

IV. Environmental Impact Analysis

D. Hazardous Materials/Risk of Upset

1. Introduction

The following section describes the potential adverse impacts on human health and the environment due to exposure to hazardous materials or conditions that could be encountered as a result of construction and operation of the Proposed Project. Except where footnoted otherwise, this Section is based upon the following technical reports:

- Limited Asbestos and Lead Inspection, 3rd and Fairfax – 6300 West 3rd Street, Los Angeles, California, prepared by Evista Industries, Inc., dated February 13, 2018 (“Limited Asbestos and Lead Report”);
- Hazardous Materials Inventory Report, 3rd and Fairfax – 6300 West 3rd Street, Los Angeles, California, prepared by Evista Industries, Inc., dated February 2, 2018 (“Hazardous Materials Inventory Report”);
- Phase I Environmental Site Assessment Report, Town & Country Retail, 6310-6360 W. Third Street, Los Angeles, California 90036, prepared by Arcadis U.S., Inc., dated May 26, 2017 (“Center Phase I ESA”);
- Phase I Environmental Site Assessment, 3rd and Fairfax – 6300 to 6332 West 3rd Street, Los Angeles, California, prepared by Northgate Environmental Management, Inc., dated January 30, 2018 (“Development Site Phase I ESA”);
- Phase I Environmental Site Assessment Update, 3rd and Fairfax – 6300 to 6332 West 3rd Street, Los Angeles, California, prepared by Northgate Environmental Management, Inc., dated October 23, 2018 (“Development Site Phase I ESA Update”);
- Phase II Environmental Site Assessment, 3rd and Fairfax – 6300 to 6332 West 3rd Street, Los Angeles, California, prepared by Northgate Environmental Management, Inc., March 1, 2018 (“Development Site Phase II ESA”); and
- Report of Methane Soil Gas Investigation, Proposed Redevelopment, 370 S. Fairfax Ave., 6300-6370 W. 3rd Street & 347 S. Ogden Drive, Los Angeles, CA, prepared by Terra-Petra Environmental Engineering, dated January 31, 2019 (“Methane Report”).

There were several environmental investigations performed on the Project Site, and several technical reports prepared, to determine the potential hazards associated with construction and operation of the Project. The Center Phase I ESA listed above evaluated the land in the existing Center. The other environmental assessments (including the Development Site Phase I ESA, Development Site Phase II ESA, and the Development Site Phase I ESA Update) focused on the Development Site because that is where construction and operation of the Proposed Project would occur.

The Limited Asbestos and Lead Report determined whether there were Asbestos Containing Materials (ACMs) or Lead-Based Paints (LBPs) present on the Development Site, and if so, applied the regulatory measures designed to handle such materials appropriately during construction activities. The Hazardous Materials Inventory Report categorizes potential hazardous material that could be located on the Development Site. The purpose of the Development Site Phase I ESA and the Development Site Phase I ESA Update were to identify recognized environmental conditions (RECs)¹, controlled RECs (CRECs)², and historical RECs (HRECs)³ associated with the Development Site. The primary objective of the Development Site Phase II ESA was to assess the potential presence of soil, groundwater, and soil vapor quality impacts. The purpose of the Methane Report was to determine the level of methane gas in the soil underneath the Development Site and recommend design specifications for the Proposed Project to ensure that neither its construction nor operation would present a risk to the public from methane concentrations.

The technical reports identified above (except the Development Site Phase I ESA and the Development Site Phase I Update) were published with the NOP/Initial Study as Appendices A-F.1 through A-F.5 and are collectively contained within Appendix A to this

¹ A REC is defined as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: 1) due to release to the environment; 2) under conditions indicative of a release to the environment; or 3) under conditions that pose a material threat of a future release to the environment.

² A CREC is defined as recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

³ A HREC is defined as a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

Draft EIR. The Development Site Phase I ESA and the Development Site Phase I ESA Update are therefore provided as Appendix K to this Draft EIR.⁴

2. Environmental Setting

a) Regulatory Framework

(1) Federal

Federal laws and regulations governing the management and control of hazardous substances have been established to protect the environment. The principal federal agency responsible for regulating and overseeing the environment is the United States Environmental Protection Agency (U.S. EPA). Regulations that fall under the jurisdiction of the U.S. EPA and that are applicable to the Proposed Project include the following:

(a) Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (42 USC Sections 6901 *et seq*) (RCRA) was enacted in 1976 and is the principal law governing the management and disposal of hazardous material. The RCRA provides the framework for the national hazardous and non-hazardous waste management systems, which includes the determination of whether hazardous wastes are being generated, and techniques for tracking all aspects of hazardous materials from creation to eventual disposal (cradle to grave responsibility). RCRA allows individual states to develop their own program for the regulation of hazardous waste as long as it is at least as stringent as RCRA. The U.S. EPA has granted California the authority to implement RCRA regulations, and has granted the California Environmental Protection Agency (Cal EPA) Department of Toxic Substances Control (DTSC) with administration and enforcement responsibility authority for implementing California's Hazardous Waste Control Law (HWCL) (Health and Safety Code Sections 25100 *et seq.* and 22 CCR Sections 66260.1 *et seq.*), which are discussed further below. RCRA applies to this Proposed Project because RCRA is used to define hazardous materials, offsite disposal facilities, and the wastes each may accept are regulated under RCRA during Proposed Project construction and/or operation.

(b) Occupational Safety and Health Administration

Occupational Safety and Health Administration (OSHA), the federal agency responsible for ensuring worker safety, has established requirements for workers regarding hazardous waste management operations and emergency responses involving

⁴ The Development Site Phase I ESA dated January 30, 2018 is attached as Appendix C to the Development Site Phase I ESA Update, dated October 23, 2018.

hazardous waste (29 CFR Part 1910 *et seq.*). These regulations promote worker and workplace safety, other training, and a worker's right-to-know. The U.S. Department of Labor has delegated the authority to administer OSHA regulations to the State of California. The California OSHA program (Cal-OSHA) is discussed in further detail below. OSHA regulations apply to this Proposed Project because contractors would be required to comply with its hazardous materials management and handling requirements that would reduce the possibility of spills.

(c) *Comprehensive Environmental Response, Compensation,
and Liability Act*

The Comprehensive Environmental Response, Compensation, and Liability Act (42 USC Section 9601 *et seq.*) (CERCLA), commonly known as "Superfund," creates a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. The tax goes into a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA also:

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

CERCLA established the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS), which was recently replaced by the Superfund Enterprise Management System (SEMS). SEMS is the EPA's system for tracking potentially hazardous waste sites within the Superfund program. A site's presence on SEMS does not imply a level of federal activity or progress at a site, nor does it indicate that hazardous conditions necessarily exist at the location. In addition, CERCLA authorizes two kinds of response actions:

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

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

(d) *Superfund Amendment and Reauthorization Act*

The Superfund Amendment and Reauthorization Act (SARA), (42 USC Chapter 116), amended CERCLA on October 17, 1986. SARA made several important changes and additions to the Superfund program. Primarily, SARA:

- Stressed the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites;
- Required Superfund actions to consider the standards and requirements found in other state and federal environmental laws and regulations;
- Provided new enforcement authorities and settlement tools;
- Increased state involvement in every phase of the Superfund program;
- Increased the focus on human health problems posed by hazardous waste sites;
- Increased the size of the trust fund to \$8.5 billion; and
- Encouraged greater citizen participation in making decisions on how sites should be cleaned up.

SARA also required USEPA to revise the Hazard Ranking System (HRS) to ensure that it accurately assessed the relative degree of risk to human health and the environment posed by uncontrolled hazardous waste sites that may be placed on the NPL. Additionally, SARA requires facilities defined by Section 313 of the Emergency Planning and Community Right to Know Act (EPCRA) (SARA Title III) to report items on U.S. EPA Toxic Chemical Inventory Reporting Forms. SARA Title III sets requirements for local and state emergency planning around hazardous chemicals, the right of the public to access information on chemical hazards in their community, and the reporting responsibilities for facilities that use, store, and / or release hazardous chemicals.

EPCRA also established reporting obligations for facilities that store or manage specified chemicals pursuant to SARA Title III. Additionally, local emergency planning committees must develop an emergency response plan, review the plan at least annually, and provide information about chemicals in the community to citizens. EPCRA applies to this Proposed Project because the use of hazardous materials during Project construction and/or operation (e.g., fuels, paints and thinners, solvents, etc.) would require the

preparation and implementation of written emergency response plans to properly manage hazardous materials and respond to any accidental spills.

(e) *Toxic Substances Control Act*

The Toxic Substances Control Act (15 USC Section 2601 *et seq.*) (TSCA), adopted in 1976, regulates the introduction of new or already existing chemicals. The TSCA provides the U.S. EPA the ability to track the 75,000 industrial chemicals currently produced or imported into the United States, by authorizing it to require reporting, record-keeping, testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics and pesticides. TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), ACMs, radon and LBP.

(i) *Polychlorinated Biphenyls (PCBs)*

PCBs are a group of man-made organic chemicals consisting of carbon, hydrogen and chlorine atoms, referred to as chlorinated hydrocarbons. PCBs are regulated by the U.S. EPA under the TSCA. These regulations ban the manufacture of PCBs although the continued use of existing PCB-containing equipment is allowed. TSCA also contains provisions controlling the continued use and disposal of existing PCB-containing equipment. The disposal of PCB wastes is also regulated by TSCA (40 CFR 761), which contains life cycle provisions similar to those in RCRA. In addition, provisions relating to PCBs are contained in the Hazardous Waste Control Law (HWCL) which lists PCBs as hazardous waste.

(f) *US DOT Hazardous Materials Transportation Act*

US Department of Transportation (US DOT), in conjunction with the EPA, is responsible for enforcement and implementation of federal laws and regulations pertaining to safe storage and transportation of hazardous materials. The US DOT Hazardous Materials Transportation Act (49 CFR Part 171–180) regulates the transportation of hazardous materials, types of material defined as hazardous, and the marking of vehicles transporting hazardous materials. The US DOT Hazardous Materials Transportation Act applies to this Proposed Project because contractors would be required to comply with its storage and transportation requirements to reduce the possibility of spills during Proposed Project construction and/or operation.

(g) *The Federal Motor Carrier Safety Administration*

The Federal Motor Carrier Safety Administration, a part of the US DOT, issues regulations (49 CFR Part 383-397) concerning highway transportation of hazardous materials, the hazardous materials endorsement for a commercial driver's license, highway hazardous material safety permits, and financial responsibility requirements for motor carriers of hazardous materials. These regulations apply to this Proposed Project because contractors would be required to comply with its storage and transportation requirements that would reduce the possibility of spills during Proposed Project construction and/or operation.

(2) State

At the State level, California has developed hazardous waste regulations that are similar to the federal laws, but that are more stringent in their application in some cases. The term "hazardous material" is defined in California Health and Safety Code Section 25501 as any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment. Hazardous materials include, but are not limited to, solvents, mercury, lead, asbestos, fuels, oils, paints, cleansers, and pesticides that are used in activities such as building and grounds maintenance. Potential adverse effects include those associated with reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; emitting hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; and location of the Proposed Project on a hazardous materials site.

The primary state agencies with jurisdiction over hazardous chemical materials management are the Department of Toxic Substances Control (DTSC), State Water Quality Control Board (SWQCB), and Los Angeles Regional Water Quality Control Board (LARWQCB). Other state agencies involved in hazardous materials management are the Department of Industrial Relations (state OSHA implementation), Office of Emergency Services (OES) – California Accidental Release Prevention (CalARP) implementation, California Air Resources Board (CARB), California Department of Transportation (Caltrans), Office of Environmental Health Hazard Assessment (OEHHA – Proposition 65 implementation), and the California Integrated Waste Management Board (CIWMB). Hazardous materials management laws in California include the following statutes and regulations.

(a) *Hazardous Waste Control Law*

The Hazardous Waste Control Law (Health & Safety Code Section 25100 *et seq.*) (HWCL) empowers the DTSC to administer the State's hazardous waste program and implement the federal program in California. CCR Titles 22 and 23 address hazardous materials and wastes. Title 22 defines, categorizes, and lists hazardous materials and wastes. Title 23 addresses public health and safety issues related to hazardous materials and wastes and specifies disposal options. Provisions relating to PCBs are contained in the HWCL, which lists PCBs as hazardous waste.

HWCL is the state equivalent of RCRA and regulates the generation, treatment, storage, and disposal of hazardous waste. This act implements the RCRA "cradle to grave" waste management system in California but is more stringent in its regulation of non-RCRA wastes, spent lubricating oil, small-quantity generators, transportation and permitting requirements, as well as in its penalties for violations.

(b) *Hazardous Materials Release Response Plans and Inventory Law of 1985*

The Hazardous Materials Release Response Plans and Inventory Law of 1985 (Assembly Bill (AB) 2185; Health and Safety Code Section 25500 *et seq.*) (Business Plan Act) governs hazardous materials handling, reporting requirements, employee training, and local agency surveillance programs.

The Business Plan Act requires preparation of Hazardous Materials Business Plans and disclosure of hazardous materials inventories, including an inventory of hazardous materials handled, plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee training in safety and emergency response procedures. Statewide, DTSC has primary regulatory responsibility for management of hazardous materials, with delegation of authority to local jurisdictions that enter into agreements with the state. Local agencies are responsible for administering these regulations.

Several state agencies regulate the transportation and use of hazardous materials to minimize potential risks to public health and safety, including CalEPA and the California Emergency Management Agency. The California Highway Patrol and Caltrans enforce regulations specifically related to the transport of hazardous materials. Together, these agencies determine container types used and license hazardous waste haulers for hazardous waste transportation on public roadways.

The Business Plan Act applies to the commercial portion of the Proposed Project because contractors and future businesses would be required to comply with its handling, storage,

and transportation requirements that would reduce the possibility of spills, and to prepare an emergency response plan to respond to accidental spills.

(c) *Proposition 65*

Proposition 65 (CCR Title 22, Section 12000, et seq.) focuses on carcinogenic or teratogenic contaminants. Proposition 65 establishes a list of chemicals and substances and the level at which they are believed to potentially cause cancer. Proposition 65 restricts the discharge of listed chemicals at certain levels into known drinking water sources, requires public notification of unauthorized discharges, requires clear warning prior to a known and intentional exposure to a listed substance, and establishes a right of action for citizens and separate notice requirements for government employees and counties.

(d) *California Health and Safety Code*

The California Health and Safety Code and the related regulations in California Code of Regulations require local governments to regulate local business storage of hazardous materials in excess of certain quantities. The law also requires that entities storing hazardous materials be prepared to respond to releases. Those using and storing hazardous materials are required to submit a Hazardous Materials Business Plan (HMBP) to their local certified unified program agency (CUPA) and to report releases to their CUPA and the State Office of Emergency Services.

California Health and Safety Code, Division 20, Chapter 6.7, governs the State's Underground Storage Tank (UST) program and regulates the program in CCR Title 23, Division 3, Chapter 16 and 17. The intent of this regulation is to establish orderly procedures that will ensure that newly constructed USTs meet appropriate standards and that existing tanks be properly maintained, inspected, tested, and upgraded so that the health, property, and resources of the people of the state will be protected. Oversight of the statewide UST program is assigned to the (SWRCB, which has delegated authority to the Regional Water Quality Control Boards (RWQCB) and typically on the local level, to the fire department. The Los Angeles Fire Department (LAFD) administers and enforces federal and state laws and local ordinances for USTs at the Project Site. Plans for the construction/ installation, modification, upgrade, and removal of USTs are reviewed by LAFD Inspectors. If a release is documented that affects groundwater, the project file is transferred to the appropriate RWQCB for oversight.

California Health and Safety Code, Division 20, Chapter 6.5, regulates hazardous waste facilities, the transport of hazardous waste, and provides enforcement regulations for the unlawful disposal of hazardous waste materials.

(e) *California OSHA Program (Cal-OSHA)*

Cal-OSHA is responsible for developing and enforcing workplace safety standards and assuring worker safety in the handling and use of hazardous materials. Cal-OSHA (codified in the CCR, Title 8 generally and in the California Labor Code Sections 6300-6720) is administered and enforced by the Division of Occupational Safety and Health (DOSH). Cal-OSHA is very similar to the Federal OSHA program (discussed above). Among other provisions, Cal-OSHA requires employers to implement a comprehensive, written Injury and Illness Prevention Program (IIPP) for potential workplace hazards, including those associated with hazardous materials. OSHA applies to this Proposed Project because contractors will be required to comply with its handling and use requirements that would increase worker safety and reduce the possibility of spills, and to prepare an emergency response plan to respond to accidental spills.

(f) *Lead-Based Paint (LBP)*

Because of its toxic properties, lead is regulated as a hazardous material. Lead is also regulated as a toxic air contaminant. State-certified contractors must perform inspection, testing, and removal (abatement) of lead-containing building materials in compliance with applicable health and safety and hazardous materials regulations.

Regulations to manage and control exposure to LBP are described in CFR Title 29, Section 1926.62 and CCR Title 8 Section 1532.1. These regulations cover the demolition, removal, cleanup, transportation, storage and disposal of lead-containing material. The regulations outline the permissible exposure limit, protective measures, monitoring and compliance to ensure the safety of construction workers exposed to lead-based materials. Cal-OSHA's Lead in Construction Standard requires project proponents to develop and implement a lead compliance plan when LBP would be disturbed during construction. The plan must describe activities that could emit lead, methods for complying with the standard, safe work practices, and a plan to protect workers from exposure to lead during construction activities. Cal/OSHA requires 24-hour notification if more than 100 square feet of LBP would be disturbed. The regulations to manage and control exposure to LBP pertain to project construction which would include the demolition and disposal of lead-containing materials.

