IV. Environmental Impact Analysis

E. Hazards and Hazardous Materials

1. Introduction

This section analyzes the Project's potential hazards and hazardous materials impacts that could occur during construction and operation. In addition, this section analyzes the Project's incremental contribution to cumulative hazards and hazardous materials impacts from past, present, and probable future projects. This analysis is largely based on the *Report of Phase I Environmental Site Assessment, Warehouse Building, 1100 E 5th Street* (Site Assessment)[1] prepared for the Project by Professional Services Industries, Inc., and the *Site Methane Investigation Report for: 8-story mixed use project with 3 subterranean levels 1100 E. 5th Street* (Methane Report)[2] prepared for the Project by the Methane Specialists. These reports are included as **Appendix F.1** and **Appendix F.2**, respectively, of this Draft EIR.

2. Environmental Setting

a) Regulatory Framework

Several plans, regulations, and programs include policies, requirements, and guidelines regarding Hazards and Hazardous Materials at the federal, state, regional, and City of Los Angeles levels. As described below, these plans, guidelines, and laws include the following:

- Resource Conservation and Recovery Act
- Comprehensive Environmental Response, Compensation, and Liability Act
- Occupational Safety and Health Act of 1970
- Toxic Substances Control Act
- Hazardous Materials Transportation Act
- Research and Special Programs Administration
- Federal Emergency Management Act
- Disaster Mitigation Act of 2000
- Other Hazardous Materials Regulations
- State Policies and Regulations

[1] Professional Services Industries, Inc., Report of Phase I Environmental Site Assessment, Warehouse Building Development for APNs 5163-024-009 and 5163-024-014, 1100 E 5th Street, Los Angeles, California, 90013, November 24, 2014.

[2] Methane Specialists, Site Methane Investigation Report for: 8-story mixed use project with 3 subterranean levels, for APNs 5163-024-009 and 5163-024-014, 1100 E. 5th Street, Los Angeles, California, 90013, July 21, 2007.

- California Hazardous Materials Release Response Plans and Inventory Law of 1985
- Hazardous Waste and Substances Sites
- Hazardous Waste Control Law
- License to Transport Hazardous Materials - California Vehicle Code, Section 32000.5 et seq.
- Underground Storage Tanks Program
- Aboveground Petroleum Storage Act
- Lead Based Paint Regulations
- California Division of Occupational Safety and Health
- The Safe Drinking Water and Toxic Enforcement Act
- California Water Code
- Government Code Section 3229, Division (California Geologic Energy Management Division)
- California Fire Code
- Uniform Fire Code
- California Governor's Office of Emergency Services
- Emergency Managed Mutual Aid System
- South Coast Air Quality Management District Rule 1113
- South Coast Air Quality Management District Rule 1166
- South Coast Air Quality Management District Rule 1403
- Los Angeles County Operational Area Emergency Response Plan
- Los Angeles County Airport Land Use Commission Comprehensive Land Use Plan
- Certified Unified Program Agency
- Los Angeles Fire Code
- Los Angeles Municipal Code (Methane Zones and Methane Buffer Zones)
- Waste Discharge Requirements
- Emergency Management Department, Emergency Operations Organization (EOO), and Emergency Operation Center
- General Plan, Conservation Element

(1) Federal

(a) Resource Conservation and Recovery Act

The federal Resource Conservation and Recovery Act (RCRA) (42 United States Code [USC] secs. 6901-6992k), which amended and revised the Solid Waste Disposal Act, regulates the generation, transportation, treatment, storage, and disposal of hazardous waste. Under RCRA regulations, generators of hazardous waste must register and obtain a hazardous waste activity identification number. RCRA allows individual states to develop their own programs for the regulation of hazardous waste as long as they are at least as stringent as RCRA's.

Underground Storage Tanks (USTs) are regulated under Subtitle I of RCRA and its regulations, which establish construction standards for UST installations installed after December 22, 1988,

as well as standards for upgrading existing USTs and associated piping. Since 1998, all non-conforming tanks were required to be either upgraded or closed.

(b) Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as "Superfund," was enacted by Congress on December 11, 1980.[3] This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites, providing 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 also enabled the revision of the National Contingency Plan. The National Contingency Plan provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The National Contingency Plan also establishes the National Priorities List, which is a list of contaminated sites warranting further investigation by the EPA. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[4]

(c) Occupational Safety and Health Act of 1970

The Occupational Safety and Health Act of 1970, which is implemented by the federal Occupational Safety and Health Administration (OSHA), contains provisions with respect to hazardous materials handling. OSHA was created to assure safe and healthful working conditions by setting and enforcing standards and by providing training, outreach, education, and assistance. OSHA provides standards for general industry and construction industry on hazardous waste operations and emergency response. OSHA requirements, as set forth in 29 Code of Federal Regulations (CFR) Section 1910, et. seq., are designed to promote worker safety, worker 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) (codified in the California Code of Regulations [CCR], Title 8, or 8 CCR generally and in the Labor Code secs. 6300-6719) is administered and enforced by the Division of Occupational Safety and Health (DOSH). Cal/OSHA is very similar to the OSHA program. 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.

In addition, pursuant to OSHA, a developer that undertakes a construction project that involves the handling of contaminated site conditions must prepare and implement a Health and Safety Plan (HASP) that sets forth the measures that would be undertaken to protect those that may be

[3] USEPA, "Superfund CERCLA Overview," https://www.epa.gov/superfund/superfund-cercla-overview, accessed August 23, 2022.

