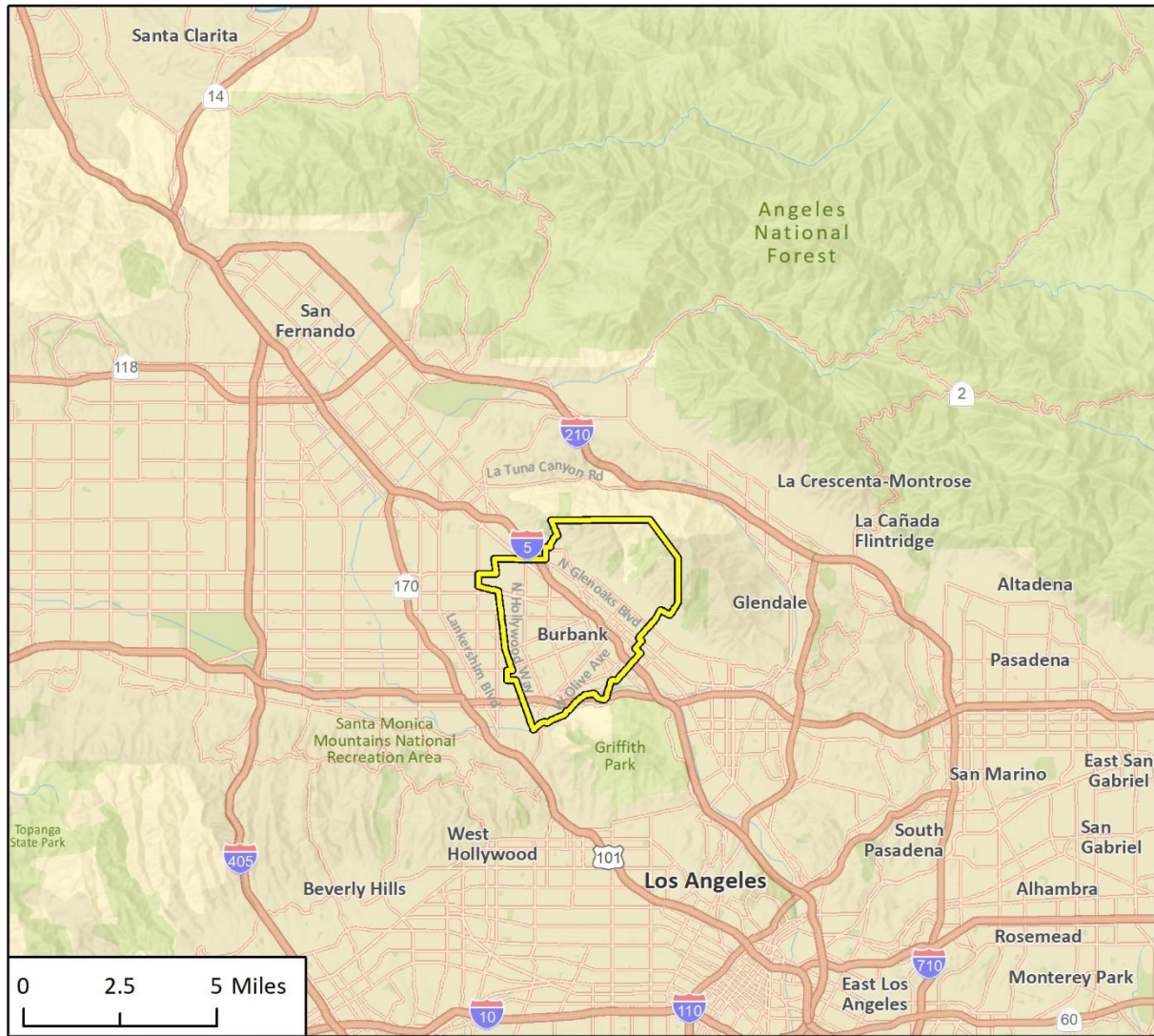
The Housing and Safety Element Update involves an update to the Housing Element for the 2021-2029 planning period, along with minor updates to the Safety, Land Use, Open Space and Conservation, Air Quality and Climate Change, Noise, and Mobility Elements, and the incorporation of environmental justice policies into the Burbank2035 General Plan as required by State law. The Project would apply to the entire geographic area located within the boundaries of the City of Burbank, which encompasses 17.1 square miles. **Figure 1** and **Figure 2** included in this notice illustrate the location of the Project in a regional and local context. The proposed Housing Element Update establishes programs, policies and actions to further the goal of meeting the existing and projected housing needs of all household income levels of the community; provides evidence of the City's ability to accommodate the Regional Housing Needs Assessment (RHNA) allocation through the year 2029, as established by the Southern California Association of Governments (SCAG); and identifies any rezoning program needed to reach the required housing capacity.