The State of California (Title 8 Section 1532. Lead) requires that if LBP with a lead concentration over 600 ppm is to be disturbed, then the individuals performing the work shall have proper lead training and wear personal protective equipment.

Other State laws that regulate lead include:

- HWCL: regulates the generation, treatment, storage, and disposal of hazardous waste.
- Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): requires the State to maintain and update a list of chemicals known to the state to cause cancer or reproductive toxicity.
- Carpenter-Presley-Tanner Hazardous Substances Account Act: imposes liability for hazardous substances removal or remedial actions and requires the Attorney General to recover from the liable person certain costs, incurred by the DTSC or RWQCB.
- Hazardous Materials Business Plan Act: contains basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of by businesses operating in the State.
- California Medical Waste Management Act: protects the public and environmental from potentially infectious disease-causing agents.

(g) Asbestos Containing Materials

Prior to renovation or demolition of buildings containing asbestos, contractors licensed to conduct asbestos abatement work must be retained. Asbestos abatement contractors must follow state regulations contained in 8 CCR 1529, and 8 CCR 341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos containing material. These rules and regulations prohibit emissions of asbestos from demolition or construction activities, require medical examinations and monitoring of employees engaged in activities that could disturb asbestos fibers, and require notice to federal and local government agencies prior to renovation or demolition activities that could disturb asbestos. SCAQMD and Cal-OSHA must be notified ten days prior to initiating construction and demolition activities. Asbestos encountered during demolition of an existing building must be transported and disposed of at an appropriate facility. The contractor and hauler of the material are required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or

alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos.

(h) California Geologic Energy Management Division

In October 2019, the Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR) was renamed and replaced by the California Geologic Energy Management Division (CalGEM). CalGEM prioritizes protecting public health, safety, and the environment in its oversight of the oil, natural gas, and geothermal industries, while working to help California achieve its climate change and clean energy goals. The scope and content of information that is germane to CalGEM's responsibility are contained in Section 3000 et seq. of the Public Resources Code, and administrative regulations under Title 14, Division 2, Chapters 2, 3 and 4 of the CCR. In compliance with Section 3229, Division 3 of the CCR, before commencing any work to abandon any well, the owner or operator shall request approval from CalGEM via a written notice of intention to abandon the well (CalGEM form OG108).

(i) California Water Code

The California Water Code (CWC) authorizes the SWRCB to implement provisions of the Clean Water Act (also referred to as the Porter-Cologne Water Quality Control Act), including the authority to regulate waste disposal and require cleanup of discharges of hazardous materials and other pollutants. In regards to construction dewatering discharge analysis and treatment, groundwater may be encountered during deeper excavations for the subterranean parking structure, building foundations, or other subterranean building components. Under the CWC, discharges of any such groundwater to surface waters, or any point sources hydrologically connected to surface waters, such as storm drains, is prohibited unless conducted in compliance with a Waste Discharge Requirement (WDR) permit. In addition to the CWC, these permits implement and are in compliance with the federal Clean Water Act's National Pollutant Discharge Elimination System (NPDES) program. In accordance with these legal requirements, dewatering, treatment, and disposal of groundwater encountered during construction activities would be conducted in accordance with the LARWQCB's⁵ Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties, pursuant to adopted Order No. R4-2013-0095, or any other appropriate WDR permit identified by the LARWQCB. Compliance with an appropriate WDR permit would include monitoring, treatment if

⁵ *The Los Angeles Regional Quality Control Board has jurisdiction over the Project Site and its surrounding area.*

appropriate, and proper disposal of any encountered groundwater in accordance with applicable water quality standards. If, for example, extracted groundwater contains Total Petroleum Hydrocarbons (TPH) or other petroleum breakdown compounds that exceed water quality standards, compliance with legal requirements would mandate treatment to meet published state water quality standards prior to discharge into a storm drain system.

(j) *Government Code Section 65962.5 (Cortese List)*

Government Code Section 65962.5, amended in 1992, requires the CalEPA to develop and update annually the Hazardous Waste and Substances Sites (Cortese) List, which is a list of hazardous waste sites and other contaminated sites. The Cortese List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites.

(3) **Regional**

(a) *Regional Water Quality Control Board*

The SWRCB and the nine Regional Boards work together to protect the quality of water in waters such as lakes, estuaries, rivers, streams, and groundwater. By protecting water quality, these regulatory Boards seek to protect the “beneficial uses” or the many activities, uses and habitats that waters can support. Under CWC Sections 13267 and 13304, the Regional Board is authorized to require soil and groundwater investigations, site inspections, monitoring, and to request work plans from a responsible party for an assessment and/or cleanup project. The Regional Board may assess fines in cases of noncompliance. As discussed previously, the Project Site is within the jurisdiction of the LARWQCB.

(b) *South Coast Air Quality Management District*

The South Coast Air Quality Management District (SCAQMD) regulates the emission of vapors from contaminated soils, transfer facilities, accidental spillage or other deposition of contaminants. Any party who wishes to excavate or treat soils that are contaminated with total petroleum hydrocarbons (TPH) and/or solvents must obtain the appropriate permit before beginning the field work. Please see Section IV.A, Air Quality of this Draft EIR for a detailed discussion of applicable SCAQMD regulations.

(i) *Rule 1166 (Volatile Organic Compound Emissions from Decontamination of Soil)*

The excavation or grading of soil at a site containing volatile organic compounds (VOC) material including gasoline, diesel, crude oil, lubricant, waste oil, adhesive, paint, stain, solvent, resin, monomer, and/or any other material containing VOCs is subject to Rule 1166, and would require a mitigation plan (1166 permit). Such a plan would require segregation of the soil during excavation based on the soil analytical data, and field vapor readings generated by a properly calibrated photo ionization detector (PID) conducted during excavation, compliance with SCAQMD VOC emissions mitigation requirements, and soil management and health and safety plans to ensure worker health and safety. Soil that shows vapors exceeding 50 parts per million (ppm) on the PID will need to be properly disposed of or treated off-site, as required by Rule 1166.

(ii) *Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities)*

Rule 1403 requires that all materials that may be disturbed during a renovation or demolition must be surveyed for the presence of asbestos and asbestos condition by a Certified Asbestos Consultant (CAC) or Certified Site Surveillance Technician (CSST) prior to any demolition or renovation activity. The survey shall include the inspection, identification, and quantification of all friable and Class I and Class II non-friable asbestos-containing material and any physical sampling of materials. Only a CAC or CSST can presume or assume a material is comprised of ACMs subject to Rule 1403 to be treated as such. The purpose of this rule is to specify work practice requirements to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of ACM. The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and clean-up procedures, and storage, disposal, and landfilling requirements for asbestos-containing waste materials (ACWM). The removal and clean up procedures under Rule 1403 include, but are not limited to, total enclosure with HEPA filtrations to provide negative pressure, glove bag for small projects, and adequate wetting for non-friable ACM. All operators are required to maintain records, including waste shipment records, and are required to use appropriate warning labels, signs, and markings. This rule, in whole or in part, is applicable to owners and operators of any demolition or renovation activity, and the associated disturbance of ACM, any asbestos storage facility, or any active waste disposal site.

(4) City and County

The local certified unified program agency (CUPA) with responsibility for implementing federal and State laws and regulations pertaining to hazardous materials management is the Los Angeles County Health Department, Environmental Health Division. The Unified Program is the consolidation of six state environmental regulatory programs into one program under the authority of a CUPA. A CUPA is a local agency that has been certified by CalEPA to implement the six state environmental programs within the local agency's jurisdiction. This program was established under the amendments to the California Health and Safety Code made by Senate Bill 1082 in 1994. The six consolidated programs are:

- Business Plans Act
- California Accidental Release Prevention (CalARP)
- Hazardous Waste (including Tiered Permitting)
- Underground Storage Tanks (USTs)
- Above Ground Storage Tanks (Spill Prevention Control and Countermeasures (SPCC) requirements)
- Uniform Fire Code (UFC) Article 80 Hazardous Material Management Program (HMMP) and Hazardous Material Identification System (HMIS).

As the CUPA for the County of Los Angeles, the Los Angeles County Health Department, Environmental Health Division maintains the records regarding location and status of hazardous materials sites in the county and administers programs that regulate and enforce the transport, use, storage, manufacturing, and remediation of hazardous materials. By designating a CUPA, Los Angeles County has accurate and adequate information to plan for emergencies and/or disasters and to plan for public and firefighter safety.

A Participating Agency (PA) is a local agency that has been designated by the local CUPA to administer one or more Unified Programs within their jurisdiction on behalf of the CUPA. The City of Los Angeles Fire Department (LAFD) is a PA with the Los Angeles County Health Department, Environmental Health Division as the CUPA. The LAFD monitors the storage of hazardous materials in the City for compliance with local requirements. Specifically, businesses and facilities which store more than threshold quantities of hazardous materials as defined in Chapter 6.95 of the California Health and Safety Code are required to file an Accidental Risk Prevention Program with the LAFD. This program includes information such as emergency contacts, phone numbers, facility information, chemical inventory, and hazardous materials handling and storage locations. The LAFD also has delegated authority to administer and enforce federal and State laws and local ordinances for USTs. Plans for the construction/installation, modification, upgrade, and removal of USTs are reviewed by LAFD Inspectors.

(5) Local

(a) *Los Angeles Fire Department, Hazardous Materials Section*

Chapter 5, Article 7 of the LAMC (commonly called the “City of Los Angeles Fire Code” [Fire Code]), sets forth laws for hazardous material storage and handling, and safe guarding of life and property from fire, explosion, panic, or other hazardous conditions that may arise in the use of buildings, structures or other premises.

The LAFD Hazardous Materials Section is the administrative agent for the California Health and Safety Code and CCRs related to Emergency Planning and Community Right-to-Know laws (AB 2185; Health and Safety Code Section 25500 *et seq.* and Prop. 65, and federal SARA. Three units within LAFD process information related to hazardous materials. The Disclosure Unit is responsible for enforcing the Disclosure Law, which requires all establishments (including new and existing businesses) storing, producing or utilizing hazardous substances to maintain an on-site inventory. The Business Plan Unit ensures that businesses take the right measures to mitigate any dangers. The Risk Management and Prevention Unit is responsible for evaluating Risk Management Prevention Plans (RMPP) that businesses must submit according to the La Follette Bill of 1986 (AB 3777; Health and Safety Code Section 25531 *et seq.*).⁶ Preparation of a RMPP is required of businesses that handle 55 gallons, 500 pounds, 200 cubic feet, or more of acutely hazardous materials.

The LAFD Bureau of Fire Prevention and Public Safety maintains an Underground Storage Tank Unit, which governs the Underground Storage Tank Program pursuant to California Health and Safety Code, Division 20, Chapter 6.7 and regulates the program under CCR Title 23, Division 3, Chapters 16 through 18. The LAFD regulates USTs within the boundaries of the City pursuant to the Fire Code. All USTs used for fuel, solvents and other liquids must be monitored for leakage. The law requires UST implementations, removals, or alterations to be regulated under permit from the LAFD. New USTs are required to have secondary containment in addition to a leak detection system.

(b) *Los Angeles Methane Seepage Regulations*

The Los Angeles Methane Seepage Regulations (LAMC Section 91.7103 *et seq.*) sets forth the minimum requirements of the City for control of methane intrusion emanating from geologic formations. The requirements do not regulate flammable vapor that may originate in and propagate from other sources, which include, but are not limited to, ruptured hazardous material transmission lines, underground atmospheric tanks, or

⁶ *The La Follette Bill of 1986 (AB 3777) requires every business, which handles specified amounts of an acutely hazardous material, to file a hazardous materials registration form with the administering agency. The administering agency requires the handler to submit a certified RMPP.*

similar installations. The regulations establish requirements for buildings and paved areas located in areas classified as being located either in a “Methane Zone” or a “Methane Buffer Zone.” Building code regulations addressing methane seepage hazards were first enacted in the City of Los Angeles under Ordinance 161,552 (adopted July 29, 1986) following a fire in the Fairfax Area of the City of Los Angeles in 1985. This ordinance provides information describing the installation procedures, design parameters and test protocols for methane gas mitigation systems. The City later adopted Ordinance No. 175790 in March of 2004 which amends Section 91.106.4.1 and Division 71 of Article 1, Chapter IX of the LAMC. The Ordinance includes information describing the test protocols, design parameters, and installation procedures for the methane gas mitigation systems; and requires mitigation for methane gas intrusion into buildings located within a Methane Zone or Methane Buffer Zone. The LADBS is responsible for administering compliance with methane mitigation systems.

Requirements for new construction within such zones include methane gas sampling and, depending on the detected concentrations of methane and gas pressure at the site, application of design remedies for reducing potential methane impacts. Section 91.7109, Additional Remedial Measures, Subsection 91.7109.1, General Remedial Measures, states: “In the event the concentration of methane gas in any building located in a Methane Zone or Methane Buffer Zone reaches or exceeds 25 percent of the minimum concentration of gas that will form an ignitable mixture with air at ambient temperature and pressure, the owner shall hire an engineer to investigate, recommend and implement mitigating measures. These measures shall be subject to approval of this Department and the Fire Department.”

The methane mitigation requirements of the City currently require a methane site assessment to establish the appropriate methane mitigation level for design of the building methane mitigation system. The assessment consists of collection of soil gas samples to evaluate the maximum detected methane concentration in soil gas. Based on the results, a site is classified as requiring Level I, II, III, IV, or V methane mitigation requirements.

(c) *ZI-1195 - Department of Conservation, CalGEM Clearance*

The Project Site is located in the State of California (Geologic Energy Management Division) Approval area per the Department of City Planning’s Zoning Information File ZI No. 1195, which requires approval and clearance by CalGEM, prior to permit issuance

for the Proposed Project.⁷ Clearance would include filing a construction site review application.

(d) *City of Los Angeles General Plan, Safety Element and Conservation Element*

The Safety Element is the City's General Plan is a State mandated element that guides the City in addressing the protection of people from unreasonable risks associated with natural disasters, e.g., fires, floods, and earthquake, and provides a contextual framework for understanding the relationship between hazard mitigation, response to a natural disaster, and initial recovery from a natural disasters. The Safety Plan includes goals, objectives, and policies defining City actions to implement comprehensive, integrated hazard mitigation plans and programs; emergency response and recovery plans and programs; and disaster recovery plans. The objectives and policies are broadly stated to reflect the comprehensive scope of the Emergency Operations Organization (EOO), the City agency (program) which implements the Safety Element. It includes no objectives or policies that pertain to the review of new development projects to avoid or mitigate impacts. Notwithstanding, the policies guide the development of regulatory measures that may become applicable to development projects. The Safety Element also identifies responsibilities and protocols among City agencies in planning for and implementing services during an emergency event. Exhibit H, Critical Facilities and Lifeline Systems, of the Safety Element identifies disaster routes and selected emergency facilities that would provide needed infrastructure during an emergency response event.

Policies of the General Plan's Conservation Element address the conservation of petroleum resources (i.e., oil and gas) and appropriate, environmentally sensitive extraction of petroleum deposits to protect the petroleum resources for the use of future generations and to reduce the city's dependency on imported petroleum and petroleum products.

b) Existing Conditions

The Project Site is located within the legal lot known as the Town and Country Shopping Center (Center), which contains approximately 327,121 square feet of lot area and is currently improved with an approximately 214,736 square-foot retail center. The existing Center was constructed in the 1960s and is comprised of five commercial buildings and a surface parking lot with 497 surface parking spaces. The Development Site is limited to

⁷ *City of Los Angeles, Department of City Planning, ZI. No. 1195, Department of Conservation, Division of Oil & Gas Clearance, accessed July 2019.*

the eastern portion of the Center and occupies 137,280 square feet (3.15 acres) of lot area, which is developed with 151,048 square feet of existing commercial retail land uses.

(a) *Limited Asbestos and Lead Report*

Prior to the 1970's, ACM and LBP were common materials used in imported, manufactured processed or distributed products and were commonly used in household and commercial building materials. Any structure constructed before 1980 is presumed to contain ACM and, as such, the SCAQMD requires that pre-demolition surveys be conducted prior to construction activities.

(i) *Asbestos*

Asbestos is a naturally-occurring mineral made up of microscopic fibers that has been widely used in the building industry for a variety of uses, including acoustic and thermal insulation and fireproofing. It is often found in ceiling and floor tiles, linoleum, and pipes, as well as on structural beams and asphalt. However, asbestos can become a hazard when the fibers separate and become airborne. Asbestos has been linked with lung diseases caused by inhalation of airborne asbestos fibers, and its use in buildings was banned by 1979.

In anticipation of demolition and construction on the Project Site, a limited ACM inspection was performed at the Project Site on January 29, 2018 and February 2, 2018.⁸ The survey included a visual inspection and collection of bulk samples of structure materials from the existing retail areas occupied by K-Mart, K-Mart shoes, Little Caesars, Image Clothing, Payless Shoes, Wigs Today, Newsstand and Andre's Italian Restaurant to ascertain the potential for suspect ACM to be present on site.