[4] EPA, "Summary of the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)," https://www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act, accessed August 23, 2022.

affected by the construction project. While a HASP is prepared and implemented pursuant to OSHA, the HASP is not subject to regulatory review and approval, although a HASP is typically appended to a Soil Management Plan if this document is required by the Certified Unified Program Agency (CUPA), which is the City of Los Angeles Fire Department (LAFD) with regard to the Project Site. The HASP, if required, would be prepared in accordance with the most current OSHA regulations, including 29 CFR 1910.120, Hazardous Waste Operations and Emergency Response and 29 CFR 1926, Construction Industry Standards, as well as other applicable federal, State, and local laws and regulations.

(d) Toxic Substances Control Act

In 1976, the federal Toxic Substances Control Act (TSCA) (15 USC Sections 2601–2671) established a system of evaluation in order to identify chemicals which may pose hazards. TSCA is enforced by the USEPA through inspections of places in which ACMs are manufactured, processed, and stored and through the assessment of administrative and civil penalties and fines, as well as injunctions against violators. TSCA establishes a process by which public exposure to hazards may be reduced through manufacturing, distribution, use and disposal restrictions or labeling of products. Polychlorinated Biphenyls (PCB)s are hazardous materials regulated by the USEPA under the TSCA. These regulations ban the manufacture of PCBs although the continued use of existing PCB-containing equipment is allowed. PCBs were formerly used in such applications as hydraulic fluids, plasticizers, adhesives, fire retardants, and electrical transformers, among others. 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 to TSCA, provisions relating to PCBs are contained in the Hazardous Waste Control Law (HWCL), which lists PCBs as hazardous waste.

Under TSCA, the USEPA has enacted strict requirements on the use, handling, and disposal of asbestos-containing materials (ACMs). These regulations include the phasing out of friable asbestos and ACMs in new construction materials beginning in 1979. In 1989, the USEPA banned most uses of asbestos in the country. Although most of the ban was overturned in 1991, the current banned product categories include corrugated paper, rollboard, commercial paper, specialty paper, flooring felt, and any new uses. TSCA also establishes USEPA's Lead Abatement Program regulations, which provide a framework for lead abatement, risk assessment, and inspections. Those performing these services are required to be trained and certified by USEPA).

(e) Hazardous Materials Transportation Act (HMTA)

The U.S. Department of Transportation (USDOT) prescribes strict regulations for the safe transportation of hazardous materials, including requirements for hazardous waste containers and licensed haulers who transport hazardous waste on public roads. The Secretary of the Department of Transportation receives the authority to regulate the transportation of hazardous materials from the Hazardous Materials Transportation Act (HMTA), as amended and codified in 49 USC Section 5101 et seq. The Secretary of Transportation is authorized to issue regulations to implement the requirements of 49 USC. The Pipeline and Hazardous Materials Safety

Administration (PHMSA),[5] formerly the Research and Special Provisions Administration, was delegated the responsibility to write the hazardous materials regulations, which are contained in Title 49 of the Code of Federal Regulations (CFR) Parts 100-180.[6] Title 49 of the CFR, which contains the regulations set forth by the HMTA, specifies requirements and regulations with respect to the transport of hazardous materials. It requires that every employee who transports hazardous materials receive training to recognize and identify hazardous materials and become familiar with hazardous materials requirements. Under the HMTA, the Secretary of Transportation "may authorize any officer, employee, or agent to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties relate to: (1) the manufacture, fabrication, marking, maintenance, reconditioning, repair, testing, or distribution of packages or containers for use by any "person" in the transportation of hazardous materials in commerce; or (2) the transportation or shipment by any "person" of hazardous materials in commerce."

(f) Research and Special Programs Administration (RSPA)

The Research and Special Programs Administration (RSPA) regulations cover definition and classification of hazardous materials, communication of hazards to workers and the public, packaging and labeling requirements, operational rules for shippers, and training. They apply to interstate, intrastate, and foreign commerce by air, rail, ships, and motor vehicles, and also cover hazardous waste shipments. The RSPA's Federal Highway Administration (FHWA) is responsible for highway routing of hazardous materials and highway safety permits. The U.S. Coast Guard regulates bulk transport by vessel. The hazardous material regulations include emergency response provisions, including incident reporting requirements. Reports of major incidents go to the National Response Center, which in turn is linked with CHEMTREC, a service of the chemical manufacturing industry that provides details on most chemicals shipped in the United States.

(g) Federal Emergency Management Act (FEMA)

Federal Emergency Management Act (FEMA) was established in 1979 via executive order and is an independent agency of the federal government. In March 2003, FEMA became part of the U.S. Department of Homeland Security with the mission to lead the effort in preparing the nation for all hazards and effectively manage federal response and recovery efforts following any national incident.[7] FEMA also initiates proactive mitigation activities, trains first responders, and manages the National Flood Insurance Program and the U.S. Fire Administration.

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5 U.S. Department of Transportation, Pipeline and Hazardous Materials Transportation Law: An Overview, https://www.phmsa.dot.gov/standards-rulemaking/hazmat/federal-hazardous-materials-transportation-law-overview, accessed August 23, 2022.

6 Title 49, CFR, Parts 100 to 185, https://www.govinfo.gov/content/pkg/CFR-2010-title49-vol2/pdf/CFR-2010-title49-vol2.pdf, accessed August 23, 2022.

