



City of Burbank Rezoning Program

Finding of Consistency

prepared for

City of Burbank

Community Development Department

Planning Division

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1 Introduction

This document is a Finding of Consistency that evaluates consistency between the City of Burbank Rezoning Program (hereafter referred to as “Rezoning Program” or “Project”) and the findings of the Final Environmental Impact Report for the Burbank Housing and Safety Element Update (State Clearinghouse No. 2021020393), which was certified in September 2022 (hereafter referred to as the “Housing Element EIR”). According to *CEQA Guidelines* Section 15183(a) under the California Environmental Quality Act (CEQA), additional environmental review is not required for projects “which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified,” except as might be necessary to determine whether there are project-specific significant effects. This Finding of Consistency has been prepared pursuant to the applicable provisions of *CEQA Guidelines* Section 15183, and describes the Burbank Housing and Safety Element Update, Housing Element EIR, and Rezoning Program, which was previously analyzed in the Housing Element EIR. Although the components of the Rezoning Program are unchanged, this Finding of Consistency compares the environmental impacts of implementation of the Project to those identified in the Housing Element EIR to document whether the Project would have new or increased significant environmental impacts beyond those identified in the Housing Element EIR.

1.1 Background

The Burbank Housing and Safety Element Update analyzed in the Housing Element EIR applies to the entire geographic area located within the boundaries of the City of Burbank. The Burbank Housing and Safety Element Update included an update to the Housing Element of the City’s Burbank2035 General Plan for the 2021-2029 planning period (hereafter referred to as “Housing Element Update”), 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 Housing Element Update provides a framework for accommodating new housing at all levels of affordability that is within access to transit, jobs, services, and open spaces within the eight-year planning period between October 2021 and 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.

The City originally reviewed the Burbank Housing and Safety Element Update in 2018 and prepared a Draft Environmental Impact Report, identified as the “Original Draft EIR.” The Original Draft EIR analyzed 10,456 housing units to account for the 2029 interpolated housing growth assumed under the Downtown Transit-Oriented-Development (Downtown TOD) Specific Plan and the Golden State Specific Plan (GSSP) along with the City’s Regional Housing Needs Assessment (RHNA). The Original Draft EIR was released for public review and comments on January 26, 2022 until March 31, 2022. Based on issues raised in comments on the Original Draft EIR, Section 2, *Project Description*, Section 4.2, *Biological Resources*, and Section 4.12, *Utilities/Service Systems*, of the Original Draft EIR were revised and recirculated under the “Recirculated Draft EIR.” The Recirculated Draft EIR was released for public review and comment on July 22, 2022 until September 6, 2022. The Final EIR was prepared in September 2022 and consisted of:

- 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 Original Draft EIR and Recirculated Draft EIR; and
- The Mitigation Monitoring and Reporting Program, which is included as Appendix A to this Finding of Consistency.

The Final EIR, or Housing Element EIR as referenced in this Finding of Consistency, was certified in September 2022 and is available online at: <https://www.burbankhousingelement.com/>.

1.2 Rezoning Program

Burbank’s RHNA allocation for the 2021-2029 planning period is 8,772 units; however, as discussed in the Housing Element EIR, the estimated number of housing units to accommodate the City’s RHNA under the existing General Plan and zoning (including projects that are entitled and pending entitlement, specified housing opportunity sites, Accessory Dwelling Units [ADUs] expected to be developed over the course of the planning period, and the units produced through the City’s committed assistance program) total 7,569 units, which falls short of the RHNA allocation by 1,203 units. To make up for this identified shortfall of 1,203 housing units, the Housing Element Update includes a program (i.e., Rezoning Program) to rezone additional opportunity sites through the adoption of the Downtown TOD Specific Plan and GSSP. Table 1 shows the number of units expected from the rezoning of the Specific Plan areas. As shown in the Table 1, a net total of 2,442 additional units would be accommodated under the Rezoning Program, so the City would exceed the RHNA allocation by 1,239 units.¹

Table 1 Projected Specific Plan Units

	Total Net Units
Downtown TOD Specific Plan Rezone Sites	627
GSSP Rezone Sites	1,815
Total	2,442
Existing General Plan and Zoning Units	7,569
New Net Total with Specific Plans, Entitled/Pending Projects and ADUs	10,011
RHNA Allocation	8,772
RHNA Surplus	1,239

TOD = Transit-Oriented-Development; GSSP = Golden State Specific Plan; ADUs = Accessory Dwelling Units; RHNA = Regional Housing Needs Assessment

Source: Rincon Consultants 2022

¹ As discussed under Section 1.1, *Background*, the estimated growth analyzed in the Housing Element EIR was ultimately 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.

The specific Downtown TOD Specific Plan and GSSP opportunity sites identified in the Housing Element EIR are summarized in Table 2 on the following page and includes 19 locations with the greatest potential to accommodate the RHNA's allocation growth. Of the 19 opportunity sites, 12 of the opportunity sites are in the proposed Downtown TOD Specific Plan area and seven sites are in the proposed GSSP area. The site-specific zone changes, where applicable, are also shown in Table 2, whereas the locations of these sites are shown in Figure 1.

Notably, the Rezoning Program components analyzed under Section 2, *Environmental Impacts*, of this Finding of Consistency are unchanged when compared to those previously analyzed as part of the Housing Element EIR.