Per the Limited Asbestos and Lead Report, the results of the sampling and subsequent analysis determined that the following establishments have confirmed or assumed ACMs:

K-Mart Store: 12" White Vinyl Floor Tile and Mastic, 12" Grey Vinyl Floor Tile and Mastic, Fire Door Insulation, 9" Beige Vinyl Floor Tile and Mastic, 12" Acoustic Ceiling Tile Mastic, and TSI Pipe Insulation (Assumed).

Image Clothing: Mirror Mastic (Assumed).

Payless Shoes: Carpet Glue, Fire Rated Doors (Assumed).

Wigs Today: Mirror Mastic (Assumed).

⁸ Evista Industries, Inc., Limited Asbestos and Lead Inspection, 3rd and Fairfax – 6300 West 3rd Street, Los Angeles, California, dated February 13, 2018 (See Appendix A.F-1).

Exterior: Roof Penetration Mastic (Upper Roof), Roof Parapet (Lower Roof), Transite Pipe (Lower Roof), White Sealant (Lower Roof).

(ii) *Lead-Based Paint*

Lead is a naturally-occurring element and heavy metal widely used as a major ingredient in most interior and exterior oil-based paints prior to 1950. Lead compounds continued to be used as corrosion inhibitors, pigments, and drying agents from the early 1950s to 1972, when the Consumer Products Safety Commission specified limits on lead content in such products. LBP is of concern both as a source of exposure and as a major contributor to lead in interior dust and exterior soil.

The method employed to inspect the Development Site included use of X-ray fluorescence (XRF) using a Radiation Monitoring Device Lead Paint Analyzer (Niton). The procedures followed during the LBP inspection are based on the highest industry standards used for residential or commercial properties which can be found in the United States Department of Housing and Urban Development (HUD) “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing” (June 1995, revised 1997), and Section 403 of the TSCA.

The California Department of Public Health currently defines LBP as paint with lead levels equal to or exceeding 1.0 milligram per square centimeter (mg/cm^2) or 0.5 percent (%) by weight (0.7 mg/cm^2 in Los Angeles County). However, Cal-OSHA regulates paint with lead levels equal to or exceeding 0.1 mg/cm^2 or by 0.06 percent (%) by weight. The LBP inspection and XRF analysis presented in the Limited Asbestos and Lead Report, determined that the following LBPs lead in excess of 1.0 mg/cm^2 may be present at the Project Site:

K-Mart Store: Interior Red Plaster Wall (Top Level).

Little Caesar’s: Interior Green Ceramic Wall Tile

Exterior: Exterior Beige Cinder Block Walls.

(b) *Hazardous Materials Survey*

A Hazardous Materials Inventory was performed at the Development Site on January 29, 2018 and February 2, 2018.⁹ The survey included a visual inspection of the existing retail areas occupied by K-Mart, K-Mart shoes, Little Caesars, Image Clothing, Payless Shoes, Wigs Today, Newsstand and Andre’s Italian Restaurant to ascertain the potential for hazardous or regulated materials to be present on site. The survey identified common

⁹ Evista Industries, Inc., Hazardous Materials Inventory Report, 3rd and Fairfax – 6300 West 3rd Street, Los Angeles, California, dated February 23, 2018 (See Appendix A.F-2).

fixtures, appliances and apparatuses that contain or have the potential to contain potentially hazardous materials that require special handling and/or disposal methods. Such materials include fluorescent light tubes (possibly containing mercury), fluorescent lighting fixtures with ballasts (possibly containing PCBs), elevators and escalators (possibly containing lubricants and hydraulic oils), battery powered signs and emergency lighting fixtures (possibly containing lead and heavy metals), electrical transformers (possibly containing PCBs), electrical panels (possibly containing lead and heavy metals), range top fire suppression system (possibly containing Halon), heating, ventilation, and air conditioning (HVAC) systems (possibly containing chlorofluorocarbons (CFCs (i.e., freon)), and refrigerators/freezers and beverage fountains (possibly containing CFCs). Such materials are common in retail stores and restaurants, which do not represent RECs, HRECs, or CRECs. The purpose of the Hazardous Materials Survey was to provide a list of visually potential hazardous materials based on a visual site inspection, which may require special handling or be subject to specific waste disposal regulations during construction.

(c) *Oil Wells and Methane*

The natural biodegradation of hydrocarbons in subsurface soil results in the production of methane gas and hydrogen sulfide that migrate vertically through the subsurface and may accumulate beneath pavement, foundations, or other impermeable barriers. Methane and hydrogen sulfide can also be transported as dissolved gases in groundwater. Methane and hydrogen sulfide gases are considered hazardous due to their explosive properties, and hydrogen sulfide is also toxic.

Methane is extremely flammable, may form an explosive mixture with air, and can act as an asphyxiant at concentrations below the upper explosive limit (UEL) as it displaces oxygen in an enclosed space. The lower explosive limit (LEL) and UEL for methane are 5 percent and 15 percent by volume, respectively. Methane is odorless, colorless, and explosive when present in concentrations between its LEL and UEL.

The Development Site is located within the City-designated Methane Zone¹⁰ and this designation is considered to be a business environmental risk (BER). A BER is defined by the American Society for Testing and Materials (ASTM) as “a risk which can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of a parcel of commercial real estate.”¹¹ BERs can include but

¹⁰ City of Los Angeles Department of Public Works, Bureau of Engineering, *Methane and Methane Buffer Zones*, 2004, <https://www.partneresi.com/sites/default/files/methane-zone-map-los-angeles.pdf>. Accessed February 23, 2017.

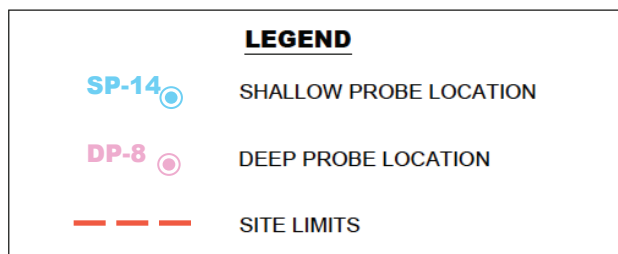
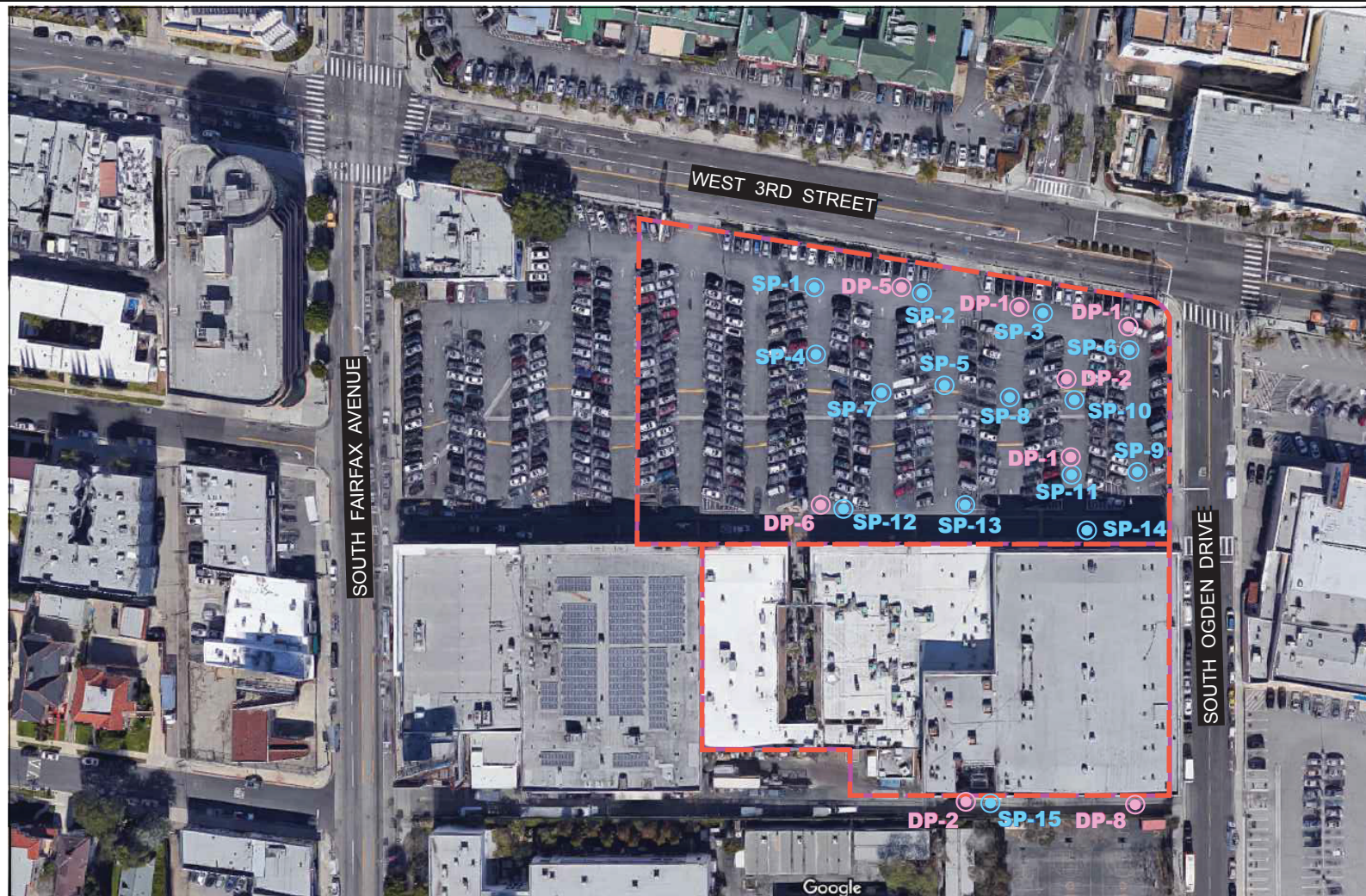
¹¹ Partner Engineering and Science, Inc., *Business Environmental Risk*, website: <https://www.partneresi.com/resources/glossary/business-environmental-risk>, accessed June 2020.

not limited to asbestos, lead paint, radon, mold, industrial hygiene, and health and safety risks.

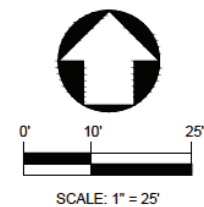
In January 2019, a methane soil gas investigation¹² was conducted at the Development Site to determine the methane soil gas mitigation requirements in connection with the Proposed Project. The Development Site is located in the delineated boundaries of the Salt Lake Oil Field. Based on the CalGEM records and the Munger Map Book (1987), one plugged and abandoned oil well is present on the Development Site. The well is identified as Salt Lake 99 (API number 037-15229), Lease Salt Lake Well #99 County Los Angeles [037] District 1 Operator Chevron U.S.A. Inc. Well Status: Plugged & Abandoned September 20, 1930. Based on the proximity of this oil well and the location of the Development Site within a previously existing oil well field, the Proposed Project is expected to be highly susceptible to methane gas intrusion and therefore appropriate design requirements would be imposed to ensure the risk associated with methane gas levels is minimized. The investigation was designed to detect the presence of any elevated levels of methane gas in the in-situ soils underlying the foundations of the existing buildings.

The methane soil gas testing at the Development Site was performed based on the procedures conforming to the LADBS Information Bulletin Ref. No. 91.71404.1, P/BC 2002-101. A total of fifteen (15) shallow probe locations were selected based on the Development Site testing area of 141,818 sq. ft. (See Figure IV.D-1, Methane Investigation Probe Locations Map). Predicated on the soil gas testing results at the shallow probes, an additional eight (8) deep gas probe locations were selected for a total of twenty-three (23) sampling points. Soil gas samples were collected during three rounds of monitoring between July 17 and July 19, 2018 from the gas probes. Methane soil gas was detected in all shallow and deep probes with the exception of Shallow Probe #4. Methane concentrations ranged from 3,000 parts per million by volume (ppmv) to 895,000 ppmv, with the highest measurement recorded in Deep Probe #4. The full results of the soil gas testing measurements are provided in Appendix A.F-5 to this EIR. Based on the historic water table, the elevated methane readings produced on site, and the LADBS action levels presented above, the Development Site is deemed a Methane Zone – Level V, All Pressures. According to Table 71 of Ordinance 175,790, Minimum Methane Mitigation Requirements, when the methane concentration results are in excess of 12,500 ppmv, “Level V” methane mitigation system design is required. Therefore, the Proposed Project would be designed, constructed, and operated to comply with the Level V methane measures applicable to the Project Site.

¹² Terra-Petra Environmental Engineering, Report of Methane Soil Gas Investigation Proposed Redevelopment 370 S. Fairfax Ave., 6300-6370 W. 3rd St. & 347 S. Ogden Drive., Los Angeles, CA, January 31, 2019 (see Appendix A.F-5 to this EIR).



6300 3RD STREET
LOS ANGELES CA 90036



Source: Terra-Petra Environmental Engineering, September 18, 2018.

Figure IV.D-1
Methane Report Soil Probe Location Map

Groundwater

The Development Site overlies the Hollywood Subbasin of the Los Angeles Coastal Plain Groundwater Basin, South Coast Hydrologic Region.¹³ According to the Hydrology and Water Quality Technical Report, groundwater was encountered at varying depths ranging from 18 feet and 30 feet. Figure IV.D-3, Estimated Lateral Extent of Perched Water Bearing Zone, shows the area of perched groundwater identified in the east portion of the Project Site. The first major aquifer zone in the area is approximately 120 feet below ground surface and is referred to as the Exposition aquifer.¹⁴ Groundwater was also encountered in the previous borings drilled at the site in June 2017, at depths ranging from 20 to 22 feet beneath the existing ground surface (Krazan, 2017).¹⁵

The Los Angeles Coastal Plain Groundwater Basin falls under the jurisdiction of the LARWQCB. According to LARWQCB's Basin Plan, objectives applying to all ground waters of the region include Bacteria, Chemical Constituents and Radioactivity, Mineral Quality, Nitrogen (Nitrate, Nitrite), and Taste and Odor. The California Water Code and Clean Water Act require the Basin Plan to implement these objectives. Based upon LARWQCB's Basin Plan, constituents of concern listed for the Basin include Boron, Chloride, Sulfate, Total Dissolved Solids (TDS), and Nitrate.

The Development Site is currently occupied by 151,048 square feet of existing commercial/retail buildings, hardscape, and paved parking lots with 100% impervious surface coverage. The existing Project Site does not contribute to substantial groundwater pollution or otherwise adversely impact groundwater quality. Though it is possible for surface water borne contaminants to percolate into groundwater and affect groundwater quality, no appreciable infiltration of potential contaminants described above is expected to occur under existing conditions. Additionally, the good housekeeping practices described above and compliance with all existing hazardous waste regulations further reduce this potential. Therefore, groundwater quality is not affected by existing activities at the Project Site.

(d) *Wildland Fires*

Due to unique terrain, climatic, and fuel conditions, brush fires can be a major threat to life and property throughout the Southern California region. The risk of wildfire hazards is especially increased when the dry Santa Ana winds occur, usually in the fall and winter

¹³ Geocon West, Inc., *Hydrology and Water Quality Technical Report, 3rd Street and Fairfax Avenue, January 31, 2019*. (See Appendix A-G to the Initial Study, contained in Appendix A to this Draft EIR),

¹⁴ *Ibid.*

¹⁵ Geocon West, Inc., *Geotechnical Investigation, Proposed Mixed Use Development, The Southeast Corner of 3rd Street and Fairfax Avenue, CA, Revised November 16, 2018* (See Appendix A-E to the Initial Study, contained in Appendix A to this Draft EIR),

seasons. According to the City of Los Angeles General Plan Safety Element, Selected Wildfire Hazard Areas, the Development Site is not located near any potential wildland fire areas.¹⁶ In addition, the Development Site is not located in a Very High Fire Hazard Severity Zone (VHFHSZ) as designated by the LAFD.¹⁷

(e) *Environmental Site Assessments*

(i) *Center Phase I ESA*

The Center Phase I ESA was conducted for the Project Site on May 26, 2017, and performed in accordance with the ASTM International (ASTM) Standard E1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.¹⁸ The goal of the Center Phase I ESA was to identify RECs, CRECs, and HRECs associated with the property in conformance with ASTM E1527-13.

The Center Phase I ESA included a visual inspection of the property completed on May 17, 2017; observation of adjacent properties; reviews of environmental regulatory agency records, historical documents, and facility records that were available on the Project Site; and interviews with personnel represented to be familiar with the Project Site. A summary of the pertinent findings and conclusions of the Center Phase I ESA are provided below. The entirety of the Center Phase I ESA is included in Appendix A.F-3 to this EIR.

In summary, the Center Phase I ESA revealed no evidence of RECs in connection with the Project Site, with the following exceptions:

- A previous subsurface investigation conducted onsite in 1998 identified soil impacted with total petroleum hydrocarbons (TPH) in the former oil well locations and in two suspected former oil sump locations. The depth of impact was mainly confined to less than 10 feet below ground surface (bgs); however, one location had elevated concentrations of contaminants to greater than 20 feet bgs. No impacts were found in former suspected aboveground storage tank (AST) locations. The origin of the contamination is attributed to former oil field activities onsite including oil wells and oil sumps. The highest TPH concentration detected was 14,000 ppm. Concentrations of other contaminants of concern were trace to non-detect, or in the case of metals, consistent with background concentrations.

¹⁶ City of Los Angeles Department of City Planning, *Safety Element Exhibit D, Selected Wildfire Hazard Areas*, August 8, 1996.