7 Federal Emergency Management Act, https://www.fema.gov/about/history, accessed August 23, 2022.

(h) Disaster Mitigation Act of 2000

Disaster Mitigation Act (42 USC §5121) provides the legal basis for FEMA mitigation planning requirements for State, local, and Indian Tribal governments as a condition of mitigation grant assistance. It amends the Robert T. Stafford Disaster Relief Act of 1988 (42 USC §5121-5207) by repealing the previous mitigation planning provisions and replacing them with a new set of requirements that emphasize the need and creates incentives for state, Tribal, and local agencies to closely coordinate mitigation planning and implementation efforts. This Act reinforces the importance of pre-disaster infrastructure mitigation planning to reduce disaster losses nationwide and the streamlining of the administration of federal disaster relief and programs to promote mitigation activities. Some of the major provisions of this Act include:

- Funding pre-disaster mitigation activities;
- Developing experimental multi-hazard maps to better understand risk;
- Establishing state and local government infrastructure mitigation planning requirements;
- Defining how states can assume more responsibility in managing the Hazard Mitigation Grant Program (HMGP); and
- Adjusting ways in which management costs for projects are funded.

The mitigation planning provisions outlined in Section 322 of this Act establish performance-based standards for mitigation plans and require states to have a public assistance program (Advance Infrastructure Mitigation [AIM]) to develop county government plans. The consequence for counties that fail to develop an infrastructure mitigation plan is the chance of a reduced federal share of damage assistance from 75 percent to 25 percent if the damaged facility has been damaged on more than one occasion in the preceding 10-year period by the same type of event.

(i) Other Hazardous Materials Regulations

In addition to the USDOT regulations for the safe transportation of hazardous materials, other applicable federal laws that also address hazardous materials. These include:

- Community Environmental Response Facilitation Act (CERFA) of 1992;
- Clean Water Act;
- Clean Air Act;
- Safe Drinking Water Act;
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

(2) State

(a) State Policies and Regulations

The primary state agencies with jurisdiction over hazardous chemical materials management are CalEPA's Department of Toxic and Substance Control (DTSC) and the Los Angeles Regional Water Quality Control Board (RWQCB). Other state agencies involved in hazardous materials management include Cal/OSHA and the State Office of Emergency Services (Cal OES).

Authority for the statewide administration and enforcement of RCRA rests with DTSC. While DTSC has primary state responsibility in regulating the generation, storage and disposal of hazardous materials, DTSC may further delegate enforcement authority to local jurisdictions. In addition, DTSC is responsible and/or provides oversight for contamination cleanup and administers statewide hazardous waste reduction programs. DTSC operates programs to accomplish the following: (1) manage the aftermath of improper hazardous waste management by overseeing site cleanups; (2) prevent releases of hazardous waste by ensuring that those who generate, handle, transport, store, and dispose of wastes do so properly; and (3) evaluate soil, water, and air samples taken at sites.

The storage of hazardous materials in USTs is regulated by the State Water Resources Control Board (SWRCB), which delegates authority to the RWQCB on the regional level, and typically to the local fire department on the local level.

The Cal/OSHA program is administered and enforced by the DOSH. Cal/OSHA is very similar to the federal OSHA program. For example, both programs contain rules and procedures related to exposure to hazardous materials during demolition and construction activities. In addition, Cal/OSHA requires employers to implement a comprehensive, written IIPP. An IIPP is an employee safety program for potential workplace hazards, including those associated with hazardous materials.

The Cal OES Hazardous Materials (HazMat) section under the Fire and Rescue Division coordinates statewide implementation of hazardous materials accident prevention and emergency response programs for all types of hazardous materials incidents and threats. In response to any hazardous materials emergency, the HazMat section staff is called upon to provide state and local emergency managers with emergency coordination and technical assistance.

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

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 for businesses that handle, store, or transport hazardous materials in amounts exceeding specified minimums (California Health and Safety Code [HSC], Division 20, Chapter 6.95, Article 1). 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.

(c) Hazardous Waste and Substances Sites

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 California Environmental Quality Act (CEQA) requirements pertaining to providing information about the location of hazardous materials release sites. While the Cortese List is no longer maintained as a single list, the following databases provide information that meet the Cortese List requirements:

1. List of Hazardous Waste and Substances sites from Department of Toxic Substances Control (DTSC) Envirostor database (Health and Safety Codes 25220, 25242, 25356, and 116395);

2. List of open and active leaking underground storage tank (LUST) Sites by County and Fiscal Year from the State Water Resources Control Board GeoTracker database (Health and Safety Code 25295);

3. List of solid waste disposal sites identified by the State Water Resources Control Board with waste constituents above hazardous waste levels outside the waste management unit (Water Code Section 13273[e] and 14 CCR Section 18051);

4. List of “active” Cease and Desist Orders and Cleanup and Abatement Orders from the State Water Resources Control Board (Water Code Sections 13301 and 13304); and

5. List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by the DTSC.

(d) Hazardous Waste Control Law

The Hazardous Waste Control Law (HWCL) empowers 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.

(e) License to Transport Hazardous Materials – California Vehicle Code, Section 32000.5 et seq.

The California Department of Transportation (Caltrans) regulates hazardous materials transportation on all interstate roads. Within California, the State agencies with primary responsibility for enforcing federal and State regulations and for responding to transportation emergencies are the California Highway Patrol and Caltrans. Together, federal and State agencies determine driver-training requirements, load labeling procedures, and container specifications for vehicles transporting hazardous materials.