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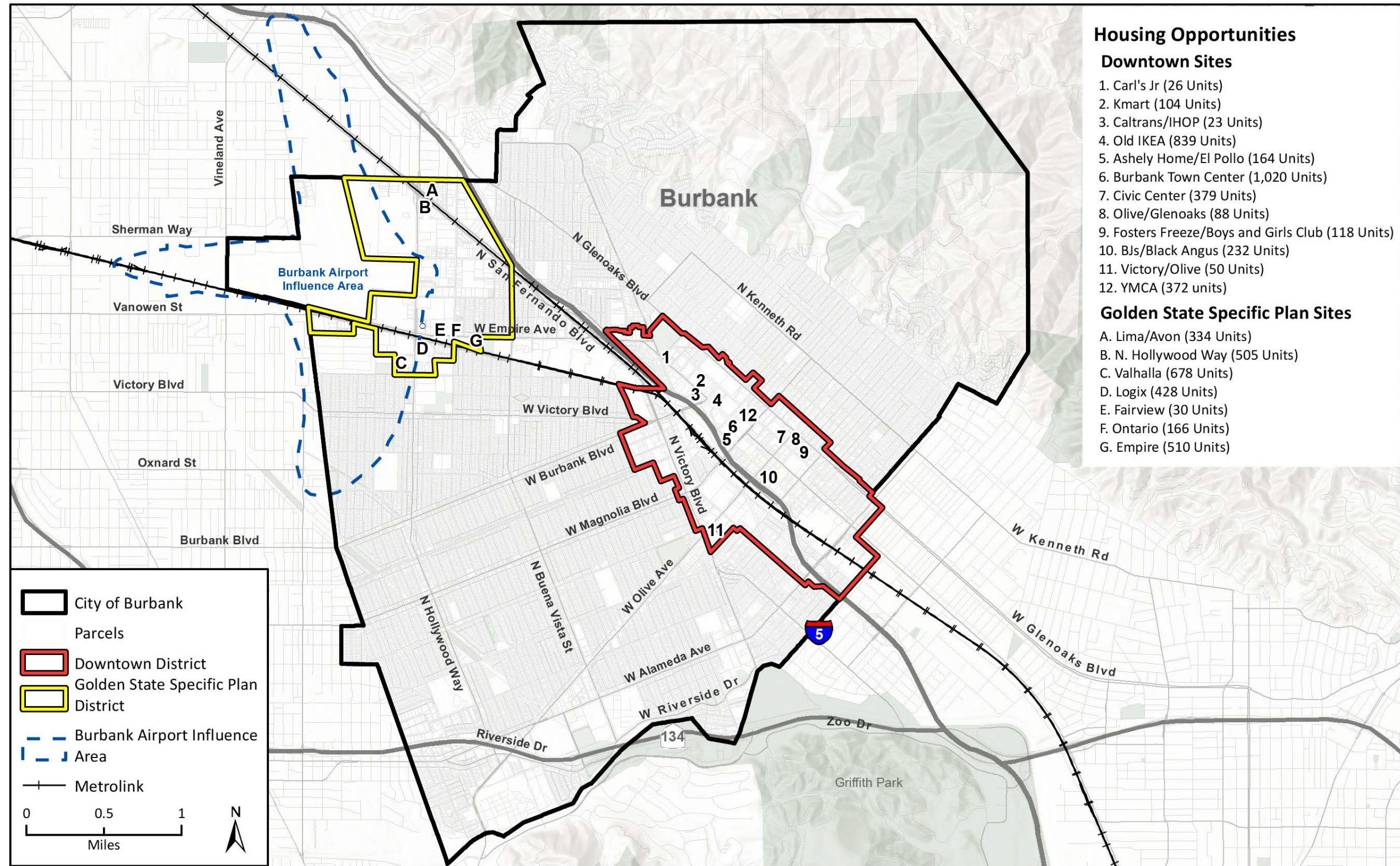
Table 2 Housing Opportunity Sites and Associated Rezoning

Project	APNs	Gross Acres	Current Zoning District	Current Residential Density Units/Acre	Proposed Zoning Uses	Rezone?	
Downtown TOD Specific Plan Projects							
1	TOD-1 Carl's Jr	2460-010-010, 2460-010-011, 2460-010-012, 2460-010-013	0.31	NSFC (North San Fernando Commercial)	43	Residential (max. 43 du/acre)	No
		2460-010-014, 2460-010-033, 2460-010-036	0.98	NSFC (North San Fernando Commercial)	27	Residential (max. 27 du/acre) Commercial (max. 1.0 FAR)	No
	Total		1.29				
2	TOD-2 Kmart	2460-006-045, 2460-007-036	6.43	NSFC (North San Fernando Commercial)	27	Residential (max. 27 du/acre) Commercial (max. 1.0 FAR)	No
3	TOD-3 Caltrans/IHOP	2460-021-017, 2460-021-018, 2460-021-019, 2460-021-020, 2460-021-027, 2460-021-028	2.87	NSFC (North San Fernando Commercial)	27	Residential (max. 27 du/acre) Commercial (max. 1.0 FAR)	No
4	TOD-4 Old Ikea	2460-023-044, 2460-023-045, 2460-023-046, 2460-023-047, 2460-023-060	12.06	PD (Planned Development)	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	1.74	BCC-2 (Burbank Center Commercial Limited Business)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No
		2460-031-044, 2460-031-045					
	Total		13.80				
5	TOD-5 Ashley Home/El Pollo	2460-023-056, 2460-023-057	2.71	PD (Planned Development)	87	Residential (max. 87 du/acre) Commercial (max. 2.5 FAR)	No
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				
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

Project	APNs	Gross Acres	Current Zoning District	Current Residential Density Units/Acre	Proposed Zoning Uses	Rezone?
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
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	6.33	M-2 (Manufacturing General Industries)	58 1.25 FAR	Residential (max. 58 du/acre) Commercial (2.0 FAR)	Yes
	2464-001-021					
	2464-001-906	0.06	RR (Railroad)	0	Residential (max. 100 du/acre) Commercial (2.0 FAR)	Yes
Total		6.39				

TOD = Transit-Oriented-Development; GSSP = Golden State Specific Plan; APNs = Assessor Parcel Numbers; du/acre = dwelling unit per acre; FAR = Floor Area Ratio
Source: Rincon Consultants 2022

Figure 1 Specific Plan and Housing Opportunity Locations



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Fig 2-3 Housing Opportunity Sites

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2 Environmental Impacts

The following discussion addresses each of the environmental issues studied in the Housing Element EIR for the Burbank Housing and Safety Element Update, and compares the effects of the proposed Rezoning Program to the effects of the adopted Housing Element Update. As determined in the Initial Study for the Burbank Housing and Safety Element Update (Appendix B to the Housing Element EIR), the Housing Element Update would not result in impacts related to aesthetics, agricultural and forestry resources, energy, hydrology and water quality, land use and planning, mineral resources, and wildfire.² As such, and because the components of the Rezoning Program are unchanged when compared to those previously analyzed as part of the Housing Element EIR, these environmental issue areas are not analyzed further in this Finding of Consistency. The analysis in this Finding of Consistency, therefore, focuses on impacts related to air quality, biological resources, cultural resources/tribal cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, noise, population and housing, public services, recreation, transportation and utilities/service systems. The conclusions of the previously adopted Housing Element EIR are provided as a reference to further describe how the Rezoning Program would not result in any new significant impacts and would not increase the severity of the significant impacts identified in the Housing Element EIR. In addition, there is no substantial new evidence of potential significant impacts or cumulative impacts not discussed in the Housing Element EIR. In compliance with the applicable provisions of *CEQA Guidelines* Section 15183, the analysis herein demonstrates that the Rezoning Program and its impacts remain consistent with the Burbank Housing and Safety Element Update and with the Housing Element EIR. Therefore, no additional environmental documentation is required under CEQA.

2.1 Air Quality

Air Quality Management Plan

As stated in the Housing Element EIR, projects that are consistent with the growth forecasts upon which the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP) is based (i.e., forecasts in the Southern California Association of Governments' [SCAG] 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy [RTP/SCS]) and with applicable AQMP control measures are considered consistent with the AQMP. With respect to consistency with AQMP growth forecasts, the Housing Element EIR concluded that the purpose of the Housing Element Update is to accommodate the development of adequate housing to meet housing needs associated with most recent SCAG forecasts of regional growth and would not encourage or promote growth beyond the existing growth forecast. Although the Housing Element Update would result in the development of 10,456 additional housing units, this increase in housing is consistent with SCAG forecasts of regional growth and the Housing Element Update would not conflict with the growth consumptions used in the development of the AQMP. The Housing Element EIR also determined that the Housing Element Update would be consistent with AQMP control measures since it includes policies geared toward increasing the overall population density and

² As discussed in the Initial Study for the Burbank Housing and Safety Element Update (Appendix B to the Housing Element EIR), all impacts related to hydrology and water quality were determined to be less than significant except for potential impacts related to groundwater supplies and sustainable groundwater management, which were determined to be potentially significant. However, due to this impact's relation to water supplies, impacts related to groundwater supplies and sustainable groundwater management were further discussed in Section 4.12, *Utilities/Services Systems*, of the Housing Element EIR.