¹⁷ City of Angeles Departments of City Planning, ZIMAS, website: <http://zimas.lacity.org>, accessed June 2020.

¹⁸ Arcadis U.S., Inc., *Phase I Environmental Site Assessment Report, Town & Country Retail, 6310-6360 W. Third Street, Los Angeles, California 90036, May 26, 2017 (See Appendix A.F-3 to this EIR).*

- The former oil wells on-site do not appear to have been abandoned to current standards and a previous consultant suspected the well in the northeast portion of the Project Site was leaking and contributing to high methane gas levels in that area.¹⁹
- The presence of current and historical dry cleaners located west of the Project Site, across S. Fairfax Avenue, represents a suspect REC for the Project Site. If releases of perchloroethylene (PCE or PERC) from the dry cleaners impacted soil vapor and groundwater, a vapor intrusion concern may exist for the Project Site. PCE is a commonly used solvent in dry cleaning shops. However, as a volatile organic solvent, PEC may pose serious health hazards if exposure is not properly controlled.

No CRECs were identified in connection with the Project Site, with the following exception:

- The Project Site's location within a defined methane zone and the detected presence of methane gas on-site represents an environmental concern for the Project Site and the health and safety of site occupants. However, as long as methane continues to be monitored and vented in accordance with LAFD requirements, it is considered a CREC for the Project Site.

No HRECs were identified in connection with the Project Site.

The following de minimis conditions were identified in connection with the Project Site:

- It is possible a clarifier is present at the south end of the Project Site. Note that this clarifier is not located on the Development Site. Based on the types of current and historical tenant uses it is not anticipated that hazardous materials were routed through the clarifier. It is likely that the clarifier was used for waste cooking grease from onsite restaurants.
- Aging equipment onsite, such as elevators and compressors, indicate the potential for oily releases to the subsurface.

The Project Site is located in the former Salt Lake Oil Field and north of the La Brea Tar and Fossil Pits. Two oil wells were drilled on-site circa 1906 and associated features included sumps and crude oil storage tanks. The wells were abandoned circa 1930. In the 1940s, the Project Site was developed with the Town & Country Market in the central

¹⁹ Based on a more recent Phase I ESA, prepared by Northgate, dated October 23, 2018 (see Appendix F-3 to this Draft EIR), the Northgate Phase I ESA Update concluded that the oils wells were plugged and abandoned in 1930 in accordance with regulations in place at that time.

portion of the Project Site. The Project Site was developed in its present-day retail configuration in the early 1960s.

The Project Site is located in a high potential methane zone as defined by the Los Angeles Department of Public Works and is currently monitored for methane and is subject to methane ordinances established by the LAFD and LADBS.

Environmental Database Report

As part of the Center Phase I ESA, an environmental database report was reviewed for local, state, and federal listings for the Project Site and properties within the vicinity. Regulatory database lists were reviewed for cases pertaining to leaking USTs (LUSTs) and ASTs, hazardous waste sites, and abandoned sites within the specified radii of standards established by ASTM guidelines.

The Project Site address 6310 W. Third Street is listed under the name K-Mart in the Department of Toxic Substances Control's (DTSC) HAZNET database. K-Mart is listed as generating hazardous waste under manifest from 1995 through 2015. There are over 60 records listed. Typical waste streams included waste oil and mixed oil, unspecified solvent mixture, off-specification, aged or surplus organics, asbestos-containing waste, alkaline solution without metals, latex waste, and acidic liquids. This listing as a hazardous waste generator indicates proper offsite disposal occurred under manifest of hazardous waste and does not indicate an environmental concern associated with the historic uses on the Project Site.

The address 6360 W. Third Street is listed under the name CVS Pharmacy No. 9661 in the RCRA-LQG and ECHO databases, which is located on the west side the Project Site, and not included on the Development Site.²⁰ The RCRA database provides a variety of waste codes for wastes generated at this address and indicates there were no violations. The same information is provided in the Cal-EPA's ECHO database. The remaining site addresses were not listed in any of the databases searched.

According to the environmental database report, numerous properties are listed within the ASTM-search radius due to the Project Site's location in a dense urban area. However, based on their listing for tracking purposes only, distance from the Project Site, hydraulic location with respect to groundwater flow, and/or case closure, these off-site properties were found to be unlikely to represent a concern of environmental impairment or a vapor encroachment condition to the Project Site. Kings Cleaners (349 S. Fairfax Avenue), located west of the Project Site across S. Fairfax Avenue, is listed in the RCRA-SQG, ECHO, CA HAZNET, and CA Drycleaners databases. This address is currently an

²⁰ *The CVS Pharmacy is located within the limits of the Town and Country Shopping Center, but is not located within the Development Site and would not be redeveloped as part of the Proposed Project.*

operating cleaner named Fair Dry Cleaners. It is listed as a generator of hazardous waste from 1995 to 2000; the waste stream is listed as halogenated solvents which includes the dry cleaning solvent PCE. No violations are reported in connection with the Fair Dry Cleaners. This facility currently uses a non-toxic dry cleaning compound according to signage on the facility. However, the historical long-term use of PCE and the propensity for dry cleaners to release PCE to the environment represents a potential concern for the Project Site due to this facility's proximity to the Project Site. There are no agency records of a release from this facility; however, this can simply mean that no subsurface testing has been conducted. Two monitoring wells were observed near the Fair Dry Cleaners property, one north and one west of it. However, these wells are associated with a release south of the cleaners and the plume from that release is confined to the west side of S. Fairfax Avenue, according to the most recent information from the LARWQCB. It is noted that the environmental database report does not identify any regional groundwater plumes underlying the Project Site; however, this does not rule out that groundwater beneath the Project Site and in the surrounding area is not impacted with contaminants of concern due to the fairly shallow depth, reported to be less than 30 feet bgs, and the long-term development of the surrounding area for oil field and commercial uses. The shallow aquifer is not considered a potable water source. The Center Phase I ESA concluded the presence of this current and historical dry cleaners represents a suspect REC for the Project Site. If releases of PCE from the dry cleaners impacted soil vapor and groundwater, a vapor intrusion concern may exist for the Project Site. This potential REC is not, however, located on the Development Site.

(ii) *Development Site Phase I ESA*

The Development Site Phase I ESA was prepared on January 30, 2018. It indicated that the Development Site was originally developed as part of the Salt Lake Oil Fields from the early 1900's through the early 1930s. One oil well was installed to an approximate depth of 2,909 feet bgs on the northeastern corner of the Development Site in 1906 and was abandoned in 1930. Three sumps (bermed ponds where oil field liquids are collected) were possibly present in the central portion of the Development Site during that time. The Development Site remained vacant land until the central portion was developed in 1948 with a commercial structure that extended onto the adjacent property to the west. The remainder of the Development Site was utilized for parking. In 1962, the Development Site was redeveloped into the current configuration with a multi-tenant commercial structure on the southern portion of the Development Site and parking on the northern portion.

A vapor encroachment screening (VES) evaluation was performed for vapor encroachment risk for the Development Site in accordance with ASTM E2600 "Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate

Transactions.” The VES was performed to evaluate the potential for vapors associated with contaminated soil and/or groundwater to impact the Development Site, whether originating from the Development Site or from nearby off-Site sources. Based on this screening, a VEC was not determined to be present for the Development Site and surrounding properties based on the existing or former conditions.

Based on the environmental database report prepared as part of the Development Site Phase I ESA, the Development Site is listed on the HAZNET database, which documents facility and manifest data, for the disposal of approximately 0.5 tons of inorganic solid waste in 2015. The Development Site is also listed on the FINDS database for the K-Mart property. The Development Site Phase I ESA concluded that neither listing appears to represent a significant environmental concern.

The Development Site Phase I ESA did not identify the presence of RECs associated with the Development Site, with the exception of the following: a former oil and gas well operated by Chevron was installed on the northeastern portion of the Site in 1906. The well was plugged and abandoned in 1930; and oilfield production/storage tanks and sumps were on the property from to at least 1920. The oilfield production equipment was removed in the 1930s. The Development Site Phase I ESA did not identify any CRECs or HRECS in connection with the Development Site.

(iii) Development Site Phase II ESA

The Development Site Phase II ESA was prepared for the Development Site on March 1, 2018. The primary objective of the Development Site Phase II ESA was to assess the potential presence of soil, groundwater, and soil vapor quality impacts related to issues of environmental concern identified in the Development Site Phase I ESA prepared for the Development Site. A summary of the Development Site Phase II ESA findings are provided below.

General Site History

The Center (primarily the northern portion) was originally developed as part of the Salt Lake Oil Fields from the early 1900’s through the early 1930s. The Salt Lake Oil Field was a regional oil production area that operated through the early 1930s, prior to regional development for residential and commercial land use. One oil well was installed to an approximate depth of 2,909 feet bgs on the northeastern corner of the property in 1906 and was abandoned in 1930/31. Three “sumps” (bermed ponds where oil field liquids are collected) were possibly present in the central portion of the Center during that time. The property remained vacant land until the central portion of the Center was developed in 1948 with a commercial structure that extended onto the adjacent property to the west. The remainder of the Center was utilized for parking. In 1962, the Center was redeveloped

into the current configuration with a multi-tenant commercial structure on the southern portion of the Center and parking on the northern portion.

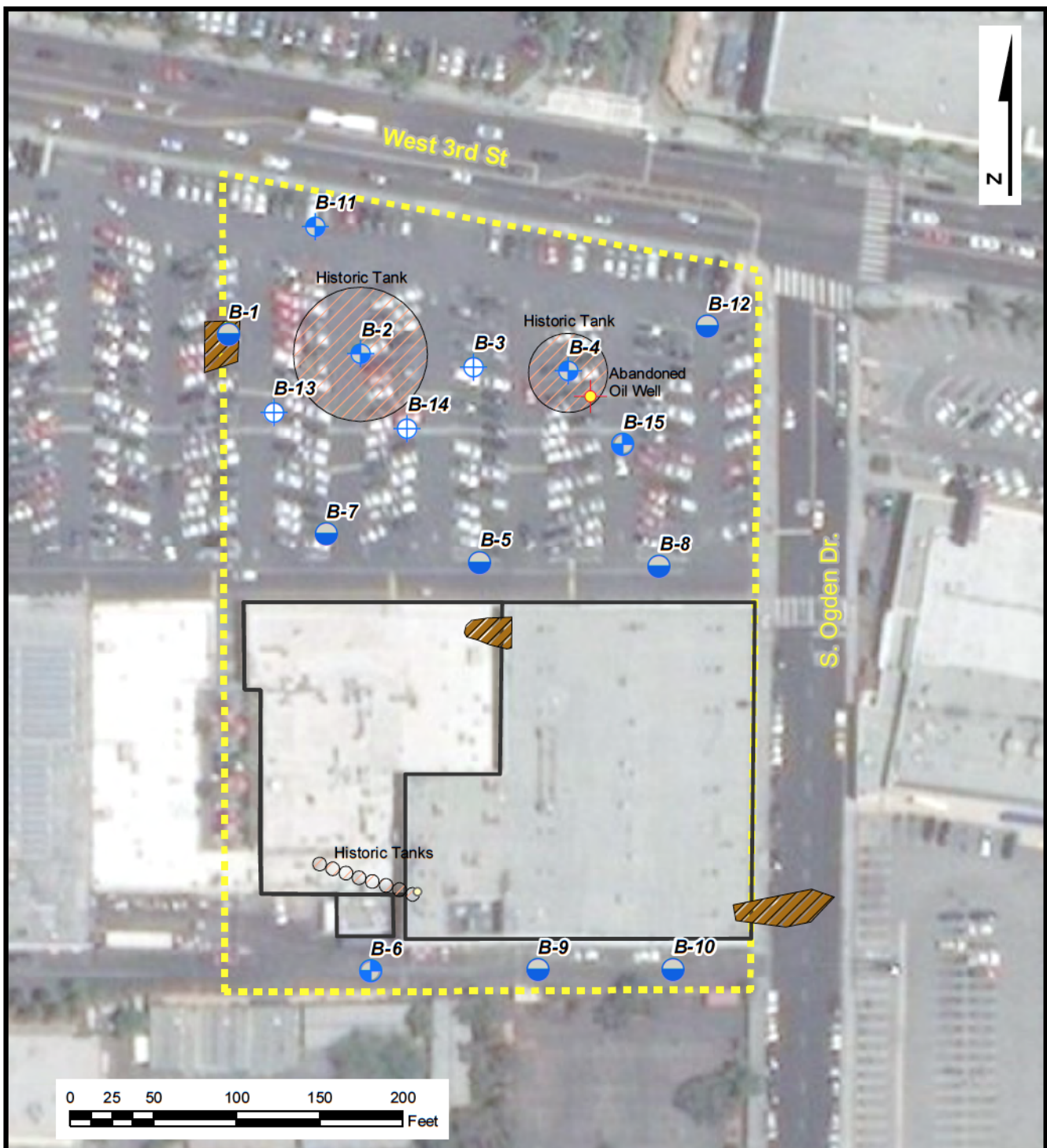
Subsurface Investigation

For the Development Site, a detailed subsurface investigation included the analysis of 47 soil samples, five groundwater samples, and three soil vapor samples, collected from 15 borings and three soil vapor probes advanced in areas of the former oil field production facilities that included storage tanks and sumps and a former oil and gas well, and in other areas to provide spatial coverage. The locations and types of borings are presented in Figure IV.D-2, Development Site Phase II ESA Boring Location Map. All drilling locations were covered with approximately four to eight inches of asphalt. Subsurface soils encountered during drilling generally consisted of sand, silty sand, and clayey sand to approximately 5 feet bgs underlain by discontinuous interbedded sandy clayey silts and clayey silty sands to approximately 30 feet bgs, the total depth explored.

Groundwater was encountered in only six of the 15 borings and was found to be located in the central portion of the parking lot, at depths ranging between approximately 19 and 23 feet bgs. The estimated lateral extent of groundwater is shown in Figure IV.D-3, Estimated Lateral Extent of Perched Water Bearing Zone. However, there may be other areas on the Development Site where localized groundwater may be encountered.

Soil

Chemical test results for soil samples shows that the most pervasive compounds of concern present in the subsurface are total petroleum hydrocarbons in two middle carbon ranges, C13-C28 (TPH-d) and C29-C40 (TPH-mo). Subject to site access limitations, this impacted soil is generally located in the northwestern portion of the Development Site (vicinity of borings B-2, B-11 and B-13) and the northeastern portion of the Development Site (vicinity of borings B-4, B-12, and B-15) as shown in Figure IV.D-2, Development Site Phase II ESA Boring Location Map. No other compounds of concern were detected in soil, soil vapor or groundwater, other than relatively low concentrations of the chlorinated solvent Trichloroethene (TCE) in two soil vapor samples that are coterminous with borings showing TPH soil contamination.



Legend

SampleType








- | | |
|---|--|
|  Soil |  Historic Sumps |
|  Soil and Groundwater |  Historic Tanks |
|  Soil, Groundwater and Vapor |  Abandoned Oil Well |
|  Soil and Vapor | |

Figure 3

Boring Location Map

3rd and Fairfax
Los Angeles, California

DATE:

2/20/2018

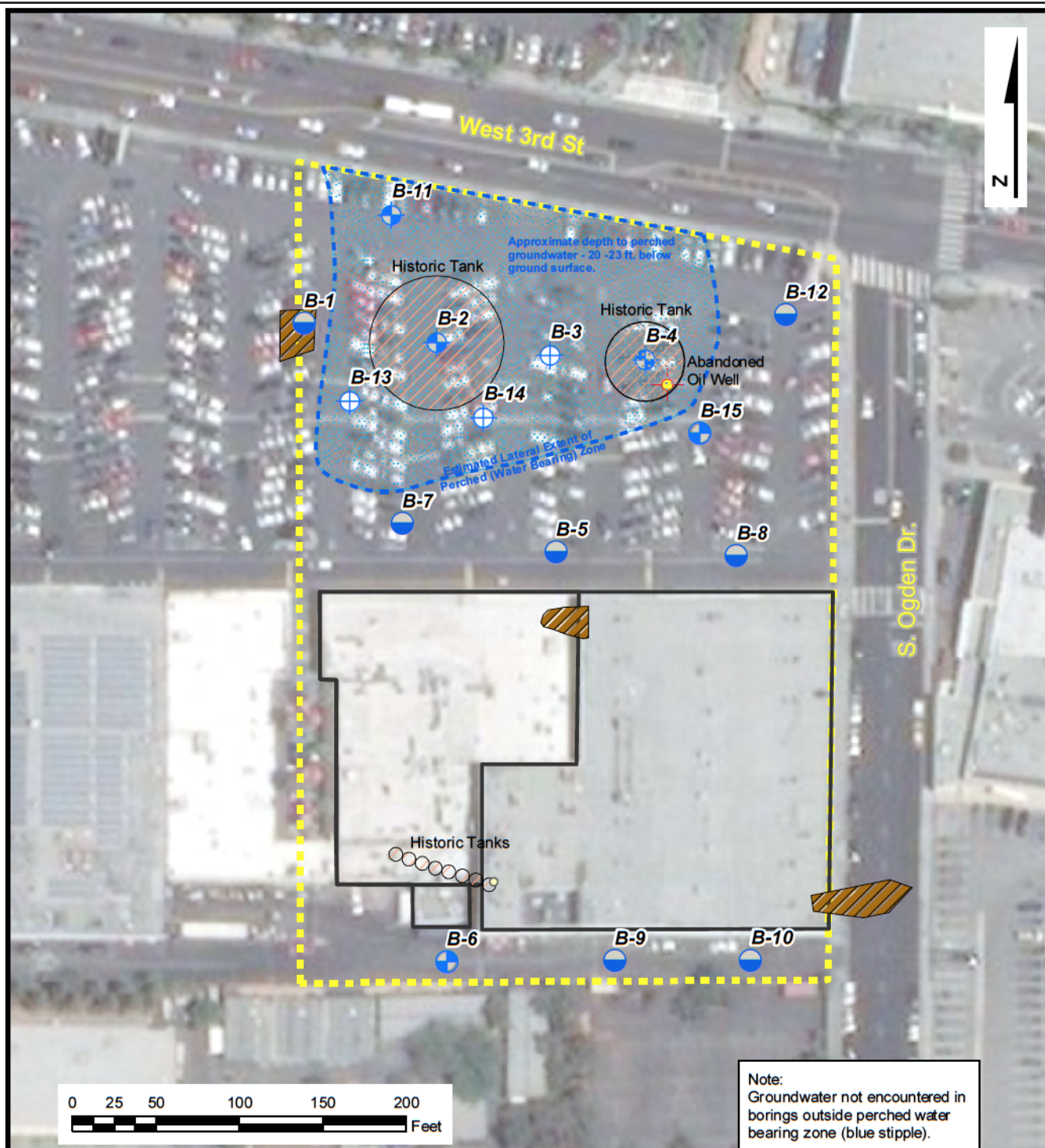
PROJECT NUMBER:

2047.15

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Source: Northgate Environmental Management, Inc., March 1, 2018.