(f) Underground Storage Tanks Program

The State regulates Underground Storage Tanks (USTs) through a program pursuant to HSC, Division 20, Chapter 6.7, and CCR Title 23, Division 3, Chapter 16 and Chapter 18. The State's UST program regulations include among others, permitting USTs, installation of leak detection systems and/ or monitoring of USTs for leakage, UST closure requirements, release reporting/ corrective action, and enforcement. Oversight of the statewide UST program is assigned to the State Water Resources Control Board (SWRCB) which has delegated authority to the 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 affecting groundwater is documented, the project file is transferred to the appropriate RWQCB for oversight.

(g) Aboveground Petroleum Storage Act

In 1989, California established the Aboveground Petroleum Storage Act instituting a regulatory program covering ASTs containing specified petroleum products (HSC Sections 25270–25270.13). The Aboveground Petroleum Storage Act applies to facilities with storage capacities of 10,000 gallons or more or are subject to oil pollution prevention and response requirements under 40 CFR Part 112. Under the Aboveground Petroleum Storage Act, each owner or operator of a regulated aboveground storage tank (AST) facility must file biennially a storage statement with the SWRCB disclosing the name and address of the AST facility; the contact person for the facility; and the location, size, age, and contents of each AST that exceeds 10,000 gallons in capacity and that holds materials that are at least five percent petroleum. In addition, each owner or operator of a regulated AST must prepare a Spill Prevention Control and Countermeasure Plan in accordance with federal and state requirements (40 CFR Part 112 and HSC Section 25270.5[c]). The responsibility for inspecting ASTs and ensuring that Spill Prevention Control and Countermeasure Plans have been prepared lies with the RWQCBs.

(h) Lead Based Paint Regulations

Lead-based paint (LBP) is defined as any paint, varnish, stain, or other applied coating that has a one milligram per square centimeter (mg/cm2) (5,000 microgram per gram [µg/g] or 0.5% by weight) or more of lead. The US Consumer Product Safety Commission (16 CFR 1303) banned

paint containing more than 0.06 percent lead for residential use in 1978. Buildings built before 1978 are much more likely to have LBP.

The demolition of buildings containing LBPs is subject to a comprehensive set of California regulatory requirements that are designed to assure the safe handling and disposal of these materials. Cal/OSHA has established limits of exposure to lead contained in dusts and fumes, which provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead, particularly since demolition workers are at greatest risk of adverse exposure. Lead-contaminated debris and other wastes must also be managed and disposed of in accordance with applicable provisions of the California Health and Safety Code.

(i) California Division of Occupational Safety and Health (Cal/OSHA)

Cal/OSHA is responsible for developing and enforcing workplace safety standards and ensuring worker safety in the handling and use of hazardous materials (8 CCR, Section 1529). Among other requirements, Cal/OSHA requires entities handling specified amounts of certain hazardous chemicals to prepare injury and illness prevention plans and chemical hygiene plans and provides specific regulations to limit exposure of construction workers to lead. OSHA applies to this 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.

(j) The Safe Drinking Water and Toxic Enforcement Act

The Safe Drinking Water and Toxic Enforcement Act (HSC Section 25249.5, et seq.), Proposition 65, lists chemicals and substances believed to have the potential to cause cancer or deleterious reproductive effects in humans. It also restricts the discharges of listed chemicals into known drinking water sources above the regulatory levels of concern, requires public notification of any unauthorized discharge of hazardous waste, and requires that a clear and understandable warning be given prior to a known and intentional exposure to a listed substance.

(k) California Water Code

The CWC authorizes the SWRCB to implement provisions of the Clean Water 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's 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.[8] Compliance with an appropriate WDR permit would include monitoring, treatment if 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 in concentrations exceeding 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.

(l) Government Code Section 3229, Division (California Geologic Energy Management Division)

In compliance with Section 3229, Division 3 of the California Public Resources Code, before commencing any work to abandon any well, the owner or operator shall request approval from the California Geologic Energy Management Division (CalGEM), formerly the Division of Oil, Gas, and Geothermal Resources (DOGGR), via a written notice of intention to abandon the well.

(m) California Fire Code, Title 24, Part 9, Chapters 33, 50 and 57

The 2019 California Fire Code (CFC), written by the California Building Standards Commission, is based on the 2018 International Fire Code (IFC). The IFC is a model code that regulates minimum fire safety requirements for new and existing buildings, facilities, storage and processes. The IFC addresses fire prevention, fire protection, life safety, and safe storage and use of hazardous materials in new and existing buildings, facilities, and processes.

The CFC, Chapter 9 of Title 24 of the CCR, was created by the California Building Standards Commission based on the International Fire code and is updated every three years. The overall purpose of the CFC is to establish the minimum requirements to safeguard the public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety and assistance to firefighters and emergency responders during emergency operations. Chapter 49 of the CFC contains minimum standards for development in the wildland–urban interface and fire hazard areas. The CFC also provides regulations and guidance for local agencies in the development and enforcement of fire safety standards.

(n) Uniform Fire Code

The Uniform Fire Code (UFC), Article 80 (UFC Section 80.103 as adopted by the State Fire Marshal pursuant to HSC Section 13143.9), includes specific requirements for the safe storage and handling of hazardous materials. These requirements are intended to reduce the potential for a release of hazardous materials and for mixing of incompatible chemicals, and specify the

[8] Los Angeles Regional Water Quality Control Board, Order No. R4-2013-0095, Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties, June 6, 2013.

following specific design features to reduce the potential for a release of hazardous materials that could affect public health or the environment:

- Separation of incompatible materials with a noncombustible partition;
- Spill control in all storage, handling, and dispensing areas; and
- Separate secondary containment for each chemical storage system. The secondary containment must hold the entire contents of the tank, plus the volume of water needed to supply the fire suppression system for a period of 20 minutes in the event of catastrophic spill.