encouraging mixed land uses in proximity to transit, which would reduce per capita automobile trips and air pollutant emissions associated with vehicle use. As such, the Housing Element EIR determined that development under the Housing Element Update would be consistent with the AQMP and impacts would be less than significant.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would be consistent with AQMP control measures and would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR. Potential impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts to the AQMP beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Air Pollutant Emissions

The Housing Element EIR determined that, although compliance with SCAQMD rules would reduce overall air quality impacts associated with construction at rezoned sites, projects with large amounts of equipment, large number of trucks trips, or other unusual circumstances could generate air pollutant emissions that exceed SCAQMD thresholds. The Housing Element EIR also determined that, under a conservative analysis assuming total and simultaneous buildout of 10,456 residential units, housing development accommodated under the Housing Element Update would generate air pollutant emissions that exceed SCAQMD operational thresholds. Nonetheless, with implementation of Mitigation Measures AQ-1 (Construction Emissions Reduction) and AQ-2 (Operations Emissions Reduction), the Housing Element EIR found that construction and operation emission would be reduced to a less-than-significant level. Refer to Appendix A for the full text of the mitigation measures.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. Because rezoned parcels could allow for high-density development generating high construction and operation air pollutant emissions, Mitigation Measures AQ-1 (Construction Emissions Reduction) and AQ-2 (Operations Emissions Reduction), identified in the Housing Element EIR would continue to apply under the Rezoning Program and potential impacts would remain less than significant with mitigation. Therefore, development under the Rezoning Program would not result in new significant impacts related to air pollutant emissions beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Air Pollutant Concentrations

As stated in the Housing Element EIR, a CO hotspot is a localized concentration of carbon monoxide that is above a carbon monoxide ambient air quality standard; elevated CO levels can occur at roadway intersections that experience high traffic volumes and severe vehicle congestion. According to the Housing Element EIR, the City does not have any intersections that experience 400,000 vehicles per day therefore the Housing Element EIR determined that impacts to CO Hotspots would be less than significant. Furthermore, TACs are defined by California law as air pollutants that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a

present or potential hazard to human health. Construction would result in various TACs associated with equipment (i.e., diesel exhaust), and would be required to implement compliance measures for California Off-Road Diesel-Fueled Fleet Regulations and idling limits for diesel-fueled vehicles, which would reduce potential diesel exhaust emissions from construction. Entitlements for large projects are typically subject to discretionary approvals and subsequent air quality analysis is required pursuant to CEQA to demonstrate that projects would not result in air quality impacts at nearby receptors. Mitigation Measure AQ-1 would require air quality analysis and appropriate air pollutant emissions reduction measures for projects with potential for construction to include activities that generate substantial diesel exhaust such as demolition, grading, hauling, of heavy-duty equipment use. For these reasons, construction-related impacts associated with TAC emissions would be less than significant. Furthermore, the operation of the Rezoning Program is expected to increase the quantities of hazardous TACs generated on-site (e.g., cleaning solvents, paints, landscape pesticides, etc.) for the types of proposed residential land uses would be below thresholds warranting further study under the California Accidental Release Program. Because the project would not include substantial TAC sources and is consistent with CARB and SCAQMD guidelines, it would not result in the exposure of off-site sensitive receptors to significant amounts of carcinogenic or toxic air contaminants. As such, the Housing Element EIR determined that development under the Housing Element Update would result in less than significant impacts.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would be not result in significant Air Pollutant concentrations such as CO Hotspots, or substantial TAC sources beyond that identified in the Housing Element EIR, nor would it increase the significance of impacts already identified in the Housing Element EIR.

2.2 Biological Resources

As discussed in the Housing Element EIR, the Housing Element Update includes 19 rezoning sites, 12 of which are concentrated in the urban downtown region of Burbank and seven of which are 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. As a result, development under the Housing Element Update could directly and indirectly affect nesting birds, which are protected under California Fish and Game Code (CFG) Sections 3503, 3503.5, and 3513, as well as the federal Migratory Bird Treaty Act. Sections 3503, 3503.5, and 3513 of the CFG identify take, possession, or destruction of native birds, nests, and eggs as unlawful. Furthermore, the Housing Element EIR determined that development under the Housing Element Update 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, 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. The Housing Element EIR concluded that, with implementation of Mitigation Measure BIO-1 (Biological

Resources Avoidance), impacts to biological resources would be reduced to a less-than-significant level. Refer to Appendix A for the full text of the mitigation measure.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. Therefore, the development under Rezoning Program would similarly result in potential impacts to nesting birds and sensitive species despite the urban and developed condition of rezoning sites. However, Mitigation Measure BIO-1 identified in the Housing Element EIR would apply under the Rezoning Program and potential impacts would remain less than significant with mitigation. As such, development under the Rezoning Project would not result in new significant impacts to biological resources beyond those identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

2.3 Cultural Resources/Tribal Cultural Resources

Historic Resources

As discussed in the Housing Element EIR, the City contains numerous historic period resources, which include all buildings, structures, and/or artifacts that are older than 45 years old at the commence of projects (i.e., 1976 as of 2021). While none of the proposed projects were identified as known historic resources in the City's Historic Preservation Plan (1999) or Context Report (2009), a review of the developmental history and property status of the proposed rezone properties identified 68 parcels in the Housing Element Update inventory properties that possesses potential historic-period buildings and/or structures. The Downtown TOD Specific Plan inventory possesses 36 parcels with known historic-period buildings, and GSSP inventory contains 32. Excluding TOD-5, -6, and -10 and GSSP-5 and -6 in reference to the opportunity sites shown in Table 2, all sites contain buildings older than 45 years that could be altered or demolished as part of housing development. However, as stated in the Housing Element EIR, impacts to historic resources would be less than significant with implementation of Mitigation Measure CUL-1 (Historic Resource Protection). Refer to Appendix A for the full text of the mitigation measure.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. Therefore, the Rezoning Program would similarly result in potential impacts to historic resources since all opportunity site identified for rezoning contain buildings older than 45 years of age. However, Mitigation Measure CUL-1 identified in the Housing Element EIR would continue to apply under the Rezoning Program and potential impacts would remain less than significant with mitigation. As such, development under the Rezoning Program would not result in new significant impacts to historic resources beyond those identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Archaeological Resources