Figure IV.D-2
Development Site Phase II ESA Boring Location Map



Legend

SampleType



Soil



Soil and Groundwater



Soil, Groundwater and Vapor



Soil and Vapor



Historic Sumps



Historic Tanks



Perched Water Bearing Zone



Abandoned Oil Well

Figure 4

Estimated Lateral Extent of
Perched Water Bearing Zone

3rd and Fairfax
Los Angeles, California

DATE:

2/20/2018

PROJECT NUMBER:

2047.15



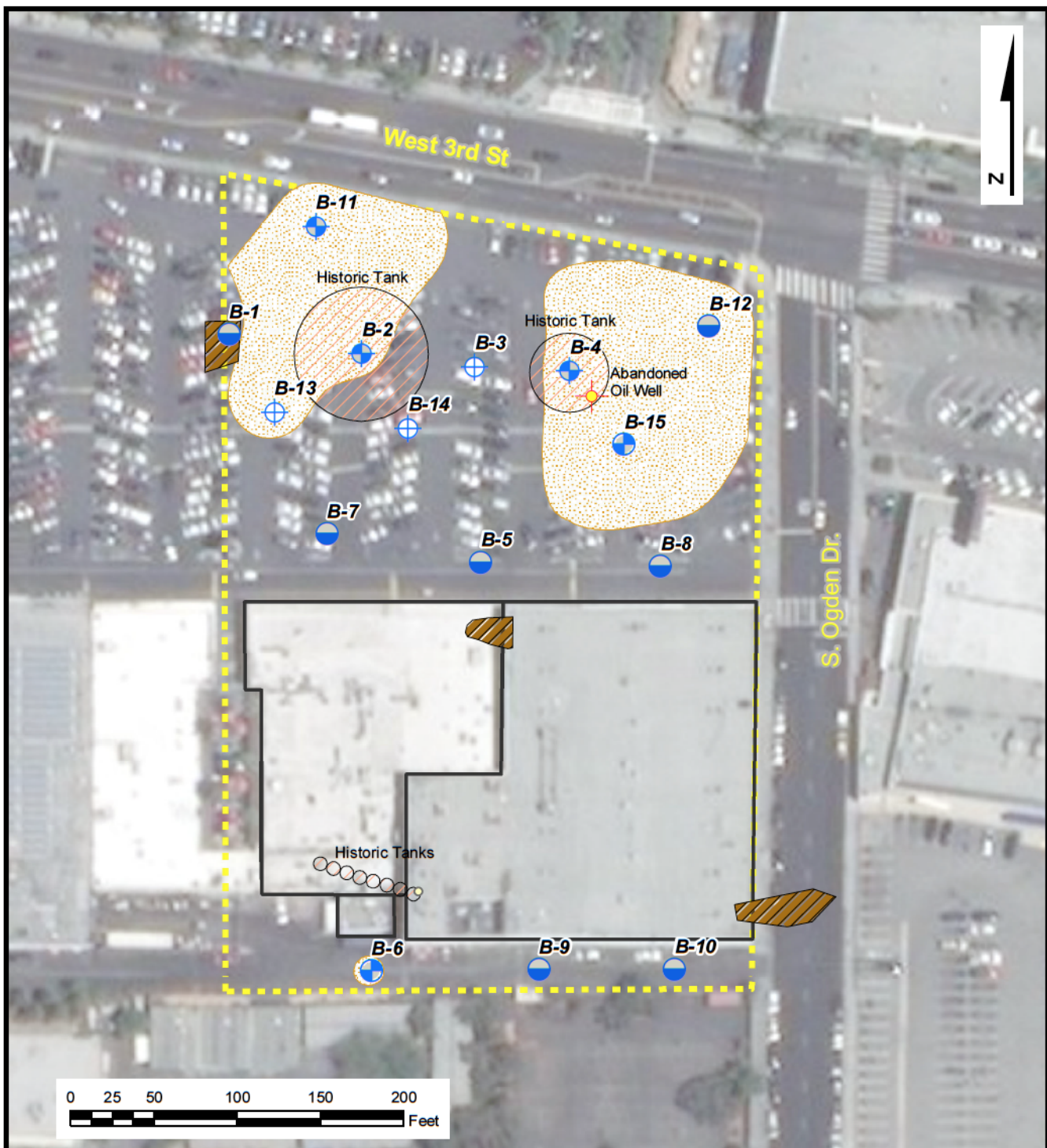
Source: Northgate Environmental Management, Inc., March 1, 2018.

Figure IV.D-3
Estimated Lateral Extent of Perched Water Bearing Zone

Soils impacted with total petroleum hydrocarbons as diesel (TPH-d) were reported above laboratory reporting limits (RLs) in 28 of the 47 samples analyzed, at concentrations up to 1,100 milligrams per kilogram (mg/kg). TPH-d was measured in soil above the groundwater protection RWQCB TPH Maximum soil screening level (SSL) of 100 mg/kg and the Cal EPA Regional Screening Level (RSL) for residential land use of 110 mg/kg in 10 samples at concentrations ranging between 160 and 1,100 mg/kg. These elevated concentrations were generally reported in samples collected at 1 foot bgs in the northern portions of the Development Site. However, the highest concentration (1,100 mg/kg) was reported at a depth of 15 feet bgs from boring B-4, which is located on the Development Site at one of the historic oil field tanks and in the vicinity of the abandoned historic oil well. The approximate lateral extent of TPH-d impacted soil is shown in Figures IV.D-4 through IV.D-7 at one foot bgs, five feet bgs, 10 feet bgs, and 15 feet bgs, respectively. Soil exceeding 100 mg/kg TPH-d would typically be sent to a Class III landfill or recycling facility for disposal purposes and would not be used for unrestricted fill.

Total petroleum hydrocarbons as motor oil (TPH-mo) were reported in 24 of the 47 samples analyzed, at detected concentrations ranging from 20 to 1,300 mg/kg. The TPH-mo detections were found primarily at the same sample locations with reported concentrations of TPH-d. Reported concentrations of TPH-mo exceeded the groundwater protection RWQCB TPH-mo Maximum SSL of 1,000 mg/kg in five soil samples, at concentrations up to 1,300 mg/kg. Four of the exceedances were measured in shallow soil samples collected at one foot bgs and one was collected at a depth of 15 feet bgs from boring B-4. None of the samples collected at 10 feet bgs contained TPH-mo above the SSL of 1,000 mg/kg. The reported concentrations of TPH-mo did not exceed the Cal EPA soil RSLs for residential or commercial land use. The approximate lateral extent of TPH-mo impacted soil is shown in Figure IV.D-8, Total Petroleum Hydrocarbon – Motor Oil Upper 1 foot of Subsurface. Soil exceeding 1,000 mg/kg would typically be sent to a Class III landfill or recycling facility for disposal purposes and would not be used for unrestricted fill.

Low concentrations of total petroleum hydrocarbons as gasoline (TPH-g) were measured in B-5 at 10 feet bgs, B-8 at 10 feet bgs, B-11 at 10 feet bgs, and B-12 at 1 foot bgs; however, the reported concentrations did not exceed any regulatory screening criteria. Several gasoline-related VOCs, including benzene, ethylbenzene, toluene, m,p-xylene, and sec-butylbenzene, were measured above the laboratory RLs. However, none of those reported concentrations exceeded their respective regulatory screening criteria. No semi-volatile organic compounds (SVOCs), PCBs, OCPs, or asbestos were reported above their respective laboratory RLs in any of the samples analyzed.



Legend

SampleType









-  Soil
-  Soil and Groundwater
-  Soil, Groundwater and Vapor
-  Soil and Vapor
-  Historic Sumps
-  Historic Tanks
-  TPHd > 100 mg/kg
-  Abandoned Oil Well

Figure 5a

Total Petroleum Hydrocarbon – Diesel
(Greater Than 100 mg/kg)
In Upper 1 Foot of Subsurface
3rd and Fairfax
Los Angeles, California

DATE:
2/20/2018

PROJECT NUMBER:
2047.15

 northgate
environmental management, inc.

Source: Northgate Environmental Management, Inc., March 1, 2018.

Figure IV.D-4
TPH Diesel - Upper 1 Foot of Subsurface



Legend

SampleType









-  Soil
-  Soil and Groundwater
-  Soil, Groundwater and Vapor
-  Soil and Vapor
-  Historic Sumps
-  Historic Tanks
-  TPHd > 100 mg/kg
-  Abandoned Oil Well

Figure 5b

Total Petroleum Hydrocarbon – Diesel
(Greater Than 100 mg/kg)
5 Feet Below Ground Surface
3rd and Fairfax
Los Angeles, California

DATE:

2/20/2018

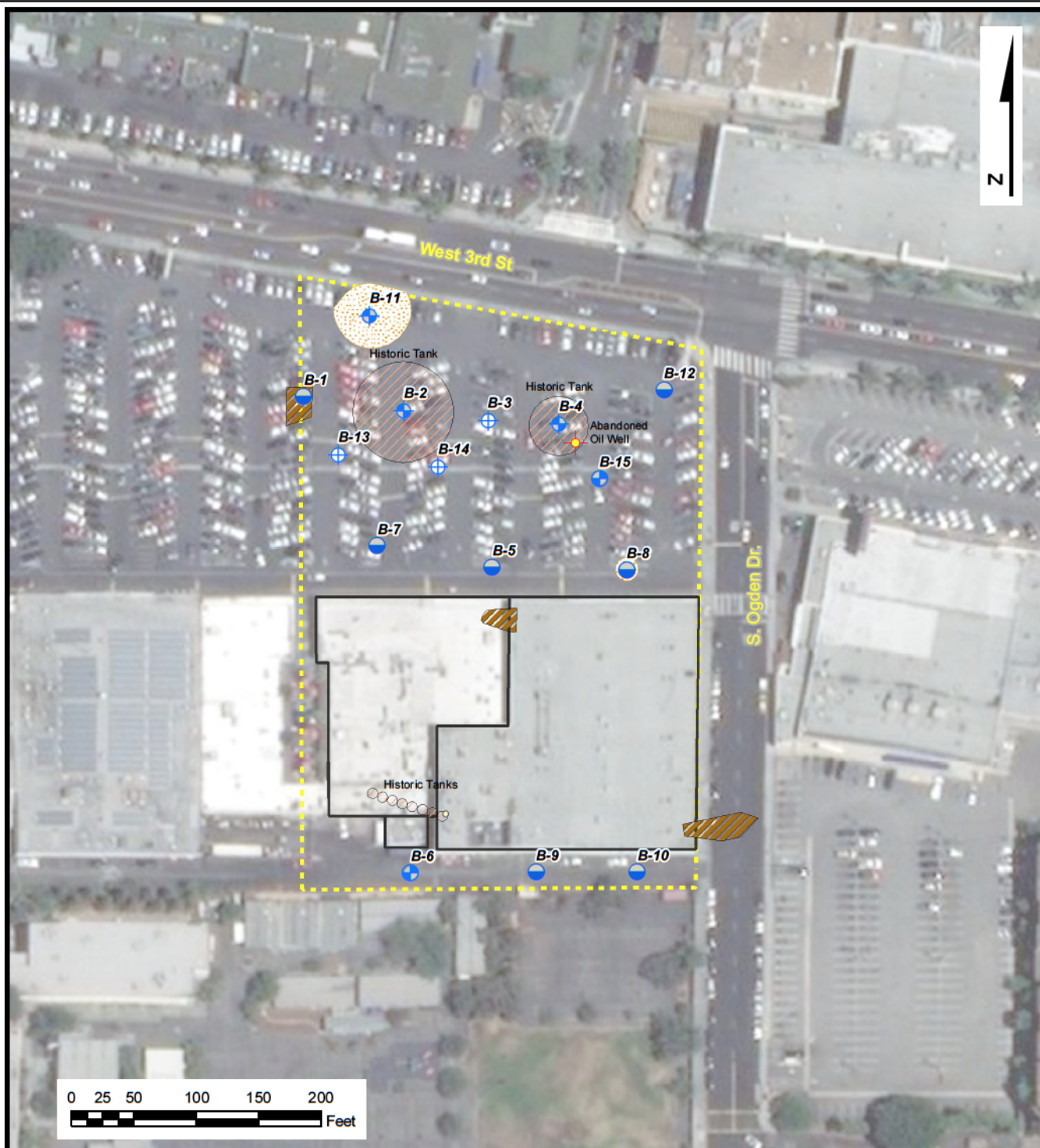
PROJECT NUMBER:

2047.15

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Source: Northgate Environmental Management, Inc., March 1, 2018.

Figure IV.D-5
TPH Diesel - 5 Feet Below Ground Surface



Legend

SampleType









-  Soil
-  Soil and Groundwater
-  Soil, Groundwater and Vapor
-  Soil and Vapor
-  Historic Sumps
-  Historic Tanks
-  TPHd >100 mg/kg
-  Abandoned Oil Well

Figure 5c

Total Petroleum Hydrocarbon – Diesel
(Greater Than 100 mg/kg)
Ten Feet Below Ground Surface
3rd and Fairfax
Los Angeles, California

DATE:

2/20/2018

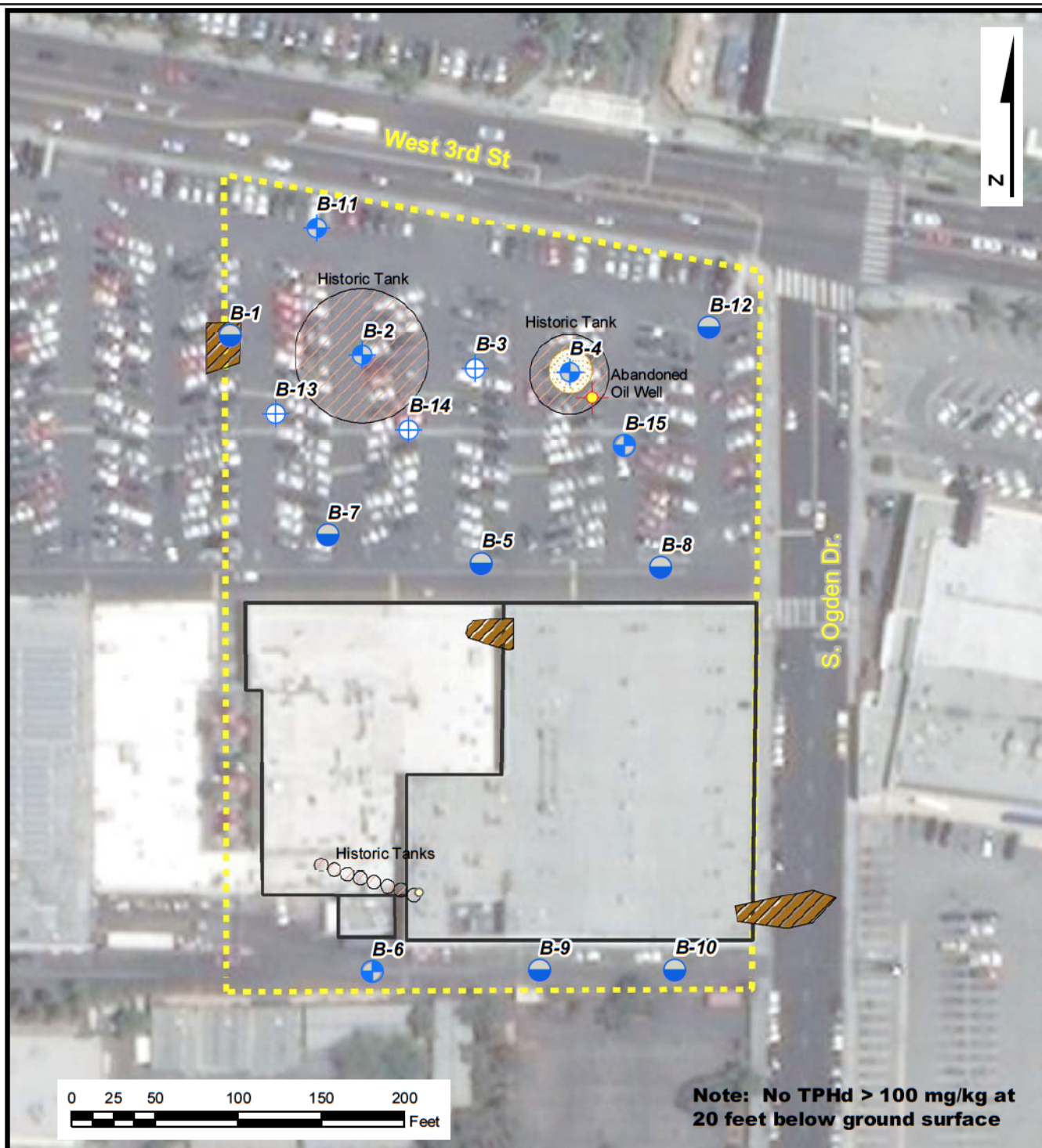
PROJECT NUMBER:

2047.15

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environmental management, inc.