(o) California Governor's Office of Emergency Services (Cal OES)

In 2009, the State of California passed legislation creating the Cal OES and authorized it to prepare a Standard Emergency Management System (SEMS) program (Title 19 CCR Section 2401 *et seq.*), which sets forth measures by which a jurisdiction should handle emergency disasters. In California, SEMS provides the mechanism by which local governments request assistance. Non-compliance with SEMS could result in the state withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster. Cal OES coordinates the state's preparation for, prevention of, and response to major disasters, such as fires, floods, earthquakes and terrorist attacks. During an emergency, Cal OES serves as the lead state agency for emergency management in the state. It also serves as the lead agency for mobilizing the state's resources and obtaining federal resources. Cal OES coordinates the state response to major emergencies in support of local government. The primary responsibility for emergency management resides with the local government. Local jurisdictions first use their own resources and, as they are exhausted, obtain more from neighboring cities and special districts, the county in which they are located, and other counties throughout the state through the statewide mutual aid system (see discussion of Mutual Aid Agreements, below). California Emergency Management Agency (Cal-EMA) maintains oversight of the state's mutual aid system.

(p) Emergency Managed Mutual Aid (EMMA) System

Cal OES developed the Emergency Managed Mutual Aid (EMMA) System in response to the 1994 Northridge Earthquake. The EMMA System coordinates emergency response and recovery efforts along the coastal, inland, and southern regions of California. The purpose of EMMA is to provide emergency management personnel and technical specialists to afflicted jurisdictions in support of disaster operations during emergency events. Objectives of the EMMA Plan is to provide a system to coordinate and mobilize assigned personnel, formal requests, assignment, training and demobilization of assigned personnel; establish structure to maintain the EMMA Plan and its procedures; provide the coordination of training for EMMA resources, including SEMS training, coursework, exercises, and disaster response procedures; and to promote professionalism in emergency management and response. The EMMA Plan was updated in November 2012 and supersedes the 1997 EMMA Plan and November 2001 EMMA Guidance.

(3) Regional

(a) South Coast Air Quality Management District Rule 1113

South Coast Air Quality Management District (SCAQMD) Rule 1166, Architectural Coating, requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories.

(b) South Coast Air Quality Management District Rule 1166

SCAQMD Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil, requires that an approved mitigation plan be obtained from SCAQMD prior to commencing any of the following activities: 1) The excavation of an underground storage tank or piping which has stored volatile organic compounds (VOCs); 2) The excavation or grading of soil containing VOC material including gasoline, diesel, crude oil, lubricant, waste oil, adhesive, paint, stain, solvent, resin, monomer, and/or any other material containing VOCs; 3) The handling or storage of VOC-contaminated soil [soil which registers >50 parts per million (ppm) or greater using an organic vapor analyzer (OVA) calibrated with hexane] at or from an excavation or grading site; and 4) The treatment of VOC-contaminated soil at a facility. This rule sets requirements to control the emission of VOCs from excavating, grading, handling and treating VOC-contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition.

(c) South Coast Air Quality Management District Rule 1403

SCAQMD Rule 1403, Asbestos Emissions from Renovation/Demolition Activities, regulates asbestos as a toxic material and controls the emissions of asbestos from demolition and renovation activities by specifying agency notifications, appropriate removal procedures, and handling and clean up procedures. Rule 1403 applies to owners and operators involved in the demolition or renovation of structures with ACMs, asbestos storage facilities, and waste disposal sites.

(d) Los Angeles County Operational Area Emergency Response Plan

The County of Los Angeles developed the Emergency Response Plan (ERP) to ensure the most effective allocation of resources for the maximum benefit and protection of the public in time of emergency. The ERP does not address normal day-to-day emergencies or the well-established and routine procedures used in coping with them. Instead, the operational concepts reflected in this plan focus on potential large-scale disasters like extraordinary emergency situations associated with natural and man-made disasters and technological incidents which can generate unique situations requiring an unusual or extraordinary emergency response. The purpose of the plan is to incorporate and coordinate all facilities and personnel of the County government, along with the jurisdictional resources of the cities and special districts within the County, into an efficient Operational Area organization capable of responding to any emergency using a Standard Emergency Management System, mutual aid and other appropriate response procedures. The

goal of the plan is to take effective life-safety measures and reduce property loss, provide for the rapid resumption of impacted businesses and community services, and provide accurate documentation and records required for cost-recovery.

(e) Los Angeles County Airport Land Use Commission Comprehensive Land Use Plan (ALUC)

In Los Angeles County, the Regional Planning Commission has the responsibility for acting as the ALUC and for coordinating the airport planning of public agencies within the county. ALUC coordinates planning for the areas surrounding public use airports. The Los Angeles County Airport Land Use Plan (dually titled Comprehensive Land Use Plan) provides for the orderly expansion of Los Angeles County's public use airports and the area surrounding them. It is intended to provide for the adoption of land use measures that will minimize the public's exposure to excessive noise and safety hazards. In formulating this plan, the Los Angeles County ALUC has established provisions for safety, noise insulation, and the regulation of building height within areas adjacent to each of the public airports in the County.