As discussed in the Housing Element EIR, the potential to encounter unidentified resources in the City and on residential opportunity sites noted in the Housing Element Update properties is

considered moderate. Undeveloped properties in the Housing Element Update inventory have a higher probability of containing previously unidentified archaeological resources given the probable lack of previous ground-disturbing activities on those properties. Additionally, ground-disturbance into undisturbed soils on any Housing Element Update property could contain previously unknown prehistoric or historic-period resources. The City's Historic Resource Management Ordinance and Program LU-4: Historic Preservation Plan of the Burbank 2035 General Plan, also provide specific policies related to the unanticipated discovery of archaeological resources. As described in Program LU-4, all development projects under the Housing Element Update that require ground-disturbing activities on previously undisturbed lands must be assessed by a qualified archaeologist before construction commences. In addition, Mitigation Measure CUL-2(a) (Unanticipated Discovery of Archaeological Resources) and CUL-2(b) (Archaeological and Native Monitors) are required for projects that include excavation beyond five feet.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. As discussed in the Housing Element EIR, development accommodated by the Housing Element Update could adversely affect identified and previously unidentified prehistoric cultural resources. However, potential impacts would remain less than significant with the implementation of Mitigation Measure CUL-2(a) and CUL-2(b), as well as the policies outlined in the Historic Resource Management Ordinance and Program LU-4: Historic Preservation Plan. Development under the Rezoning Program would not result in new significant impacts to Tribal cultural resources beyond those identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Human Remains

As stated in the Housing Element EIR, no known burial sites have been identified in the city, excavations during construction activities could have the potential to disturb these resources, which could include Native American burial sites. Although it is unlikely that human remains are present, all Housing Element Update properties have at least the possibility of containing previously unidentified human remains. Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in Section 5097 of the California Public Resources Code (PRC). The California Health and Safety Code (Section 7050.5, 7051, and 7054) has specific provisions for the protection of human burial remains. Existing regulations address the illegality of interfering with human burial remains, and protect them from disturbance, vandalism, or destruction. They also include established procedures to be implemented if Native American skeletal remains are discovered. PRC Section 5097.98 also addresses the disposition of Native American burials, protects such remains, and established the NAHC to resolve any related disputes.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. As discussed in the Housing Element EIR, the policies outlined in Program LU-4 of the General Plan require a plan to mitigate potential unanticipated discovery of human remains on a Housing Element Update property. Additionally, all development projects are subject to California Health and Safety Code Section 7050.5 that states that no further disturbance shall occur until the county coroner has made

a determination of origin and disposition pursuant to PRC Section 5097.98. Impacts would be less than significant with the implementation of Mitigation Measures CUL-2(a), CUL-2(b), as well as the policies outlined in the Historic Resource Management Ordinance and Program LU-4: Historic Preservation Plan of the General Plan. In support of this, Mitigation Measures CUL-2(a) and CUL-2(b) identified in the Housing Element EIR would continue to apply under the Rezoning Program and potential impacts would remain less than significant with mitigation. Development under the Rezoning Program would not result in new significant impacts to Tribal cultural resources beyond those identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Tribal Cultural Resources

As discussed in the Housing Element EIR, ground-disturbing activities associated with individual development projects under the Housing Element Update could expose previously unidentified subsurface archaeological resources that may qualify as Tribal cultural resources. Given the highly developed nature of most Housing Element Update and rezone properties, the likelihood of encountering intact cultural or Tribal cultural resources is low to moderate. The City did not receive any request for consultation from Tribes traditionally and culturally affiliated with the geographic area as part of compliance with Assembly Bill 52 and Senate Bill 18 during preparation of the Housing Element EIR; nonetheless, project-specific Tribal cultural resource consultation would occur when individual housing development projects are implemented pursuant to the requirements of AB 52, and SB 18 if necessary. As determined in the Housing Element EIR, impacts to Tribal cultural resources would be less than significant with implementation of Mitigation Measure CUL-2(a) and CUL-2(b). Refer to Appendix A for full text of the mitigation measures.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. As discussed in the Housing Element EIR, project-specific Tribal cultural resource consultation would occur when specific housing development projects are implemented, and consultation conducted pursuant to the requirements of AB 52. In support of this, Mitigation Measures CUL-2(a) and CUL-2(b) identified in the Housing Element EIR would continue to apply under the Rezoning Program and potential impacts would remain less than significant with mitigation. Therefore, development under the Rezoning Program would not result in new significant impacts to Tribal cultural resources beyond those identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

2.4 Geology/Soils

The Geology/Soils section of the Housing Element EIR focused on potential impacts related to paleontological resources because all other geological and soils impacts were found to be less than significant. Paleontological resources may be encountered during any ground-disturbing activities associated with construction (e.g., grading, excavation, or other ground disturbing construction activity) in intact (native) geologic units with high paleontological sensitivity. Construction activities may result in the destruction, damage, or loss of undiscovered scientifically important paleontological resources. However, development under the Housing Element would prioritize residential development on infill sites and in areas that have previously been developed and disturbed and are therefore less likely to contain paleontological resources than undisturbed areas

that have not previously been excavated or disturbed below the ground surface. Given that most of the proposed housing opportunities sites are mapped within areas of high paleontological sensitivity at depths greater than five feet, substantial adverse changes in or a disturbance to known or unknown resources is possible; therefore, Mitigation Measures GEO-1(a) (Paleontological Resources Management) and GEO-1(b) (Fossil Recovery, Preparation, and Curation) are required to reduce impacts to a less than significant level.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. Development under the Rezoning Program could potentially affect previously unidentified paleontological resources. Mitigation Measures GEO-1(a) and GEO-1(b) would continue to apply under the Rezoning Program and potential impacts would remain less than significant with mitigation. Therefore, development under the Rezoning Program would not result in new significant impacts to paleontological resources beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

2.5 Greenhouse Gas Emissions

As stated in the Housing Element EIR, the State Scoping Plan, 2020-2045 RTP/SCS, and Burbank2035 Greenhouse Gas Reduction Plan collectively emphasize energy efficient development and new housing and job growth in transit priority areas, livable corridors, high-quality transit areas, and neighborhood mobility areas in existing main streets, downtowns, and commercial corridors, resulting in an improved jobs-housing balance and more opportunity for transit-oriented development. This overall land use development pattern supports and complements the proposed transportation network that emphasizes system preservation, active transportation, and transportation demand management measures and reduces greenhouse gas emissions. Development accommodated by the Housing Element Update may occur anywhere existing housing is currently allowed and the rezoning of housing opportunity sites is focused in 12 sites within the Downtown TOD Specific Plan area and seven sites are in the GSSP area. As such, most housing development would occur in higher-intensity commercial and mixed-use districts, centers and boulevards, and in proximity to transit. The Housing Element EIR concluded that the Housing Element Update would be consistent with the measures and goals of the State Scoping Plan, 2020-2045 RTP/SCS, and the Burbank2035 Greenhouse Gas Reduction Plan and impacts would be less than significant.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. As such the proposed Project would accommodate housing development in higher-intensity commercial and mixed-use districts, centers and boulevards, and in proximity to transit. Therefore, the Rezoning Program would also be consistent with the goals and measures of the State Scoping Plan, 2020-2045 RTP/SCS, and the Burbank2035 Greenhouse Gas Reduction Plan. Therefore, development under the Rezoning Program would not result in new significant impacts related to greenhouse gas emissions beyond those identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