Source: Northgate Environmental Management, Inc., March 1, 2018.

Figure IV.D-6
TPH Diesel - 10 Feet Below Ground Surface



Legend

SampleType









-  Soil
-  Soil and Groundwater
-  Soil, Groundwater and Vapor
-  Soil and Vapor
-  Historic Sumps
-  Historic Tanks
-  Abandoned Oil Well
-  TPHd > 100 mg/kg

Figure 5d

Total Petroleum Hydrocarbon – Diesel
(Greater Than 100 mg/kg)
Fifteen Feet Below Ground Surface
3rd and Fairfax
Los Angeles, California

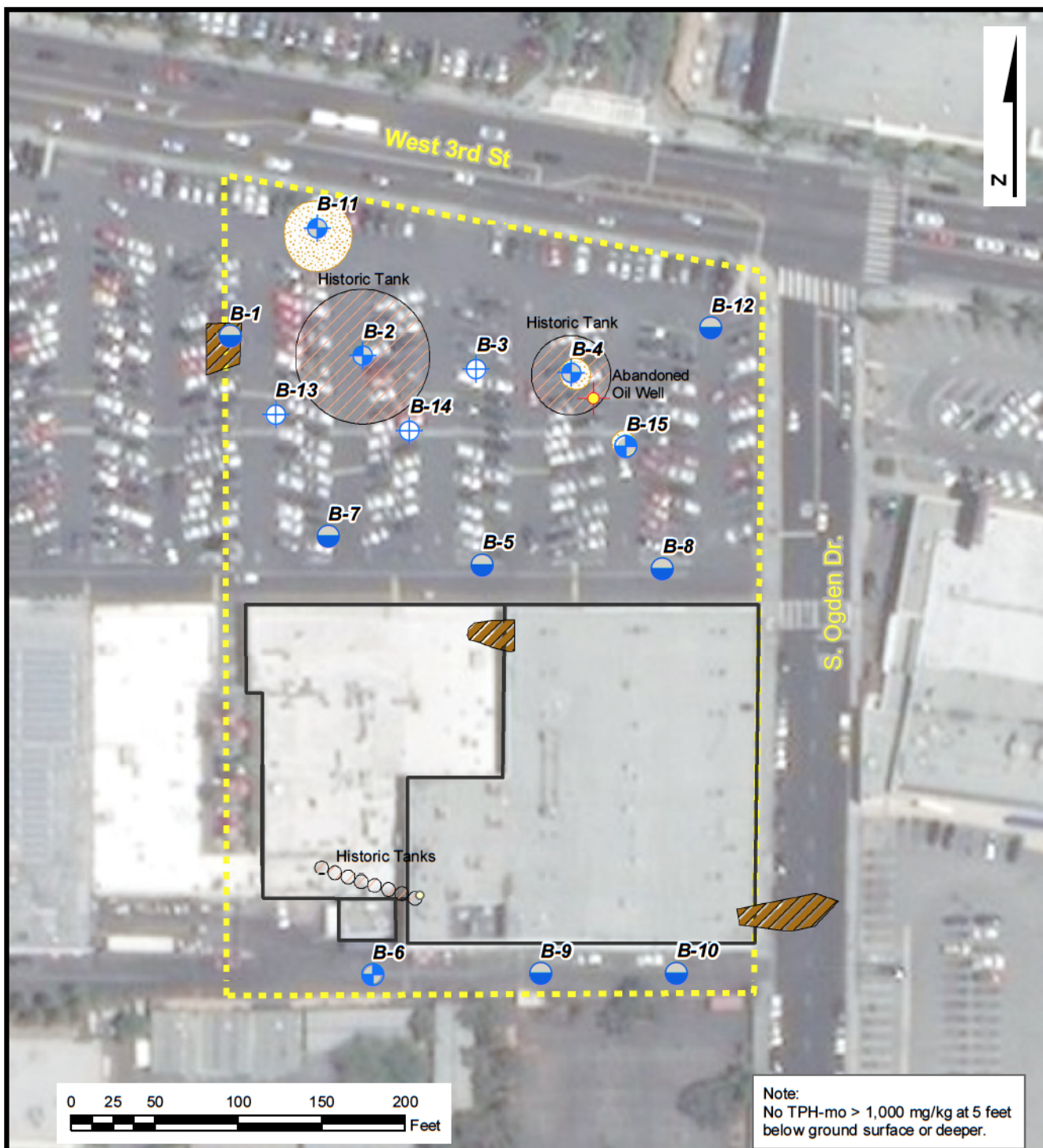
DATE:
2/20/2018

PROJECT NUMBER:
2047.15

 northgate
environmental management, inc.

Source: Northgate Environmental Management, Inc., March 1, 2018.

Figure IV.D-7
TPH Diesel - 15 Feet Below Ground Surface



Legend

SampleType

- Soil
- Soil and Groundwater
- Soil, Groundwater and Vapor
- Soil and Vapor
- Historic Sumps
- Historic Tanks
- TPHmo >1,000 mg/kg
- Abandoned Oil Well

Figure 6

Total Petroleum Hydrocarbon – Motor Oil
(Greater Than 1,000 mg/kg)
Within Upper 1 Foot of Subsurface
3rd and Fairfax
Los Angeles, California

DATE:

2/20/2018

PROJECT NUMBER:

2047.15

northgate
environmental management, inc.

Source: Northgate Environmental Management, Inc., March 1, 2018.

Figure IV.D-8
TPH Motor Oil - Within Upper 1 Foot of Subsurface

Low concentrations of several metals, including barium, chromium, cobalt, copper, nickel, vanadium, and zinc were reported in all of the 47 samples analyzed. In addition, cadmium was measured above the laboratory RL in one sample. None of the reported concentrations of metals exceeded their respective Cal EPA RSLs or DTSC screening levels (SLs) for residential or commercial/industrial land use.

Groundwater

The perched groundwater beneath the Development Site is impacted with TPH-d. TPH-d was the only TPH range contaminant reported in groundwater and was found in five of the six groundwater samples collected, at concentrations ranging between 520 and 2,000 micrograms per liter ($\mu\text{g/L}$).

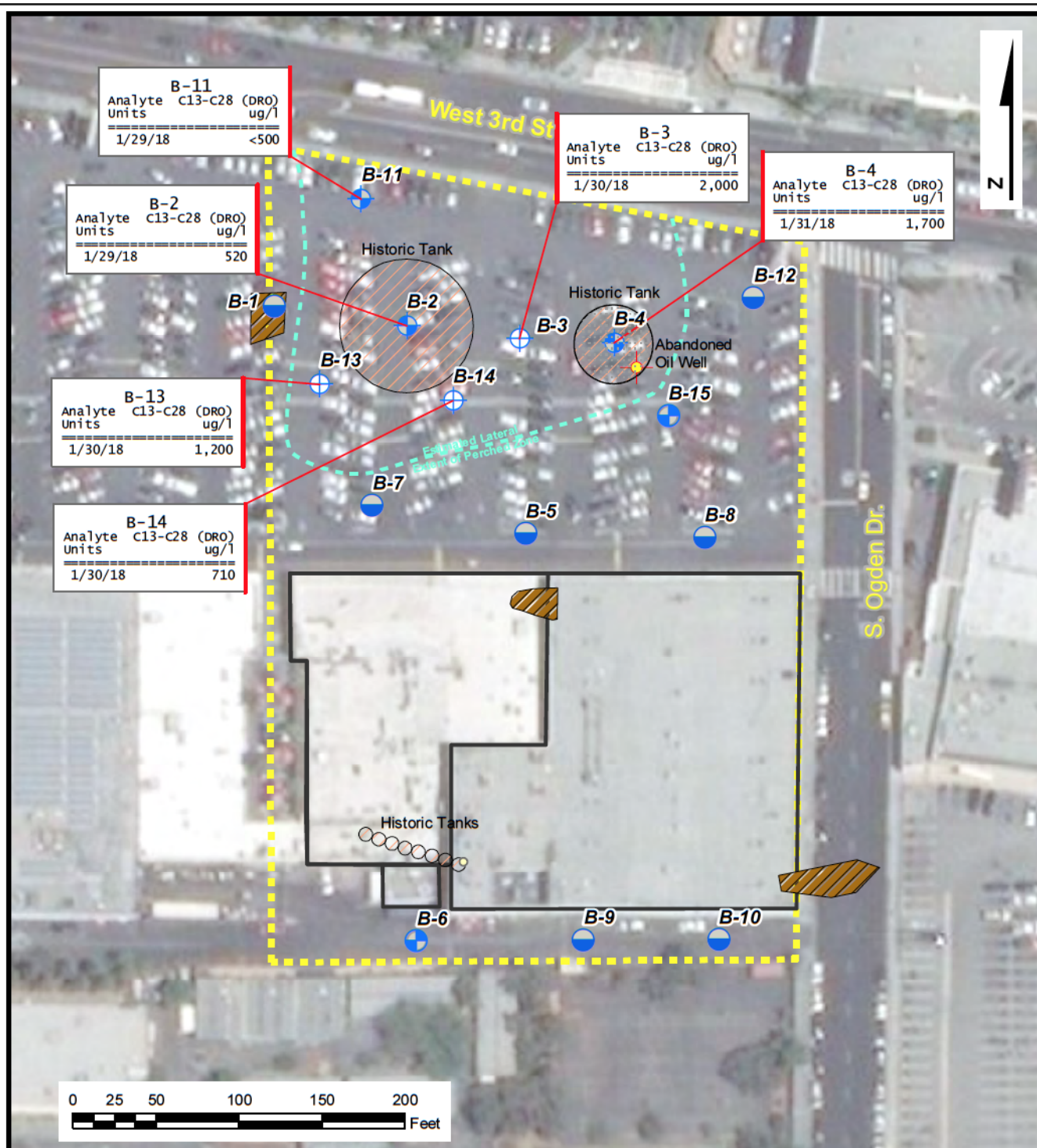
Although there is no California maximum contaminant level (MCL) for TPH-d, the reported concentrations of TPH-d exceed the Cal EPA RSL for tap water of $5.5 \mu\text{g/L}$ and the LARWQCB NPDES discharge level of $100 \mu\text{g/L}$. With the exception of a concentration of $0.92 \mu\text{g/L}$ of toluene found only in Boring B-2, no VOCs were measured in any of the groundwater samples. The reported concentration of toluene is well below the California MCL of $1,000 \mu\text{g/L}$. The groundwater samples collected from borings B-2 and B-3 were also tested for dissolved metals. None of the reported concentrations of metals exceeded their respective California MCLs. (See Figure IV.D-9, TPH Diesel – In Groundwater.)

Soil Vapor

Soil vapor samples were collected from soil vapor probes set in borings B-4, B-6, and B-15. TPH-g was reported in soil vapor from boring B-4 at a concentration of 11,600 micrograms per cubic meter ($\mu\text{g/m}^3$). The reported concentration did not exceed the calculated residential soil vapor RSL of $15,500 \mu\text{g/m}^3$ or the calculated commercial soil vapor RSL of $130,000 \mu\text{g/m}^3$. No residential or commercial SLs have been established for TPH-g. This TPH-g soil vapor detection indicates that there may have been a gasoline release in the area.

TCE was reported in soil vapor in two wells, B-4 (at 15 feet bgs at $17 \mu\text{g/m}^3$) and B-15 (at 15 feet at $770 \mu\text{g/m}^3$). The reported concentration from B-15 exceeds the calculated Cal EPA RSL for residential land use of $240 \mu\text{g/m}^3$. Both B-4 and B-15 also showed TPH-d and TPH-mo and benzene soil contaminants.

Toluene was reported in soil vapor from boring B-4 at a concentration of $15 \mu\text{g/m}^3$, which does not exceed the calculated residential or commercial soil vapor RSLs or SLs. Cyclohexane (another gasoline constituent) was reported at a concentration of $1,100 \mu\text{g/m}^3$ in the sample from boring B-6. The result is well below the calculated residential RSL of $3,100,000 \mu\text{g/m}^3$.



Legend

SampleType

- Soil
- Soil and Groundwater
- Soil, Groundwater and Vapor
- Soil and Vapor
- Historic Sumps
- Historic Tanks
- Perched Zone
- Abandoned Oil Well

Figure 7

Total Petroleum Hydrocarbon
Diesel (TPHd) In Groundwater

3rd and Fairfax
Los Angeles, California

DATE:
2/20/2018

PROJECT NUMBER:
2047.15

northgate
environmental management, inc.

Source: Northgate Environmental Management, Inc., March 1, 2018.

Figure IV.D-9
TPH Diesel - In Groundwater

Isopropyl alcohol (IPA) was also measured in soil vapor from boring B-6 at a concentration of 3,100 $\mu\text{g}/\text{m}^3$, which is well below the calculated residential RSL of 105,000 $\mu\text{g}/\text{m}^3$ and commercial RSL of 880,000 $\mu\text{g}/\text{m}^3$. Notably, because IPA was used as a leak detection compound during sampling, the detected IPA may be attributed to a faulty seal in the probe or dedicated sampling apparatus associated with the probe in B-6 only and is not derived from an on-site source.

(iv) Phase I ESA Update

The Development Site Phase I ESA Update was prepared for the Development Site on October 23, 2018. As the final chronological environmental assessment for the Development Site, this report includes relevant information from the Development Site Phase I ESA (January 30, 2018) and the Development Site Phase II ESA (March 1, 2018) and updates the environmental findings for the Development Site. The purpose of the Development Phase I ESA was to definitively identify and evaluate the presence of RECs on the Development Site considering prior reports and investigations.

The Development Site Phase I ESA Update did not identify the presence of any RECs associated with the Development Site, with the exception of a former oil field in the area which included one oil and gas well operated by Chevron that was drilled on the northeastern portion of the Development Site in 1906. The well was plugged and abandoned in 1930 in accordance with regulations in place at that time. TPH, primarily in the diesel range, are present in soil and perched groundwater above screening levels for residential and commercial land use at depths of up to 20 feet in three areas beneath the parking lot in the northern portion of the Development Site.

The Development Site Phase I ESA Update also identified two potential BERs. As discussed previously, BERs are risks that can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of a parcel of commercial real estate. BERs risks are not considered RECs.

The first BER was that TCE was detected in two soil vapor samples. One sample was above residential screening levels but both samples were below commercial screening levels. The second BER was an acknowledgment that the Development Site is located within the Los Angeles Methane Zone, an area of the city where methane and other related gasses can be present in the subsurface, related to naturally occurring methane-producing geologic formations.

Based on a review of applicable hazardous material databases, the Development Site Phase I ESA Update found the Development Site to be listed on the HAZNET and FINDS databases, which documented prior facility and manifest data for the off-site disposal of detergent waste chemicals, unreported waste, alkaline solution, off-specification, aged,

or surplus organics, and other organic solids by K-Mart at 6310 West 3rd Street in 2016. K-Mart was also listed on the HAZNET database in 2001 related to the off-site disposal of unspecified oil-containing waste. The Development Site is also listed on HAZNET as the Maintenance Concierge at 6300 West 3rd Street for the off-site disposal of inorganic solid waste in 2015.

The Development Site is listed on the Environmental Notification Form (ENF) database for a notice of violation for an overdue quarterly report in 2004 related to NPDES requirements. The Development Site was also listed on the California Integrated Water Quality System (CIWQS) database as a historical "enrolled facility" between March 1996 and May 2004. None of the listings appear to represent a significant environmental concern, and no documented releases or violations were reported. Also, none of these listings qualify the Development Site as a hazardous waste site pursuant to Government Code Section 65962.5.