The Project will provide a framework for introducing new housing at all levels of affordability that is within access to transit, major City employment centers, jobs, services, and open spaces. New housing units may occur anywhere in the City where residential uses are permitted, as well as in areas that may be rezoned in the future to allow for multi-family residential and mixed use residential of adequate density to meet State-required housing production and affordability targets. Through its identification of sites for future development and implementing housing programs, the updated Housing Element will lay the foundation for achievement of the City's fair share housing needs for approximately 10,456 additional units.

The purpose of the Safety Element Update is to ensure consistency with the Housing Element Update and to comply with recent State legislation and guidelines (including Assembly Bill 162, Senate Bill 1241, Senate Bill 99, Assembly Bill 747, Senate Bill 1035 and Senate Bill 379). Technical amendments will be made to the Safety Element to achieve compliance with State, regional, and local policies and guidelines. The technical amendments will incorporate data and maps, address vulnerability to climate change, incorporate policies and programs from the City's Hazard Mitigation Plan and the Greenhouse Gas Reduction Plan, as well as partial or full integration of other City documents and programs (including but not limited to: Ready Burbank and the Emergency Survival Program). The Safety Element amendments will be submitted to the California Geological Survey, California Office of Emergency Services, California State Board of Forestry and Fire Protection, and Federal Emergency Management Agency for review.

Senate Bill 1000 (SB 1000) states that revisions or adoption of two or more elements of a general plan on or after January 1, 2018, trigger a requirement to "adopt or review the Environmental Justice Element, or the environmental justice goals, policies, and objectives in other elements." Environmental justice goals, policies, and objectives must aim to reduce health risks to disadvantaged communities (DACs), promote civil engagement, and prioritize the needs of these communities. There are several designated DACs identified in central, northwest, and southeast Burbank. These seven census tracts have overall scores that meet or exceed the minimum criteria for DAC designation based on pollution burden and population characteristics. As mandated under SB 1000, the Safety Element update will consider strategies to reduce pollution exposure, promote public facilities, promote food access, promote safe and sanitary homes, promote physical activity, reduce unique or compounded health risks, promote civic engagement, and prioritize the needs of these disadvantaged communities.