2.6 Hazards and Hazardous Materials

Release of Hazardous Waste Materials

As concluded in the Housing Element EIR, the Housing Element Update would accommodate infill housing and mixed use (residential-commercial) development in urbanized areas of the city. This shall be accomplished through policies and specifically through the proposed rezoning, all of which would occur in existing developed areas. Rezoning for the proposed project would include 3,561 residential units with 1.4 million square feet (sf) of commercial space. Housing and other residential uses do not utilize hazardous materials, and thereby pose little risk of exposing the public to hazardous materials. Commercial uses would be subject to compliance with California Code of Regulations (CCR), California Division of Occupational Safety and Health (Cal OSHA), and other agencies to ensure hazardous materials risks to the public are minimized as well. The Housing Element EIR concluded that implementation of State and local regulations as well as the updated Burbank 2035 General Plan Safety Element policies would minimize risks related to hazardous materials to less than significant levels.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. Such development would remain subject to federal, State, and local laws and regulations pertaining to the transport, use, disposal, handling, and storage of hazardous waste, including but not limited to, Title 49 of the Code of Federal Regulations. Furthermore, any development that handles or uses hazardous materials would be required to comply with the regulations, standards, and guidelines established by the Environmental Protection Agency, State, Los Angeles County, and City of Burbank related to storage, use, and disposal of hazardous materials. Therefore, development under the Rezoning Program would not result in new significant impacts pertaining to the transport, use, disposal, handling, and storage of hazardous waste, beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Site Contamination

As discussed in the Housing Element EIR, there are existing sites within City limits that contain, or potentially contain, contaminated or hazardous materials. New development facilitated by the Housing Element Update could expose construction workforce as well as future occupants to hazardous materials if the project site is listed for hazardous materials. It is also possible that USTs in use prior to permitting and record keeping requirements may be present in the city. If an unidentified UST were uncovered or disturbed during construction activities, it would be removed under permit by the Health Hazardous Materials Division (HHMD); if such removal would potentially undermine the structural stability of existing structures, foundations, or impact existing utilities, the tank might be closed in place without removal. Tank removal activities could pose both health and safety risks, such as the exposure of workers, tank handling personnel, and the public to tank contents or vapors. Potential risks, if any, posed by USTs would be minimized by managing the tank according to existing standards contained in Division 20, Chapters 6.7 and 6.75 (Underground Storage Tank Program) of the California Health and Safety Code as enforced and monitored by the HHMD. As such, Mitigation Measure MM HAZ-2 (Property Assessment – Phase I and II ESAs) would be implemented to ensure any potential development site listed on DTSC or SWRCB conducts a Phase II ESA for soil sampling and environmental professional recommendations for remediation.

The Housing Element EIR concluded that implementation of State and local regulations as well as General Plan policies would reduce impacts from known contaminated sites in the city to less than significant levels.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. While development of the identified sites under the Rezoning Program is not proposed at this time, proposed developments would be reviewed for site contamination and, if necessary, would undergo remediation and cleanup under the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB) prior to construction. Impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts to site contamination beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Airport Safety

The proposed Project includes rezoning within the Burbank Airport Influence Area of the City. In particular, one of the potential Golden State Specific Plan Sites (the 678-unit Valhalla site) falls within the Airport Influence Area, and therefore would be required to comply with the Burbank2035 General Plan policies, the Los Angeles County Airport Land Use Plan (LACALUP), and any other local or regional regulations as they pertain to development in this area. Safety hazards associated with airports are generally related to the construction of tall structures that could interfere with flight paths, or with increasing the number of people working or residing in potential crash zones. The Airport Influence Area is defined by the LACALUP, and is the area in which noise, overflight, safety, or airspace protection factors may affect land uses or require restrictions on those uses. The LACALUP identified the Approach Surface and the Runway Protection Zone as two such safety zones requiring use restrictions (LACALUP 2004). The updated Burbank2035 Safety Element requires compliance with the LACALUP and provides policies such as Policy 7.2, which ensures that land uses, densities, and building heights within Airport Land Use Compatibility Zones, including those in disadvantaged communities, are compatible with safe operation of the Hollywood Burbank Airport.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR and would be consistent with LACALUP regulations. Impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts to the LACALUP regulations beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Emergency Response and Evacuation Plans

The 2022 EIR addresses maintaining a Local Hazard Mitigation Plan and Coordination with adjacent jurisdictions. Additionally, traffic created by development under the Rezoning Program would not interfere with an evacuation plan or cause increased traffic congestion. Permitted uses in the Rezoning Program would be subject to the development standards set forth in the existing base zoning district or base Specific Plan to which the Rezoning Program is applied to. Because

development would be consistent with existing standards, implementation of the Rezoning Program would not result in an impact to adopted emergency response and evacuation plans beyond that identified in the Housing Element EIR.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts and would be consistent with adopted emergency response and evacuation plans. Impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts to adopted emergency and evacuation plans beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

2.7 Noise

Temporary Noise

Construction of future development projects in the city would produce temporary noise impacts that would be localized to a project site and sensitive receivers within the immediate vicinity. Therefore, only sensitive receivers located in close proximity to each construction site would be potentially affected by each activity. Nonetheless, construction activities associated with individual housing development projects accommodated under the Housing Element Update may overlap with construction activities for other development projects. Typically, if a development site is 500 feet or more away from another site then noise levels would have attenuated to a point that they would not combine to produce a cumulative noise impact. Therefore, construction noise levels would typically become cumulative only if two development sites were to have construction occurring within 500 feet of each other. However, under a worst-case scenario, noise from construction activities for two projects within 1,000 feet of each other could contribute to a cumulative noise impact for sensitive receivers located equidistant between the two construction sites with concurrent on-site activities. Implementation of Mitigation Measures MM NOI-1a through MM NOI-1j would be implemented to mitigate impacts from development carried out under the Rezoning Program during construction. As concluded in the Housing Element EIR, implementation of the City's existing noise regulations and standards, as well as goals and policies of the General Plan, would reduce potential noise impacts related to existing and future land uses to less than significant levels.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts and would be consistent with the City's existing noise regulations and standards analyzed in the Housing Element EIR. Potential impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts to the existing noise regulations and standards beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Permanent Noise

Housing development accommodated under the Housing Element Update would include residential development at increased intensity and density throughout the city that would generate on-site operational noise from stationary sources and off-site operational noise from vehicle trips. Typical noise sources associated with residential uses include stationary heating, ventilation, and air conditioning (HVAC) equipment; on-site vehicle movement (e.g., delivery and trash hauling), outdoor activities; and off-site traffic. However, such activities would be typical of the urban environment. In addition, on-site activities would be required to comply with applicable noise standards in the Burbank Municipal Code (BMC). Furthermore, while housing development would generate vehicle trips in the city, the increase in mobile noise would not result in a perceptible 3-dBA increase. Therefore, permanent noise increases due to operation of the Housing Element Update were determined to be less than significant.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR and would be consistent with the urban environment. Potential impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts related to permanent noise beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Groundborne Vibration

Operational groundborne vibration impacts are localized to a project site and sensitive receivers within the immediate vicinity. However, it is not anticipated that new residential development within the city would include substantial sources of operational ground-borne vibration. As concluded in the Housing Element EIR, construction vibration would result in less than significant impacts, and impacts related to operational ground borne vibration would not be cumulatively considerable and cumulative impacts would be less than significant.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. Development under the Rezoning Program would not be expected to generation higher levels of vibration than any other type of development that could occur with the Rezoning Program. As with individual developments under the Housing Element, the City would review the potential for vibration impacts from development of permitted uses in the Rezoning Program before it issues building permits and would require measures such that physical damage to neighboring buildings would not occur before issuing a building permit. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR. Potential impacts would remain less than significant with the incorporation of Mitigation Measure NOI-3 (Vibration Control Plan). Therefore, the Rezoning Program would not result in new significant impacts to groundborne vibration beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Airport Noise