3. Project Impacts

a) Thresholds of Significance

In accordance with the State CEQA Guidelines Appendix G (Appendix G), the Project would have a significant impact related to hazardous materials if it would:

- a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials;***
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;***
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school;***
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;***
- e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport of public use airport, result in a safety hazard or excessive noise for people residing or working in the project area;***
- f) Impair implementation of or physically interfere with an adopted***

emergency response plan or emergency evacuation plan; or***g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.***

For this analysis, the Appendix G Thresholds stated above are relied upon. The analysis utilizes factors and considerations identified in the 2006 L.A. CEQA Thresholds Guide (Thresholds Guide), as appropriate, to assist in answering the Appendix G Threshold questions. The Thresholds Guide identifies the following criteria to evaluate hazards and hazardous materials:

- *The regulatory framework (for the potential accidental release or explosion of a hazardous substance);*
- *The probable frequency and severity of consequences to people or property as a result of a potential accidental release or explosion of a hazardous substance;*
- *The degree to which the project may require a new, or interfere with an existing, emergency response or evacuation plan, and the severity of the consequences; and*
- *The degree to which project design will reduce the frequency or severity of a potential accidental release or explosion of a hazardous substance;*
- *The regulatory framework for the health hazard;*
- *The probable frequency and severity of consequences to people from exposure to the health hazard; and*
- *The degree to which project design would reduce the frequency of exposure or severity of consequences of exposure to the health hazard.*

b) Methodology

To evaluate impacts related to hazards and hazardous materials associated with construction and operation of the Proposed Project, the following analysis is based on several site specific investigation and surveys pertaining to potentially hazardous conditions. These reports include the Limited Asbestos and Lead Report, Hazardous Materials Inventory Report, Center Phase I ESA, Development Site Phase I ESA, Development Site Phase II ESA, Development Site Phase I ESA Update, and Methane Report, as referenced in Section I, Introduction of this Chapter. The findings of these reports and investigations form the basis for the responses to the Appendix G Thresholds identified above.

c) Project Design Features

- **PDF-HAZ-1 (Methane):** The Proposed Project will be designed and constructed in accordance with the recommendations in the Methane Report, and to the satisfaction of LADBS. The foundation for the structures on the Development Site will include a V-Bottom that satisfies Level V requirements, including the following elements:
 - Areas with a Mat Foundation will be fitted with an impermeable methane barrier membrane.
 - The bottom side of the foundation slab will have a one percent “V” Bottom slope to serve as the pressure relief venting system.
 - A minimum four-inch thick aggregate layer will be placed beneath the slab to assist in conveying methane gas from beneath the structure.
 - An impermeable methane gas/waterproofing/tar barrier will be installed at all below grade walls.
 - If an Oil Well is located on the property beneath a new building, it will be fitted with a Vent Cone and Venting System as required by the State of California Division of Oil and Gas.
 - Electrical & communications conduit seals that prevent methane gas intrusion will be installed at all dry utility conduits.
 - Utility trench dams that prevent methane gas intrusion will be installed at the exterior sides of the building.
 - Gas Detection Systems will be installed throughout the lowest level parking garage in the buildings which will continuously monitor the interior space for methane gas and will be capable of activating the building’s ventilation system and contacting a central alarm service if methane is detected.

d) Analysis of Project Impacts

The following is a discussion of the Proposed Project’s impacts during construction and operation with respect to hazardous materials and risk of upset. Specific areas that are discussed include routine transport, use, and disposal of hazardous materials; accidental release of hazardous materials; and conflicts with emergency response or evacuation plans.

Threshold a) ***Would the Project create a significant hazard to the public or the environment through the routine transport, use or disposal of***

hazardous materials?**(1) Impact Analysis*****(a) Construction Impacts***

Construction of the Proposed Project would involve the use of common construction materials, which could be potentially hazardous materials, including vehicle fuels, oils, and transmission fluids, if not handled properly. Such materials would be used only in quantities typically associated with the construction of a commercial and residential development and would be transported, handled, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Thus, there would not be a significant hazard to the public through the use of these materials.

Construction activities would also include (i) demolition of existing structures on the Development Site that contain hazardous materials; and (ii) grading, excavation, and removal of soils on the Development Site that are contaminated. Hence, construction activities would have the potential to release hazardous materials into the environment if the activities are not properly mitigated or performed pursuant to applicable regulatory requirements. As discussed below, the Proposed Project would adhere to regulatory compliance requirements, and include mitigation measures, to reduce potential hazardous materials impacts associated with construction activities to a less than significant level.

(i) Demolition Debris

The Proposed Project includes the demolition of the two existing buildings, comprised of approximately 151,048 square feet of commercial space, and the partial demolition of an existing surface lot, generating approximately 13,188 tons of construction and demolition debris. Based on the findings of the Limited Asbestos and Lead Report, some of the materials surveyed and sampled in the buildings proposed for demolition contain ACM, LBP, and other potentially hazardous materials such as PCBs, freon, halon, and heavy metals that require special handling and disposal prior to demolition activities. Construction activities have the potential to release these materials into the environment if construction does not adhere to strict regulatory requirements. Similarly, construction activities would transport and dispose of these materials, which also is subject to strict regulatory controls.

As recommended in the Limited Asbestos and Lead Report, and in full compliance with all regulatory requirements, disturbance of any ACM suspected material would be handled in accordance with applicable local and state regulations (which include SCAQMD Rule 1403 and Cal/OSHA Asbestos Construction Standard Title 8 CCR 1529).

The removal and clean up procedures under Rule 1403 include, but are not limited to, total enclosure with HEPA filtrations to provide negative pressure, glove bag for small projects, and adequate wetting for non-friable ACM. This rule is applicable to owners and operators of any demolition or renovation activity associated with the Proposed Project. Similarly, the construction activities associated with the Proposed Project would adhere to strict regulatory requirements for LBP. LBP materials would be handled in accordance with California Department of Public Health (CDPH) regulations in residential or public buildings, HUD regulations, and the U.S EPA's 2008 Lead-Based Paint Renovation, Repair and Painting Rule (RRP) (as amended in 2010 and 2011). DOSH and Cal/OSHA requirements must also be followed where employees may be occupationally exposed to lead. In addition, as noted in the Hazardous Materials Inventory Report, all demolition related activities would be conducted in accordance with CCR Title 22, 66261-66265, Health and Safety Code 25189.5 and all additional pertinent environmental and Cal-OSHA regulations, which would ensure the proper transport and disposal of these materials.

Furthermore, potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations, which include requirements for disposal of hazardous materials at a facility licensed to accept such waste based on its waste classification and the waste acceptance criteria of the permitted disposal facilities. Adherence to all applicable rules and regulations pertaining to the use, storage, and transport of potentially hazardous materials would reduce potentially significant impacts to less-than-significant levels.

(ii) Soils

The Development Site Phase II ESA performed subsurface investigations of the Development Site. A total of 15 borings were advanced to depths of 25 to 30 feet bgs, with soil samples collected and analyzed for total petroleum hydrocarbons as gasoline and carbon chain (TPH-g/cc), VOCs, SVOCs, polychlorinated biphenyls (PCBs), Title 22 metals, organochlorine pesticides (OCPs), and asbestos at depths of 1, 5, 10, 15, 20, 25, and 30 feet bgs. Six groundwater samples were also collected and analyzed for TPH and VOCs. Five temporary soil vapor sample probes were also installed at depths ranging between 8 and 25 feet bgs for collecting and analyzing soil vapor samples for TPH and VOCs. The Development Site Phase II concluded that total petroleum hydrocarbons, primarily TPH-d, were detected above screening levels for residential and commercial land use in the soil at certain areas of the Development Site. The impacted areas were primarily encountered in the very shallow soils but extended to 15 feet bgs in three areas located in the north central part of the Development Site. Also, the Development Site Phase II concluded that TCE was detected in two soil vapor samples collected in the

northeastern portion of the Development Site in an area showing soil contamination exceeding unrestricted use levels. The Development Site Phase I Update also found that TCE was detected in two soil vapor samples. One sample was above residential screening levels but both were below commercial screening levels. TCE and soil vapors would be managed through the Soil Management Plan (SMP) and methane design system as discussed in further detail below.

Impacted soil above LARWQCB TPH Maximum SSLs and Cal EPA RSLs for residential and commercial land use was determined to be located primarily in the northeastern and northwestern portion of the Development Site. The impacts were primarily encountered in the very shallow soils, but extended to 15 feet bgs in three areas located in the north central part of the Development Site near the former oil well complex. Based on modelling contained in the Development Site Phase II ESA approximately 5,500 cubic yards of soil would need to be disposed of or sent to a soil recycling facility as TPH contaminated soil. This estimated contaminated soil is approximately 5 percent of the 110,000 cubic yards of total soil the Proposed Project would export from the Development Site. The remaining soil may not need to be disposed of as TPH contaminated soil because the TPH concentrations in that volume are likely below RWQCB SSLs. Further testing in accordance with applicable federal, state and local regulations would be conducted to determine whether the soil is contaminated with TPH prior to disposal. The 5,500 cubic yards of TPH-impacted soil excavated during construction would be disposed of at a licensed soil recycling or disposal facility permitted to accept such soil.

It is important to note that the excavation of impacted soil and disposal activities associated with the Proposed Project would be subject to SCAQMD Rule 1166. This means that the excavation or grading of soil at the Development Site containing VOC material including gasoline, diesel, crude oil, lubricant, waste oil, adhesive, paint, stain, solvent, resin, monomer, and/or any other material containing VOCs would require a mitigation plan. Such a plan (typically considered Rule 1166 Permit) would require segregation of the soil during excavation based on the soil analytical data, and field vapor readings generated by a properly calibrated photo ionization detector conducted during excavation, compliance with SCAQMD VOC emissions mitigation requirements, and soil management and health and safety plans to ensure worker health and safety. Compliance with these strict Rule 1166 requirements would reduce potential impacts associated with excavation and export of contaminated soils to less than significant levels.

In addition, out of an abundance of caution, the Proposed Project would include Mitigation Measure MM-HAZ-1 to further minimize potential hazardous materials impacts. This measure would require a Soil Management Plan (SMP) be prepared to guide contractors regarding appropriate handling, screening, and management of potentially impacted or

impacted soils from historical operations on the Development Site that may be encountered during grading and excavation activities.

(iii) *Groundwater*

The Proposed Project will involve excavating a two level subterranean parking garage to a depth of approximately 30 feet below grade to construct foundations and underground parking. A shallow, perched aquifer was identified beneath part of the Development Site, with the depth to groundwater varying seasonally between approximately 18 feet and 30 feet bgs. As excavation for the Proposed Project would exceed 18 feet bgs, there is the potential for dewatering to be required based on groundwater levels at the time of construction.

Soil and perched groundwater beneath the Development Site were found to be contaminated with TPH consistent with diesel and motor oil in the northern portions of the Development Site. The petroleum hydrocarbon concentrations ranged from 160 milligrams per kilogram (mg/kg, equivalent to parts per million, or ppm) to 1,100 mg/kg in the soils. These concentrations exceed the RWQCB soil screening level for protection of groundwater of 100 mg/kg and the U.S. EPA residential screening level of 110 mg/kg for residential development. Total petroleum hydrocarbons were also present in five of six perched groundwater samples, at concentrations ranging from 520 micrograms per liter (ug/L, equivalent to parts per billion, or ppb) to 2,000 ug/L. These concentrations exceed the RWQCB NPDES discharge limit of 100 ug/L and the U.S. EPA residential screening level for tap water of 5.5 ug/L.

Dewatering of perched water that contains TPH could result in the release of contaminants into the storm sewer or sanitary sewer system if not handled properly in accordance with regulatory and permitting requirements. Thus, if petroleum impacted groundwater is encountered during construction, it must be properly disposed of in accordance with the LARWQCB regulations, prior to discharge to the storm drain or the sanitary sewer. Such LARWQCB regulations include compliance with WDR permits, Storm Water Pollution Prevention Plan (SWPPP), and the NPDES program.

As part of the regulatory compliance process, and standard protocol for grading and excavating activities, existing soil testing data would be used to develop an excavation plan and a worker health and safety plan, and to conduct waste profiling to identify the appropriate disposition and disposal facility for the affected soils. These documents would be provided to the LARWQCB for review and approval prior to beginning excavation. Shallow groundwater, if encountered, would be pumped from the excavation and is proposed to be treated with a granular activated carbon treatment system consisting of a settling tank, two carbon vessels and potentially a particulate filter. The treated water would then be discharged to either a local storm drain outfall under an NPDES permit or

to a sanitary sewer tie-in, depending on discharge volume. Therefore, regulatory compliance with the applicable NPDES permit and WDR requirements would ensure that no significant hazard to the public or the environment occurs.

Additionally, prior to beginning any construction activity for the Proposed Project, including site clearing and demolition work, a construction SWPPP would be prepared and would implement applicable best management practices (BMPs) identified in the SWPPP. The SWPPP, any amendments, and monitoring reports are to be posted to the SWRCB's Stormwater Multiple Application and Report Tracking System (SMARTS) website. BMPs will be designed and maintained as part of the implementation of the SWPPP in compliance with the Construction General Stormwater Permit.

Conclusion

Construction in conformance with applicable regulatory compliance measures, and implementation of mitigation measure MM-HAZ-1 would reduce the potential hazardous materials impacts associated with the Proposed Project to a less than significant level. ***Therefore, construction of the Proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant with regulatory compliance and applied mitigation.***

(b) Operational Impacts

Operations of the Proposed Project would consist of typical and common activities associated with operation of mixed-use residential commercial development and associated amenities such as recreational pool and viewing decks, fitness facilities, open spaces, and retail and restaurants. No hazardous materials would be utilized during day-to-day operation of the Proposed Project other than typical housekeeping, restaurant, vehicle, pool, and landscape maintenance materials such as cleaning supplies, paints, oil, grease, pesticides, herbicides, water disinfectants, fertilizers. The use of these materials would be in small quantities and in accordance with Health and Safety Code and the manufacturers' instructions for transport, use, storage, and disposal. Compliance with these standard practices avoids substantial exposure hazards. There would be low frequency and minimal severity of consequences on people or property from exposure to the limited and commonplace materials used to operate the Project. Accordingly, there is limited potential of the Project to create health hazards from these non-hazardous sources. ***Therefore, the Proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during operation, and would have a less than significant impact.***

(2) Mitigation Measures

As discussed above, the Proposed Project is subject to strict regulatory compliance measures, particularly during construction activities. In addition, the Proposed Project includes mitigation measure MM-HAZ-1 below to further ensure potential hazardous materials impacts are less than significant.

MM-HAZ-1: A Soil Management Plan (SMP) shall be prepared that shall provide guidance to contractors for appropriate handling, screening, and management of potentially impacted or impacted soils from historical operations that may be encountered at the Project Site during grading and excavation activities. These procedures shall include training for construction personnel on the appropriate procedures for identification of suspected impacted soils with TPH concentrations that exceed the RWQCB soil screening level for protection of groundwater of 100 mg/kg and the U.S. EPA residential screening level of 110 mg/kg for residential development; requirements for testing and collection of potentially contaminated soils; segregation of potentially impacted soils; and applicable soil handling and disposal procedures. The SMP shall also contain procedures to be followed in the event that any undocumented subsurface features of potential environmental concern (e.g., USTs, abandoned oil wells, sumps, hydraulic lifts, clarifiers, buried drums) are encountered during the excavation grading, and/or other earthmoving activities. These procedures shall include safety training, testing protocols, decontamination and decommission.

The SMP shall also include procedures for handling and transportation of soils with respect to nearby sensitive receptors, such as nearby residential uses, religious uses, and schools. In accordance with SCAQMD Rule 1166 requirements, impacted soil removed from the Project Site shall comply with the following:

- Be transported to an approved treatment/disposal facility.
- When loading into trucks is completed, and during transportation, no excavated material shall extend above the sides or rear of the truck or trailer.
- Prior to covering/tarping, loaded impacted soil shall be wetted by spraying with dust inhibitors.
- The trucks or trailers shall be completely covered/tarped prior to leaving the Project Site to prevent particulate emissions to the atmosphere.

- The exterior of the trucks (including the tires) shall be cleaned off prior to the trucks leaving the excavation location.²¹

(3) Level of Impact After Mitigation

Impacts related to the routine transport, use or disposal of hazardous materials would be reduced to less than significant levels with implementation of mitigation measure MM-HAZ-1.

Threshold b) *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

(1) Impact Analysis

(a) Construction

As discussed above under Threshold a), construction in conformance with applicable regulatory compliance measures, and implementation of mitigation measure MM-HAZ-1, would reduce the potential hazardous materials impacts associated with construction of the Proposed Project to a less than significant level. Furthermore, the Development Site is located within the City-designated Methane Zone. The Methane Report assessed the risk of developing the Proposed Project on the Development Site and provided specific design recommendations for structures to reduce the risk of methane-related upset or accident conditions. The Development Site Phase I ESA, Development Site Phase II ESA, and the Development Site Phase I ESA Update also identified the Development Site as located within a methane zone, and concluded that compliance with LADBS parameters for new construction in a methane zone would be required for the Proposed Project. More specifically, the Methane Report presents the results of the methane soil gas investigation that was conducted at the Development Site to determine design specifications for the Proposed Project and the type of methane soil gas mitigation requirements that would be required. Based on CalGEM records and the Munger Map Book (1987), one plugged and abandoned oil well is present on the Development Site. The well is identified as Salt Lake 99 (API number 037-15229), Lease Salt Lake Well #99 County Los Angeles [037] District 1 Operator Chevron U.S.A. Inc. Well Status: Plugged & Abandoned September 20, 1930. Based on the mapped location of this oil well and the location of the Development Site within a previously existing oil well field, the Proposed Project would be susceptible to methane gas intrusion.

²¹ SCAQMD Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil, Section (c) Requirements, May 11, 2001, website: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>, accessed December 2020.