(4) Local

(a) Certified Unified Program Agency (CUPA)

The primary local agency 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 Los Angeles County Health Department is the Certified Unified Program Agency (CUPA) for the County of Los Angeles. 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 HSC made by Senate Bill 1082 in 1994. The six consolidated programs are:

- Hazardous Materials Release Response Plan and Inventory (Business Plans)
- 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 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 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 Los Angeles County Health Department, Environmental Health Division has designated the LAFD as a Participating Agency. The LAFD monitors the storage of hazardous materials in the City for compliance with local requirements. Specifically, businesses and facilities that store more than threshold quantities of hazardous materials as defined in California HSC Code Chapter 6.95 are required to file an Accidental Risk Prevention Program with LAFD. This program includes information such as emergency contacts, phone numbers, facility information, chemical inventory, and hazardous materials handling and storage locations. LAFD also has the 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.

In addition, the LAFD, in their role as the CUPA, also oversees and addresses issues relating to the presence and handling of contaminated soils that may be present at the Project Site. Any such hazardous materials that may be encountered would be managed (using tools, such as a Soil Management Plan [SMP]) in accordance with all relevant and applicable federal, State, and local laws and regulations that pertain to the use, storage, transportation and disposal of hazardous materials and waste. The SMP, if required, would describe the methodology to identify and manage (reuse or off-site disposal) contaminated soil during soil excavation and/or construction. The SMP would also provide protocols for confirmation sampling, segregation and stockpiling, profiling, backfilling, disposal, guidelines for imported soil, and backfill approval from the City's Department of Building and Safety (DBS). The SMP would also describe the methodology to manage underground features that may be encountered during construction. In addition, the LAFD may consult with other agencies (e.g., DTSC and the LARWQCB) if the nature of the contamination warrants the involvement of these agencies.

(b) Los Angeles Fire Code

At the local level, the LAFD monitors the storage of hazardous materials for compliance with local requirements. Specifically, businesses and facilities that 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.[9] This program includes information such as emergency contacts, phone numbers, facility information, chemical inventory, and hazardous materials handling and storage locations. The LAFD also issues permits for hazardous materials handling and enforces California's Hazardous Materials Release Response Plans and Inventory Law (HSC sec. 25500 et seq.). Basic requirements of California's Hazardous Materials Release Response Plans and Inventory Law include the development of detailed hazardous materials inventories used and stored on-site, a program of employee training for hazardous materials release response, identification of emergency contacts and response procedures, and reporting of releases of hazardous materials. Any facility that meets the minimum reporting thresholds (i.e., a mixture containing a hazardous material that has a quantity at any

[9] The CalARP program encompasses both the federal "Risk Management Program," established in the Code of Federal Regulations, Title 40, Part 68, and the State of California program, in accordance with the Title 19 of the California Code of Regulations, Division 2, Chapter 4.5.

one time during the reporting year that is equal to, or greater than, 55 gallons for materials that are liquids, 500 pounds for solids, or 200 cubic feet for compressed gas) must comply with the reporting requirements and file a Business Emergency Plan (BEP) with the local administering agency.[10]

The LAFD also administers the Fire Life Safety Plan Check and Fire Life Safety Inspections interpreting and enforcing applicable standards of the Fire Code, Title 19, Uniform Building Code, City, and National codes concerning new construction and remodeling. As part of the Fire Life Safety Plan Check and Fire Life Safety Inspections, businesses that store hazardous waste or hazardous materials in amounts exceeding the thresholds noted above are subject to review.

Section 91.7109.2 of the Los Angeles Municipal Code (LAMC) requires LAFD notification when an abandoned oil well is encountered during construction activities and requires that any abandoned oil well not in compliance with existing regulations be re-abandoned in accordance with applicable rules and regulations of CalGEM.

(c) Los Angeles Municipal Code (Methane Zones and Methane Buffer Zones)

Los Angeles Municipal Code (LAMC), Chapter IX, Article 1, Division 71, Section 91.7103, also known as the Los Angeles Methane Seepage Regulations, establishes requirements for buildings and paved areas located in methane zones and methane buffer zones. 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. The required methane mitigation systems are based on the site Design Level, with more involved mitigation systems required at the higher Site Design Levels. The required methane mitigation systems are designed so that when properly implemented, they reduce methane-related risks to a less than significant level.

(d) Waste Discharge Requirements

Effective on December 28, 2012, the Los Angeles RWQCB adopted Order No. R4-2012-0175, NPDES Permit No. CAS004001, Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges into the Coastal Watersheds of Los Angeles County. The permit establishes new performance criteria for new development and redevelopment projects in the coastal watersheds of Los Angeles County (with the exception of the city of Long Beach). Storm water and non-storm water discharges consist of surface runoff generated from various land uses, which are conveyed via the municipal separate storm sewer system and ultimately discharged into surface waters throughout the region ("storm water" discharges are those that originate from precipitation events, while "non-storm water" discharges are all those that are transmitted through an MS4 Storm Water Permit and originate from precipitation events). Discharges of stormwater and non-storm water from the MS4s, or storm drain systems, in the Coastal Watersheds of Los

[10] California Health & Safety Code, Division 20, Chapter 6.95, Article 1; California Code of Regulations, Title 19, Sections 2620-2732; California Code of Regulations, Title 19, Section 2651; Los Angeles Municipal Code, Article 7 of Chapter V, Section 57.120.1, and 57.120.1.4

Angeles County convey pollutants to surface waters throughout the Los Angeles Region. Non-storm water discharges through an MS4 in the Los Angeles Region are prohibited unless authorized under an individual or general NPDES permit; these discharges are regulated by the Los Angeles County NPDES Permit, issued pursuant to Clean Water Act (CWA) Section 402. Coverage under a general NPDES permit such as the Los Angeles County permit can be achieved through development and implementation of a project-specific SWPPP.