Housing development accommodated by the Housing Element Update could be proposed within two miles of the Hollywood Burbank Airport. The proposed project includes rezoning within the Burbank Airport Influence Area of the city. The Airport Influence Area is consistent with the airport's 65 CNEL contour. In particular, one of the potential GSSP sites (i.e., the 678-unit Valhalla site) falls within this area. Therefore, any development at this site, as well as with other housing development located within the Airport Influence Area/65 CNEL contour, would be required to comply with the Burbank 2035 General Plan policies, the Los Angeles County ALUP, and 2019 CBC, Title 24, Part 2, Section 1206.4, which collectively govern excessive noise from airport operations and require that sensitive uses achieve an interior noise level of 45 dBA or less in any habitable room.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR. Potential impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts related to airport noise beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

2.8 Population and Housing

As concluded in the Housing Element EIR, the estimated net housing units that can be counted based on entitled and pending projects, opportunity sites with existing General Plan and zoned capacity, accessory dwelling units, and committed assistance, would fall short of the RHNA allocation by 2,391 units. To make up for this shortfall, the Housing Element includes a housing program to amend the General Plan and adopt the Downtown TOD Specific Plan and GSSP, which would provide the necessary zoning, objective development standards, and processing procedures to facilitate the production of housing required to accommodate the City's RHNA along with the required sites buffer. As stated in the Housing Element EIR, development under the Housing and Safety Element Update would increase the population of the City by an estimated 25,617 residents by 2029³, resulting in a total City population of approximately 129,586 residents. In addition to the housing accommodated under the Housing Element Update, the proposed zone changes would accommodate up to about 1.4 million square feet of additional commercial development and 1,534 associated jobs (refer Table 2-5 of the Housing Element EIR for the calculation of square footage and jobs). These additional jobs would primarily be in the office/media production, retail, and service industry and would likely be filled by the existing labor force or by the new residents anticipated in the new housing units accommodated by the Housing Element Update.

The Housing Element and the Rezoning Program would be consistent with State requirements for the RHNA. Although the Housing Element Update would facilitate development beyond what is forecast in SCAG's 2020-2045 RTP/SCS, it would bring the forecasts for the City's General Plan and the RTP/SCS into consistency since the RTP/SCS will be updated to reflect new forecasts for each city in the region. Additionally, the Housing Element Update would be consistent with ongoing planning in the City through the adoption of the Downtown TOD Specific Plan and the GSSP.

³ 10,456 (Projected residential units) *2.45 (Persons/household ratio from DOF 2021)

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR and would be consistent with SCAG's 2020-2045 RTP/SCS. Potential impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts related to population and housing beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

2.9 Public Services

Fire Protection Facilities

As concluded in the Housing Element EIR, development facilitated by the Rezoning Program under the Housing Element would increase demand for fire protection services and potentially create the need for new fire protection facilities; however, compliance with applicable codes and regulations and compliance with the General Plan Update policies would reduce impacts to a less than significant level. Fire protection services are provided by the Burbank Fire Department (BFD) and include fire, rescue, hazardous materials prevention, and emergency services. Future housing development under the Housing Element Update would be required to submit a service questionnaire to the BFD in conjunction with their applications to ensure fire protection services are available to serve the proposed housing development and would be required to adhere to the 2019 California Fire Code. The City would review future housing development applications to ensure compliance with the established regulatory framework. Additionally, prior to issuance of occupancy permits, applicants of future housing developments would be required to pay City fees for Fire Code plan review and inspections. Construction of a future fire station or an expansion to an existing station could result in one or more potentially significant impacts. However, no sites have yet been selected by the City. It is anticipated that a future fire station or an expansion to an existing station will be subject to CEQA review at the time a site is identified and a specific design proposed. Therefore, impacts related to the provision of fire services were determined to be less than significant under the Housing Element EIR.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR. Potential impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts to the fire protection facilities beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Police Protection Facilities

The Housing Element EIR concluded that development facilitated by the Rezoning Program under the Housing Element would increase the demand for police protection services and potentially create the need for new police protection facilities; however, compliance with applicable codes and

regulations and compliance with the General Plan would reduce impacts to a less than significant level. The Burbank Police Department (BPD) provides police protection services in Burbank that includes crime investigation, offender apprehension, community awareness programs, traffic control, and other services. Planning for new or physically altered BPD stations is based on an assessment of the cumulative need for new facilities. The Housing Element EIR determined that development under the Housing Element would not result in the need for new or expanded facilities, and the incremental contribution to demand for increased BPD protection services would be offset by payment of proportionate property taxes and sales taxes and development impact fees to the City of Burbank by developers and the addition of new residents.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR. Potential impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts to police protection facilities beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

School Facilities

As concluded in the Housing Element EIR, development under the Housing Element would not directly affect local schools but would generate new students entering the BUSD. Implementation of the proposed Project would add an estimated 25,617 residents and some of those residents would be school-aged children. Based on student generation rates for the BUSD, development under the Housing Element could generate an estimated 6,158 students, including 2,662 elementary school students (grades K-5), 1,401 middle school students (grade 6-8), and 2,095 high school students (grades 9-12). There are no planned improvements to add capacity through expansion. To accommodate additional students brought into the District from new housing development(s), BUSD would place students at other District schools in the event their home school enrollment was at capacity (Kukta 2021). It is important to note that student daily attendance has a direct effect on State funds in the form of "average daily attendance numbers." The average daily attendance for individual schools and the district as a whole can affect the availability of State money received to help fund daily operations that include school staffing needs. In the event that BUSD constructs a new school or physically alter an existing facility, a project-specific environmental analysis would be required under CEQA to address site-specific environmental concerns. In addition, existing laws and regulations require funding for the provision or expansion of new school facilities to offset impacts from new residential development; therefore, impacts were determined to be less than significant.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR. Impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts to the school facilities beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Parks

As stated in the Housing Development EIR, development under the Housing and Safety Element Update would increase the City's population. As identified in the Burbank2035 General Plan, the City contains 26 parks that total approximately 732 acres of parkland. Stough Canyon Park and Wildwood Canyon Park are the two largest parks in the City. They each serve as recreational and cultural focal points for the community at large. General Plan Policy 2.3 establishes a minimum level of 3 acres per 1,000 persons, with a goal of 5 acres per 1,000 persons. The Housing Element Update would add an estimated 25,617 residents to the City, increasing Burbank's population from 103,969 to 129,586 persons. With this increased population, the parkland ratio would decrease from 7.0 acres of parkland for every 1,000 Burbank residents to 5.6 acres of parkland for every 1,000 Burbank residents. Therefore, service ratios would still be above the General Plan goal. In addition, General Plan Program OSC-2 requires the development of a Park, Recreation, and Community Services Master Plan which is intended to guide the in-lieu fee structure for the acquisition and management of recreation land in connection with the development review process. Program LU-8 under the General Plan would review and revise the community facilities fee program to ensure that new development adequately offsets impacts related to fire, police, library, and park and recreation services. These policies and programs maintain existing levels of service for park and recreation facilities for both existing and new residents, including maintenance to prevent deterioration of existing parks. Implementation of these policies and programs would direct construction of new parks and provide ongoing park maintenance to prevent deterioration of existing facilities. Increased demand associated with an increase in population would not significantly accelerate the deterioration of existing park areas or recreational facilities because development would be required to pay the applicable Development Impacts Fees as well as provide on-site private and common open space, consistent with applicable development standards. Therefore, the Housing Element EIR determined that impacts to parks and recreation facilities would be less than significant.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR. Potential impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts to parks beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Other Public Facilities