Figure 1 Regional Location



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 Project Location

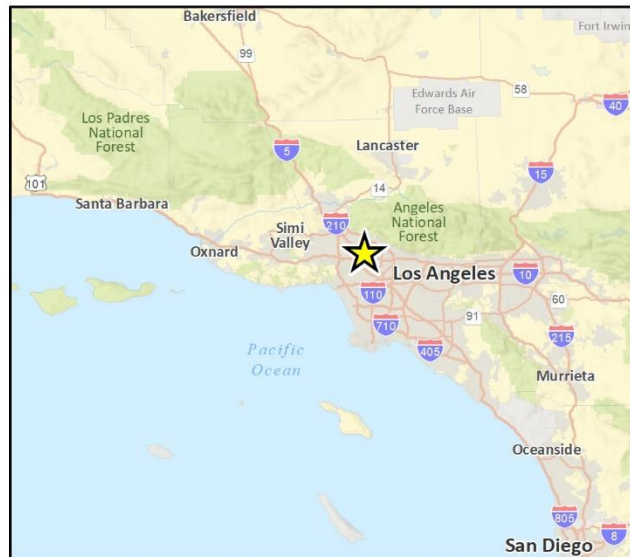
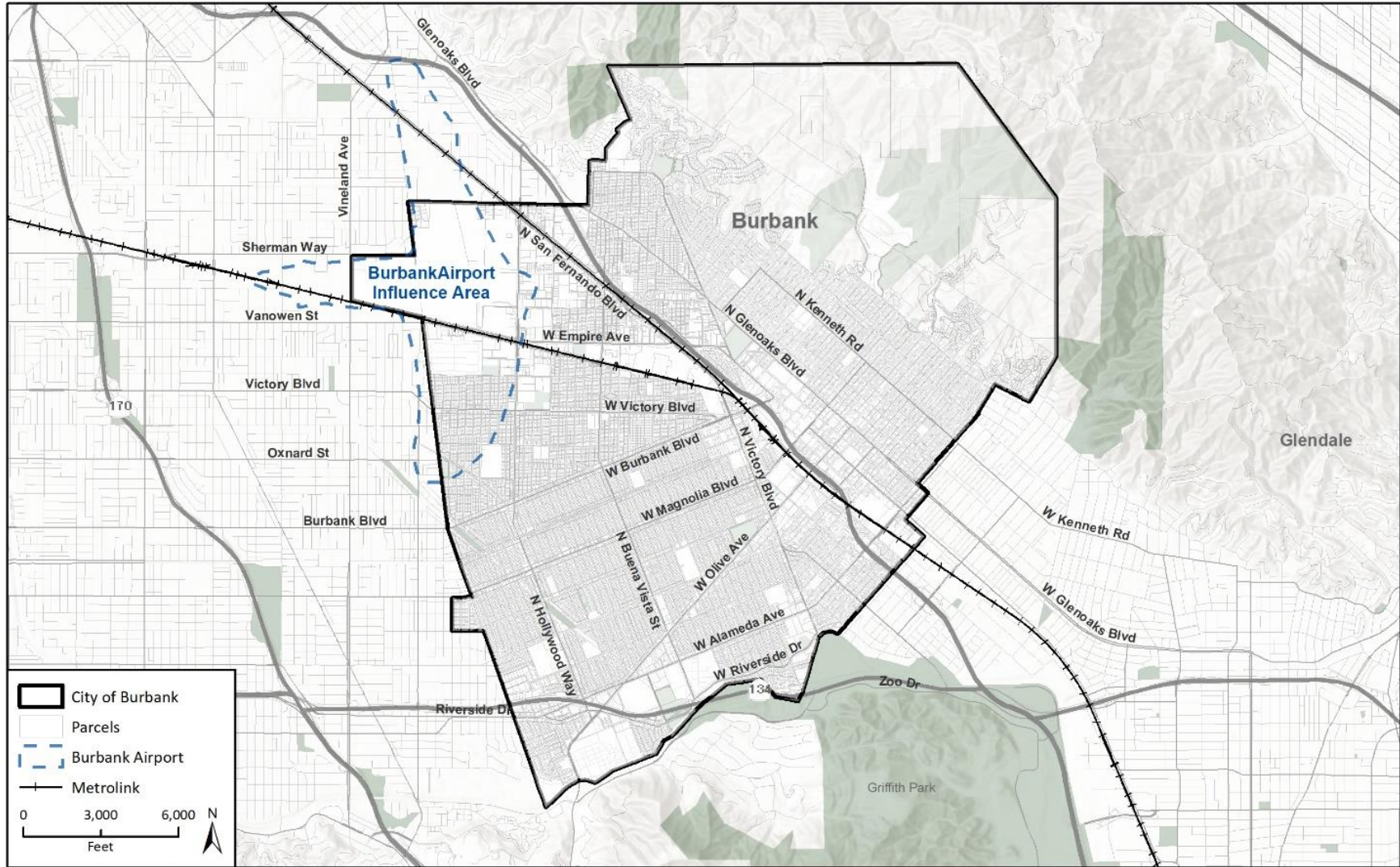


Fig. 1 Regional Location

Figure 1 Project Location



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FigX City of Burbank