(e) Emergency Management Department (EMD), Emergency Operations Organization (EOO), and Emergency Operation Center (EOC)

The City of Los Angeles EMD is comprised of four divisions and two units including administrative services division, communications division, community emergency management division, operations division, planning unit, and training exercise unit. The EMD works with City departments, municipalities and with community-based organizations to ensure that the City and its residents have the resources and information they need to prepare, respond, and recover from emergencies, disasters and significant events. The Emergency Operations Organization (EOO) is the operational department responsible for the City's emergency preparations (planning, training and mitigation), response and recovery operations. The EOO centralizes command and information coordination to enable its unified chain-of-command to operate efficiently and effectively in managing the City's resources.

The Emergency Operation Center (EOC) is the focal point for coordination of the City's emergency planning, training, response and recovery efforts. EOC processes follow the National All-Hazards approach to major disasters such as fires, floods, earthquakes, acts of terrorism and large-scale events in the City that require involvement by multiple City departments.

(f) General Plan, Conservation Element

The City of Los Angeles General Plan includes a Conservation Element adopted in September 2001. Policies relevant to hazards and hazardous materials are shown in **Table IV.E-1, Conservation Element-Resource Management Policies**, below.

Table IV.E-1
Conservation Element-Resource Management Policies

Conservation Element – Resource Management (Fossil Library) - Petroleum (Oil And Gas)	
Policy 1	Continue to encourage energy conservation and petroleum product reuse.
Policy 3	Continue to protect neighborhoods from potential accidents and subsidence associated with drilling, extraction, and transport operations, consistent with California Department of Conservation, Division of Oil and Gas requirements.
Source: City of Los Angeles 1996 and 2001.	

(g) General Plan, Safety Element

The City of Los Angeles General Plan includes a Safety Element adopted in November 2021. Policies relevant to hazards and hazardous materials are shown in **Table IV.E-2, Safety Element-Hazard Mitigation Policies**, below.

Table IV.E-2
Safety Element-Hazard Mitigation Policies

Safety Element – Hazard Mitigation	
Policy 1.1.4	Health/environmental protection. Protect the public and workers from the release of hazardous materials and protect City water supplies and resources from contamination resulting from accidental release or intrusion resulting from a disaster event, including protection of the environment and public from potential health and safety hazards associated with program implementation.
Policy 3.1.2	Health/safety/environment. Develop and establish procedures for identification and abatement of physical and health hazards which may result from a disaster. Provisions shall include measures for protecting workers, the public and the environment from contamination or other health and safety hazards associated with abatement, repair and reconstruction programs.
Source: City of Los Angeles 1996.	

b) Existing Conditions

(1) On-Site Land Uses

The Project Site is currently developed with three vacant, single-story, industrial warehouse buildings of approximately 15,968, 7,668, and 11,920 square feet, and an associated parking lot. The central warehouse has a basement and mezzanine level. All warehouses fronting 5th Street and Seaton Street are built to the lot line. Nearly the entire Project Site is paved by concrete and asphalt, except for an approximately 450-square-foot planter along a portion of the eastern façade of the warehouse fronting E. 5th Street. Security gates at Seaton Street and E. 5th Street restrict vehicular access to the Project Site.

(2) Surrounding Land Uses

The Project Site is located within the Arts District, on the eastern portion of downtown Los Angeles and in an area that has been developed since the early 1900s. The Arts District is located to the east of the Little Tokyo District and the Central City East/Toy District, west of the Los Angeles River, south of the US-101, and north of the I-10. The Arts District encompasses an area that has been transitioning from predominantly industrial warehouses to also include creative spaces, including live/work units, commercial uses (e.g., retail shops, restaurants, and studios), multi-family residential, etc. The Project Site has frontage along 5th Street and Seaton Street, which are lined with industrial and commercial uses. The land uses within the Property's general vicinity are characterized by a mix of low- to medium-intensity industrial, commercial, and live/work uses, which vary widely in building style and period of construction. To the north of the Project Site, across 5th Street, is an approximately two-story brick building that contains light industrial/arts production space and live/work space. Adjacent to the Project Site to the south is a paved surface parking lot. Adjacent to the Project Site to the east are two warehouses (four-story Farmland Imports warehouse and one-story warehouse used for filming, events, and retail). To the west of the Project Site, across Seaton Street, is a Valero gas station, truck wash, and weigh station, a restaurant food supplier, and a recycling center. Other surrounding properties include industrial, commercial retail, warehouse space, creative work space, event space, park, café, restaurant, low-rise adaptive reuse buildings with live/work components, and surface parking lots. While the

majority of properties in the surrounding area are designated and zoned heavy industrial and manufacturing, the implementation of the Adaptive Reuse Ordinance has allowed for residential uses within the live/work components, with neighborhood commercial uses to complement the residential population.

(a) Sensitive Receptors

Land uses that are considered more sensitive to environmental discharges than others are referred to as sensitive receptors. Land uses such as primary and secondary schools, hospitals, and convalescent homes are considered to be sensitive to environmental discharges because the very young, the elderly, and the infirm are more susceptible due to their fragile immune systems and special sensitivity to environmental discharges. Residences are considered to be sensitive because people are often at home for extended periods of time, and could be exposed to pollutants for extended periods.