As discussed in the Housing Element EIR, the Burbank Public Library has three locations: Central, Buena Vista, and Northwest. These three sites were collectively open 155.5 hours per week. During the 2018-2019 fiscal year, the Burbank Public Library received 720,994 visits to the branches and had 30,000 attendees in 615 programs (Burbank Public Library 2020). Compared to other libraries systems in the region (Glendale, Pasadena, Santa Monica, Thousand Oaks, Torrance), Burbank is low on space (ranks 5 of 6 at 0.74 square feet per capita, with only Torrance lower) and is moderately well-staffed (ranks 3 of 6 at 0.60 staff full-time equivalent (FTE) per 1,000 population, slightly ahead of Thousand Oaks and Torrance). A less than 25 percent increase in monthly visitation would warrant the need for additional and/or expanded facilities.

While a less than 25 percent increase would be a large increase to the usage of the libraries, this is in line with SCAG's growth projections for the area and the growth is also anticipated to occur over the next eight years and would not occur all at once. Additionally, Program LU-8 in the Burbank General Plan provides development impact fees for libraries. As mentioned under Impact PS-1, impacts from development would be offset by payment of development impact fees in addition to property taxes and sales taxes to the City. Additionally, potential environmental impacts related to the construction of new or expanded library facilities would be assessed on a project-specific level under CEQA. Therefore, the Housing Element EIR determined that impacts to public library facilities would be less than significant.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR. Potential impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts to other public facilities beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

2.10 Recreation

As stated in the Housing Element EIR, development under the Housing and Safety Element Update would increase the population of the City by an estimated 25,617 residents by 2029, resulting in a total City population of approximately 129,586 residents and a parkland ratio of 5.6 acres per 1,000 residents. This ratio would still meet the City's goal of five acres of parkland per 1,000 residents. However, the *Open Space and Conservation Element* of the Burbank2035 General Plan establishes a requirement for three acres of new parkland per 1,000 new residents. This requirement applies to large residential developments and would result in parkland dedications, improvements, or in-lieu payments if a project applicant is not able to dedicate land or the land is considered unsuitable for park or recreation use (BMC 2021). Based on the City's urban location and limited land available, the construction or expansion of park facilities would result in less than significant impacts with adherence to the City's policies and project specific design features.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR, potential impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts to recreational facilities beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

2.11 Transportation

Transportation Plans, Guidelines, Policies, Standards

As determined in the Housing Element EIR, the Housing Element Update would not interfere with applicable adopted plans, guidelines, policies, and standards. Additionally, the Housing Element Update encourages development on infill sites or development of existing parcels with greater density in high-resource areas around the city already serviced by public transit, the Project would improve residential transit access and possibly increase transit mode share. The Project would also facilitate the completion of household errands on bike or foot, rather than in a car, which further supports state and local transportation-related climate and congestion goals. Therefore, the impact is less than significant.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts and would be consistent with adopted plans, guidelines, policies and standards analyzed in the Housing Element EIR. Potential impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts to the transportation plans, guidelines, policies, and standards beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Vehicle Miles Traveled

As stated in the Housing Element EIR, the project would have an impact if its VMT exceeds at least one of the following:

- The Housing Element Update would result in average total VMT per service population for the 2029 City of Burbank Housing Element Plan that exceeds 15 percent below the regional average total VMT per service population from the 2021 SCAG region.
- The Housing Element Update would result in average VMT per capita for the 2029 City of Burbank Housing Element Plan that exceeds 15 percent below the regional average VMT per capita from the 2021 SCAG region.
- The Housing Element Update would result in average VMT per employee for the 2029 City of Burbank Housing Element that exceeds 15 percent below the regional average VMT per employee from the 2021 SCAG region.

Full buildout of the Housing Element Update would result in 3 percent less average total VMT per service population, 39 percent less average VMT per capita, and 7 percent less average VMT per employee compared to the 2021 SCAG region baseline. This result exceeds the thresholds of significance for average total VMT per service population and average VMT per employee and does not exceed the threshold of significance for average VMT per capita. Similarly, development under the Housing Element Update provides a reduction in total VMT per service population, but to a lesser extent than VMT per capita because total VMT per service population includes non-home-based trips, such as heavy truck delivery trips (i.e., adding housing supply does not directly affect freight/logistics operations in the City). Therefore, while the Housing Element would reduce VMT for all three metrics, it would not reduce them beyond the threshold of 15 percent for two of the metrics. The analysis shows that the addition of new housing to the City in conformance with the

goals and policies of the Housing Element provides a large reduction in VMT per capita because housing development under the Housing Element was found to improve the jobs-to-housing balance in Burbank, allowing more residents to live closer to their work location. The goals and policies of the Housing Element also reduce VMT per service population and per employee, but to a lesser extent than VMT per capita because total VMT per service population includes non-home-based trips, such as heavy truck delivery trips (i.e., adding housing supply does not directly affect freight/logistics operations in the City), and regarding employee VMT, since a large proportion of employees who work in Burbank live outside of Burbank, the reduction in VMT per employee due under the Housing Element is not as large as the reduction in VMT per capita. Therefore, while development under the Housing Element would reduce VMT for all three metrics, it would not reduce them beyond the threshold of 15 percent for the anticipated service population and employees. Since the Housing Element Update would exceed two of the three thresholds of significance, the Housing Element Update resulted in a significant VMT impact.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR. As stated in the Housing Element EIR, potential mitigation measures can be applied at the project level but are not feasible at the program level for a housing element as they are beyond the scope of the document. Therefore, development under the Rezoning Program would result in the same significant and unavoidable VMT impacts associated with development under the Housing Element, but would not result in new VMT impacts to beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Traffic Hazards and Emergency Access

As concluded in the Housing Element Update EIR, development under the Housing Element Update would be required to meet City design standards and comply with General Plan policies aimed at improving traffic safety and accessibility, which would reduce impacts associated with traffic hazards to less than significant levels. All future developments would be reviewed by the appropriate City staff to ensure consistency with all applicable City and State design standards, including standards for project access points, location, and design, sight lines, roadway modifications, provisions for bicycle and pedestrian transportation connections, and emergency access. Therefore, the Housing Element EIR determined that development under the Housing Element Update would not result in increased hazards due to a geometric design feature or incompatible use or inadequate emergency access and the impact is less than significant.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR. Potential impacts would remain less than significant. Therefore, development under the Rezoning Program would not result in new significant impacts traffic hazards and emergency access beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

2.12 Utilities/Service Systems

Expansion of Utility and Service Systems Infrastructure

As stated in the Housing Element EIR, construction activities associated with 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 because existing or mobile facilities would be used. Water supply for new housing developments would be provided by BWP, which purchases imported surface water supplies from the State Water Project (SWP) and the Colorado Aqueduct via Metropolitan Water District of Southern California (Metropolitan), as well as local groundwater supplies that 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 development under the Housing Element is addressed below, under *Water Supply*. Potential impacts related to relocation or construction of water supply facilities under the Housing Element were found to be less than significant.