The methane investigation first drilled fifteen shallow probes. Predicated on the soil gas testing results at the shallow probes, an additional eight deep gas probes were drilled for a total of 23 methane gas sampling points. Methane soil gas was detected in all of the shallow and deep probes with the exception of Shallow Probe #4. Methane concentrations ranged from 3,000 ppmv to 895,000 ppmv, with the highest measurement recorded in Deep Probe #4. The full results of the soil gas testing measurements were recorded in a City of Los Angeles approved format as presented in the Exhibit 5, Form 1 – Certificate of Compliance for Methane Test Data contained in the Methane Report.

Methane gas is combustible with a lower explosive level (LEL) of approximately 5%, v/v (percent volume) in air. In structures, methane concentrations above 25% of the LEL (above 1.25%, v/v) are considered to be regulatory action levels above which gas concentrations must be mitigated. For buildings to be constructed in a methane zone, the LADBS considers even non-detectable readings of methane soil gas concentrations (i.e., 0.0%, v/v) to be the action level at which soil gas concentrations must be mitigated. Thus, methane mitigation through specific structure design requirements is mandatory for construction on the Development Site, and any new construction in a Methane Zone.

The Methane Report concluded that based on the historic ground water table, the elevated methane readings produced on the Development Site, and the applicable LADBS action levels, the Development Site is deemed a “Methane Zone – Level V, All Pressures.” Therefore, the Proposed Project must comply with the design recommendations in the Methane Report and construct structures on the Development Site in compliance with applicable regulations to the satisfaction of LADBS.

As such, the Proposed Project would be built with a methane system that would incorporate all components listed for a Design Level V passive system from Table 71 of LAMC Section 91.7109, including: an impervious membrane, dewatering system, perforated horizontal vent pipe system, four-inch gravel thickness beneath the membrane, vent risers, and mechanical gas extraction (blowers), and a gas detection/alarm system and mechanical ventilation system shall in the lowest occupied level of the building. Based on site conditions, a “V-Bottom” foundation with a minimum one percent slope towards the building perimeter designed to withstand hydrostatic pressures would be acceptable. The “V-Bottom” foundation and Methane Zone Level V system will be in compliance with LADBS requirements. These design features which exceed the minimum regulatory requirements are also included as PDF-HAZ-1 above.

Therefore, with implementation of MM-HAZ-1 in conjunction with Project Design Feature PDF-HAZ-1, the construction of the Proposed Project will not create a significant hazard to the public or the environment through reasonably foreseeable

upset and accident conditions involving the release of hazardous materials into the environment, and impacts would be less than significant.

(b) Operation

Operations of the Proposed Project would consist of the typical and common activities associated with operation of a mixed-use residential and commercial development and associated amenities such as recreational pool and viewing decks, fitness facilities, open spaces, and retail and restaurants. No hazardous materials would be utilized during day-to-day operation of the Proposed Project other than typical housekeeping, restaurant, vehicle, pool, and landscape maintenance materials such as cleaning supplies, paints, oil, grease, pesticides, herbicides, water disinfectants, and fertilizers.

The use of these materials would be in small quantities and in accordance with the manufacturers' instructions for transport, use, storage, and disposal of such products. Compliance with these standard practices avoids substantial exposure hazards. There would be low frequency and minimal severity of consequences on people or property from exposure to the limited and commonplace materials used to operate the Proposed Project. Accordingly, there is limited potential of the Proposed Project to create health hazards from these non-hazardous sources. ***Therefore, operation of the Proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.***

(2) Mitigation Measures

Project impacts related to the foreseeable upset and accident conditions involving the release of hazardous materials into the environment were determined to be less than significant with implementation of mitigation measure MM-HAZ-1, above.

(3) Level of Impact After Mitigation

Project impacts related to the foreseeable upset and accident conditions involving the release of hazardous materials into the environment were determined to be less than significant with implementation of mitigation measure MM-HAZ-1 and PDF HAZ-1. Therefore, the impact level after mitigation would be less than significant.

Threshold c) Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?

(1) Impact Analysis

The Hancock Park Elementary School, a Los Angeles Unified School District school, is located immediately south of the Project Site at 408 S. Fairfax Avenue. As discussed above, there have been numerous technical reports prepared to analyze hazardous materials that are present in the existing structures and the soil conditions on the Development Site. In addition, there are strict regulatory compliance measures, which apply to construction and operational activities that mandate careful handling of any known or discovered hazardous materials. Also, the Proposed Project includes PDFs, mitigation measures, and strict regulatory compliance (including but not limited to a soil management plan and specific project design feature to minimize methane risks) that reduces potential impacts to adjacent land uses, including the school. The Proposed Project would demolish structures that contain ACMs and LBPs, as discussed above. The demolition is subject to strict regulatory controls that ensure construction activities do not emit hazardous materials in a manner that could impact the school. The Proposed Project does not contain land uses that would emit hazardous emissions or handle hazardous materials. New structures that do not contain LBPs or ACM would be developed. Excavation of the Development Site would remove existing contaminated soils. The new buildings constructed on the Development Site would comply with current (and more stringent) building and safety codes. The new structures would be specifically designed to reduce methane upset risks. Therefore, as discussed further below, impacts would be less than significant with the required regulatory compliance and the implementation of mitigation measures and project design features.

(a) Construction

Construction activities would involve demolition of existing structures and excavation of soils. These activities, if not performed in accordance with regulatory requirements, have the potential to emit potentially hazardous materials, substances, or waste. Specifically, on the Development Site, the technical reports have identified the presence of TPH, ACMs, LBPs, and VOC-contaminated soils/groundwater. Accordingly, all construction activities must comply with regulatory measures, and PDFs and mitigation measures listed herein, that collectively minimize the potential for construction activities to emit hazardous materials.

Construction activities associated with the Proposed Project would not emit acutely hazardous materials or substances because demolition and construction are subject to strict regulatory requirements for handling and treatment of any hazardous materials associated with construction. As stated above, pre-demolition surveys have been conducted and verified the presence of potentially hazardous materials including TPH, ACMs, LBP, and PCB. Disturbance of any ACM material would be handled in accordance with applicable local and state regulations (which include SCAQMD Rule 1403 and

Cal/OSHA Asbestos Construction Standard Title 8 CCR 1529). LBP materials would be handled in accordance with CDPH regulations in residential or public buildings and HUD regulations and the U.S. EPA's Lead-Based Paint RRP. DOSH or Cal/OSHA requirements must also be followed where employees may be occupationally exposed to lead. Furthermore, all demolition-related activities would be conducted in accordance with CCR Title 22, 66261-66265, Health and Safety Code 25189.5 and all additional pertinent environmental and Cal-OSHA regulations.

The removal of TPH-contaminated soils would be conducted in conformance with SCAQMD Rule 1166. In addition, a Soil Management Plan (MM-HAZ-1) would be implemented to require segregation of the TPH-impacted soil during excavation based on the soil analytical data and field vapor readings. Any TPH-impacted soil excavated during construction would be disposed of at a licensed soil recycling or disposal facility permitted to accept such soil. The excavation of impacted soil and disposal activities would also be subject to SCAQMD Rule 1166 and would be confirmed at the time when the 1166 permit is obtained. Compliance with Rule 1166 would reduce potential impacts associated with excavation and export of contaminated soils to less than significant levels.

As mentioned under Threshold a), construction may involve dewatering of potential contaminated groundwater during the excavation of the two-level subterranean parking garage. Thus, if petroleum impacted groundwater is encountered during construction, it must be properly disposed of in accordance with the LARWQCB regulations, prior to discharge to the storm drain or the sanitary sewer. As part of the regulatory process and standard protocol for grading and excavating activities under NPDES permits, existing soil testing data will be used to develop an excavation plan and a worker health and safety plan, and to conduct waste profiling to identify the appropriate disposition and disposal facility for the affected soils. These documents will be provided to the Los Angeles LAWQCB for review and approval prior to beginning excavation. Shallow groundwater, if encountered, will be pumped from the excavation and is proposed to be treated with a granular activated carbon treatment system consisting of a settling tank, two carbon vessels and potentially a particulate filter. The treated water would then be discharged to either a local storm drain outfall under an NPDES permit or to a sanitary sewer tie-in, depending on discharge volume. Thus, compliance with the applicable NPDES permit and waste discharge requirements would ensure that no significant hazard to the nearby school occurs.

Adherence to all applicable rules and regulations, as well as incorporation of PDF-HAZ-1 and mitigation measure MM-HAZ-1 described herein, during construction, would ensure that potential impacts associated with the Project's potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school would be less than significant.

(b) Operation

The Proposed Project's land uses would include commercial retail, restaurant, supermarket, and multi-family residential. Typically, industrial land uses involving the use of chemicals, solvents, petroleum products, as well as treatment facilities would have the potential to emit hazardous emissions. During operation of the Proposed Project, no hazardous materials other than the modest amounts of typical cleaning supplies and solvents used for housekeeping and janitorial purposes would be present at the Project Site. These type of substances are not considered acutely hazardous. In addition, use of these substances would comply with State Health Codes and Regulations, which regulate use, emission and disposal of materials. Furthermore, in the unlikely event that hazardous materials would be used during operation, potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations, which include requirements for disposal of hazardous materials at a facility licensed to accept such waste based on its waste classification and the waste acceptance criteria of the permitted disposal facilities. ***Thus, the Proposed Project's potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing school during operation would be less than significant.***

(2) Mitigation Measures

Impacts associated with the potential release of hazardous emissions or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school would be less than significant with implementation of mitigation measure MM-HAZ-1, described above.

(3) Level of Impact After Mitigation

Project impacts related to hazardous emissions or the handling of hazardous or acutely hazardous materials substances or waste within one-quarter mile of an existing or proposed school would be reduced to less than significant levels with implementation of mitigation measure MM-HAZ-1.

Threshold d) Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

(1) Impact Analysis

As discussed in Section VI.D, Effects Not Found to be Significant, and in the Initial Study (Appendix A), the Development Site is not considered a hazardous materials site. The

Development Site Phase I ESA, Development Site Phase II ESA, and Development Site Phase I ESA Update concluded that there are certain sites on the Cortese list (compiled pursuant to Government Code Section 65962.5) that are within the vicinity of the Project Site, but the Project Site is not currently on that list. ***Therefore, the Project would not be located on a site which is included on a list of hazardous materials sites and would not, as a result, create a significant hazard to the public or the environment. Impacts would be less than significant and no further analysis of this issue is required.***

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

(1) Impact Analysis

As discussed in Section VI.D, Effects Not Found to be Significant, and in the Initial Study (Appendix A), no impacts associated with this threshold would occur. The nearest public airport to the Project Site is the Santa Monica Airport, located approximately six miles southwest of the Project Site. As such, the Project Site is not within the vicinity of an airport land use plan and no impacts involving airport-related safety hazards would occur. No further analysis of this issue is required.

Threshold f) Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

(1) Impact Analysis

According to the Safety Element of the City of Los Angeles General Plan and County of Los Angeles Department of Public Works Disaster Route Map for the Los Angeles Central area, S. Fairfax Avenue and W. Third Street, immediately adjacent to the Project Site, are not designated disaster routes to the Project Site. The nearest designated disaster route is Beverly Boulevard, located approximately 0.3 mile north of the Project Site.

(a) Construction

While the construction of the Proposed Project may require temporary and/or partial road closures due to construction activities involving tapping into existing infrastructure in the adjacent right-of-way, these activities are not expected to impair or interfere with emergency response plans. As noted in Section IV.I, Transportation, temporary closures of the sidewalks adjacent to the Project Site on W. 3rd Street and Ogden Drive may be required during portions of the construction period. The sidewalk along Ogden Drive could

be closed for the duration of the Proposed Project construction. However, signs would be posted advising pedestrians of temporary sidewalk closures and providing alternative routes (e.g., if the sidewalk on the west side of Ogden Drive adjacent to the Development Site is temporarily closed, a sign or signs would direct pedestrians to use the sidewalk on the east side of Ogden Drive as an alternative route). The Project Applicant would prepare and submit a work site traffic control plan to LADOT prior to the start of construction. That plan would show the location of any temporary street parking or sidewalk closures, warning signs and access to abutting properties. Any potential closures of the adjacent roadways (in whole or in part) would be coordinated with and approved by LADOT.

(b) *Operation*

With respect to Project operation, the Proposed Project would not interfere with emergency response or an evacuation plan. The Development Site is located along 3rd Street, which is not a designated disaster route. The Proposed Project would not interfere with or physically impede access to existing emergency evacuation routes in the project vicinity. Access for LAFD apparatus and personnel to and into all structures shall be required, and fire lanes approved by the LAFD. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required. Further, as discussed in detail in Section IV.H, Public Services of this Draft EIR, site plans must be submitted to the LAFD and the Los Angeles Police Department (LAPD) for their review and approval prior to the issuance of building permits. Emergency vehicle access to the Development Site would continue to be provided from local public roadways.

As such, the Proposed Project impacts during construction and operation, associated with the impairment to the implementation of or physical interference of an adopted emergency response plan or emergency evacuation plan, would be less than significant.

(2) Mitigation Measures

Impacts associated with an adopted emergency response plan or emergency evacuation plan would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Impact After Mitigation

Project impacts related to interference or impairment of an adopted emergency response plan or emergency evacuation plan were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.

Threshold g) *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

(1) Impact Analysis

As discussed in Section VI.D, Effects Not Found to be Significant, and in the Initial Study (Appendix A), no impacts associated with this threshold would occur. The Development Site is located in an urbanized area within the City of Los Angeles and is not located in a Very High Fire Hazard Severity Zone. As such, the Proposed Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore, no impact would occur, and no further analysis of this issue is required.

e) Cumulative Impacts

(1) Impact Analysis

There are 63 related projects identified in Section III, Environmental Setting. The closest related project to the Project Site is Related Project No. LA41, located at 8000 W. 3rd Street, located approximately 0.2 mile west of the Project Site. That related project is not close enough to the Project Site to result in cumulative impacts, as it is separated from the Project Site by several major streets and urban development. In addition, based on the IS/MND prepared for this related project, dated January 2019, this related project's construction schedule is anticipated to begin in mid-2019 with completion in 2021.²² As such, the demolition/excavation construction activities of this related project are not expected to occur during the Proposed Project's demolition/excavation activities, which were the construction phases that involve removal and disposal of the potentially hazardous materials that exist in current conditions.

Additionally, each of the related projects would require individual evaluation for potential threats to public safety, including those associated with the accidental release of hazardous materials into the environment during construction and operation, emergency response, transport, use, and disposal of hazardous materials, and hazards to sensitive receptors (including schools). Because hazardous materials and risk of upset conditions are largely site-specific, evaluation of potential threats to public safety would occur on a case-by-case basis for each individual project in conjunction with development proposals on these properties and would be localized. Therefore, the related projects' impacts from potentially hazardous materials would not combine with the Proposed Project. These impacts would remain localized and would disperse with distance. Additionally, Related

²² City of Los Angeles, Department of City Planning, 8000 West 3rd Street Project Initial Study/MND, ENV-2018-1651-MND, January 2019.

Project No. LA41, as well as the other related projects, are required to conform with SCAQMD Rule 1166 and RWQCB regulations if contaminated soil or groundwater are found on such related project sites. Furthermore, any related projects located within a City-designated Methane Zone must be designed and constructed in accordance with conditions authorized by the LADBS.

The Proposed Project would not individually result in significant impacts regarding hazards or hazardous materials. The Proposed Project would adhere to applicable regulatory requirements and incorporate project design features as described above. Potentially hazardous materials used during the construction and operation of the Project would be used in quantities typical of the scale and commercial nature of the Project and would be handled, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' specifications. The project design features ensure that any unknown contamination encountered during construction would be adequately handled. Demolition activities would comply with OSHA's Lead Exposure in Construction Rule and ACM-related regulations. The Proposed Project would also comply with LADBS methane requirements. Accordingly, the Proposed Project would not individually contribute to an adverse impact related to hazards or hazardous materials.

Generally, the geographic context for cumulative impact analysis of hazards includes the related projects in the vicinity of the Project, that when viewed together with the Project, could incrementally increase a hazards impact to a significant level. As described above, the technical reports identified potentially hazardous conditions located between 0.25- to one-mile around the Development Site. Based on distance, topography, gradients, current regulatory status, and the absence of reported releases, none of the sites surrounding the Development Site represent a likely past, present, or material threat of release that could adversely affect the Development Site.

Construction and operation of the related projects can reasonably be expected to involve the limited use of potentially hazardous materials typical of those used in residential and commercial developments, including gasoline, lubricants, cleaning agents, paints, and pesticides. Each related project would be subject to applicable laws and regulations and manufacturers' specifications to ensure the safe transport, storage, handling, and disposal of such materials. This further reduces potential cumulative hazard impacts.

The Proposed Project's potential impacts associated with the accidental release of hazardous materials during construction and operation, the handling of hazardous materials near a school, and emergency response would be reduced to less-than-significant levels with the implementation of the applicable regulatory compliance measures and implementation of MM-HAZ-1 and PDF-HAZ-1. As such, the Proposed Project would not combine with any of the related projects or off-site hazardous properties

to cause a cumulatively significant impact. Further, each related project and off-site hazardous property listed on a government database would be required to follow local, State, and federal laws regarding hazardous materials and other hazards. ***Therefore, with compliance with local, State and federal laws pertaining to hazards and hazardous materials, cumulative impacts would be less than significant.***

(2) Mitigation Measures

Cumulative impacts related to hazardous materials were found to be less than significant. Therefore, no mitigation measures are required to address cumulative impacts.

(3) Level of Impact After Mitigation

Cumulative impacts related to hazardous materials were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the cumulative impact level remains less than significant.