The proposed project would require new connections for wastewater conveyance. 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. While individual projects implemented 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, 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.

As stated in the Housing Element EIR, new water supply connections and associated facilities would be required for future developments and such upgrades would occur within existing utility easements and would be located underground, primarily within existing roadways. Pursuant to the 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. Therefore, the developers are responsible for funding any infrastructure improvements that are required to mitigate project impacts. In addition, regarding water supply, growth under the Housing Element Update is accounted for in the City's 2020 Urban Water Management Plan (UWMP), as informed by the General Plan; therefore, the City has determined that sufficient water supplies are available to serve reasonably foreseeable development during construction and operation of the projects. Similar to water connections, electric power may be required on a project-by-project basis, but pursuant to Burbank2035 General Plan Land Use Policy 2.3, new development would be required to pay for their share of upgrading the utility infrastructure as needed to serve their project, which may include new electrical transformers, new transmission lines and/or new substations. Therefore, the developers

are responsible for funding their fair share of any infrastructure improvements that are required to mitigate project impacts.

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 Housing Element Update 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. In addition, no restrictions on the ability to provide adequate telecommunication service are present or anticipated to occur as a result of development under the Housing Element Update. 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.

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 Southern California Gas Company (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 California Public Utilities Commission (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. Although development associated with the Housing Element Update 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, 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 Housing Element Update, 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 within previously disturbed areas and existing rights-of-way. Therefore, the Housing Element EIR found that potential impacts to natural gas would be less than significant.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond growth forecasts analyzed in the Housing Element EIR. However, there is a potential for sewer constraints and sewer-capacity issues Mitigation Measures UTIL-1 (Sewer Service Constraints Analysis) identified in the Housing Element EIR would continue to apply under the Rezoning Program and impacts would remain less than significant with mitigation. Therefore, development under the Rezoning Program would not result in

new significant impacts related to water, wastewater treatment, electric power, natural gas, and telecommunication facilities beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Water Supply

As stated in the Housing Element EIR, implementation of the Housing Element Update would increase demand for water supply; however, the City's 2020 UWMP projects that adequate water supply would be available to serve population growth in the City. The Housing Element EIR concluded that the proposed development under the Housing Element Update would have less than significant impacts to water supply. 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. 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. Therefore, sufficient water supplies are available to serve reasonably foreseeable development under the Housing Element Update, including reasonably foreseeable future development during normal (water year), dry-year, and multiple-dry-year (drought) conditions. Potential impacts were found to be less than significant.

As stated in the Housing Element EIR and based on 2020 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 Water Supply Assessment (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. 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.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the

Housing Element EIR. Potential impacts would remain less than significant. Therefore, the Rezoning Program would not result in new significant impacts to water supply beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Wastewater Generation

The Housing Element EIR concluded that implementation of development under the Housing Element Update would increase wastewater generation and the amount of wastewater conveyed to the BWRP for treatment, potential impacts associated with wastewater would remain significant and unavoidable even with the implementation of both short-term and long-term mitigation measures incorporated.

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, which may require 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 for development under the Housing Element Update 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 would likely be less than projected as water use efficiencies reduce water use rates and corresponding wastewater generation rates. However, 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 Housing Element Update 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, Mitigation Measure UTIL-1 requires an updated sewer service constraints analysis that identifies any such constraints and necessary mitigations relative to each opportunity site identified in the Housing Element Update. 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 would also result in the creation of a process for reimbursement agreement (approved by the City Attorney and the City Council) for projects that must construct improvements to serve the project ahead of the City's implementation. In addition, Mitigation Measures UTIL-3a through UTIL-3d would be implemented to reduce potential impacts, however, they will not reduce impacts to a level that is less than significant. Mitigation Measures UTIL-3a (Sewer System Upgrades by Developers) and UTIL-3b (Sewage Diversion) would reduce short-term impacts, and Mitigation Measures UTIL-3c (Sewer Master Plan) and UTIL-3d (Expansion and Upgrades to BWRP Treatment Facilities) 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. 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.

Furthermore, the Sewer Master Plan (Mitigation Measure UTIL-3c) will take approximately one to two years to be completed, and the final recommendations were not available at the time the

Housing Element was approved. Therefore, no feasible mitigation measure is identified at the plan level to reduce impacts to wastewater treatment capacity associated with the development under the Housing Element Update and impacts were found to be significant and unavoidable.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts discussed in the Housing Element EIR, potential impacts would remain significant and unavoidable. Therefore, development under the Rezoning Program would not result in new significant impacts to wastewater generation beyond that identified in the Housing Element EIR nor would it increase the significance of impacts already identified in the Housing Element EIR.

Solid Waste Generation

As stated in the Housing Element EIR, implementation of the Housing Element Update would increase solid waste generation; however, landfills serving the City have adequate capacity to accept the additional waste and future development would comply with General Plan policies aimed at increasing recycling in the City. The Housing Element EIR concluded that landfills serving that City have adequate capacity to accept additional waste and impacts from solid waste generation under the Housing Element Update would be less than significant.

The proposed Rezoning Program components remain unchanged when compared to those analyzed as part of the Housing Element EIR. The same parcels across both Specific Plans previously selected for rezoning (as shown in Table 2) would be rezoned under the proposed Project to further assist the City in meeting State required housing production and affordability targets. The Rezoning Program would not encourage or promote growth beyond the growth forecasts analyzed in the Housing Element EIR. Based upon the existing capacity of landfills available to the City, the solid waste generated by development under the Rezoning Program would not require the development of new or expanded solid waste facilities but, over time, would contribute to the need as other municipalities expand their housing. The development carried out under the Housing Element's Rezoning Program 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. Furthermore, the Rezoning Program would not encourage or promote growth beyond the growth forecasts discussed in the Housing Element EIR. Therefore, development under the Rezoning Program would not result in significant impacts related to solid waste generation and would have no impact beyond that identified in the Housing Element EIR.

2.13 Conclusion

As discussed in Section 2, *Environmental Impacts*, and because the components of the Rezoning Program remain unchanged when compared to those previously analyzed as part of the Housing Element EIR, implementation of the Rezoning Program would not result in any new or increased severity of significant environmental effects beyond those identified in the Housing Element EIR. Mitigation measures beyond those identified in the Housing Element EIR (see Appendix A to this Finding of Consistency) are not required for any of the analyzed environmental issue areas. As such, pursuant to *CEQA Guidelines* Section 15183, no additional environmental review or documentation is required for the proposed Rezoning Program under CEQA.

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Appendix A

Housing Element EIR Mitigation Monitoring and Reporting Program

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