The two-story live/work building, located across 5th Street to the north of the Project Site at 454 Seaton Street, and the four-story Barker Lofts, located two blocks east at 510 S. Hewitt Street, are residential sensitive receptors. There are no schools, hospitals, or convalescent homes within 0.25-mile of the Project Site. The nearest school is the Lumbini Child Development Center, located at 505 E. 3rd Street, approximately 0.38-mile to the northwest; the nearest hospital is the Third Street Surgery Center, located at 420 E. 3rd Street, #110, approximately 0.45-mile to the northwest; and the nearest convalescent homes are the Bonnie Brae Convalescent Hospital, located at 420 S. Bonnie Brae Street, and the Burlington Convalescent Hospital, located at 845 S. Burlington Avenue, both approximately 2.32 miles to the northwest.

(3) Environmental Conditions

As previously mentioned, a Site Assessment of the Project Site was prepared (**Appendix F.1** of this Draft EIR). The purpose of a Site Assessment is to identify Recognized Environmental Conditions (RECs) in connection with the Project Site. RECs fall under three specific categories:

- A recognized environmental condition, or REC, means the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any 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. De minimis conditions are not RECs.

- A controlled recognized environmental condition, or CREC, is a 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).

- An historical recognized environmental condition, or HREC, is 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).

In addition, Site Assessments can also identify Other Environmental Conditions. Other Environmental Conditions include, but are not limited to, *de minimis* conditions and/or environmental considerations which can affect the health and safety of site occupants or surrounding residents. Environmental conditions of the Project Site evaluated as part of the Site Assessment are summarized below.

(b) Summary of Site History

Aerial photographs, Sanborn maps, topographic maps, and city directories for selected years between 1894 and 2013 were reviewed for information regarding the historic land uses on the Project Site.

The Project Site was previously developed for residential and commercial use as single-family residences and a stable in 1906. By 1920, the Project Site had been developed exclusively for commercial use. From 1920 to 1928, the Project Site was redeveloped several times with different commercial buildings. In 1927, the warehouse currently located in the center of the Project Site was built and occupied by the Merchants Ice & Cold Storage Co. In 1930, the warehouse currently located in the northwestern portion of the Project Site was built and occupied by the Weber Trailer & Manufacturing Co. By 1959, small warehouses and storage areas previously located in the southern portion of the Project Site were demolished and the southern portion of the Project Site was used as parking for the Yellow Cab Co. In 1960, the current awning and loading dock structures were built and in 1985, the warehouse currently located in the southern portion of the Project Site was built and the property was occupied by the Canton Food Co.

In June 1994, one 10,000-gallon and one 550-gallon diesel UST were removed from the northern portion of the Project Site, where the current loading dock is located. Confirmation soil samples were collected around and below both tanks and analyzed by a certified laboratory. The excavation was backfilled with clean import soil. Soil sample results were below LAFD action limits, and the site was granted closure by the City of Los Angeles on October 31, 2013.[11] Based on the UST removal and closure letter from the City, the former presence of the USTs does not represent a REC.[12]

(c) Environmental Database Records Search

Information from standard federal, state, county, and City environmental record sources was provided by Environmental Data Resources, Inc (EDR Report). Data from governmental agency

[11] See page 1 of the Site Assessment in **Appendix F.1** of this Draft EIR.
[12] See page 2 of the Site Assessment in **Appendix F.1** of this Draft EIR.

lists are updated and integrated into one database, which is updated as these data are released. The information contained in the report was compiled from publicly available sources and the locations of the sites are plotted using a geographic information system, which geocodes the site addresses. The accuracy of the geocode locations is approximately 300 feet. The Site Assessment considers the migration of hazardous substances or petroleum products in any form onto the Project Site during the evaluation of each site listed on the radius report, which includes solid, liquid, and vapor. When determining if a listing on a hazardous materials database constitutes a REC, the Site Assessment considers the following factors:

- Interpretation of subsurface conditions with respect to inferred groundwater conditions and movement;
- The distance between the listed site and the subject site, with respect to subsurface migration pathways;
- Potential drainage divides, obstructions, or preferential pathways;
- The developmental setting;
- The nature, age, and current status of the listing(s); and
- Configuration of and improvements on the subject site, including subsurface structures.

Results of the EDR Report and the determination by the Site Assessment with regard to their risk to the Project Site are summarized below.

(i) Project Site

The database report identified the Project Site as follows:

- 1X Kwan Development Corp, at 1100 5th Street is identified on the HAZNET database for disposal of 6 tons of aqueous solution with total organic residues less than 10 percent in 1994. No violations, spills, or leaks were reported. Based on the lack of evidence suggesting a latent release of hazardous materials and/or petroleum products, the Project Site's listing is not considered to represent a REC.[13]

(ii) Adjacent Properties

The database report identified the adjoining properties as follows:

- 523 Seaton Street is identified on the EDR US Hist Auto Station database as a facility that operated as a gasoline station in 1929. Based on the lack of evidence suggesting a latent release of hazardous materials and/or petroleum products, and the depth to groundwater, this listing is not considered to represent a REC.[14]

- Rolo Transportation, at 536 Seaton Street is identified on the LUST database as having a former leaking gasoline UST. The leak was discovered on May 16, 2002. According to the California State Water Board GeoTracker Database, the 10,000-gallon tank was

[13] See page 17 of the Site Assessment in **Appendix F.1** of this Draft EIR.
[14] See page 18 of the Site Assessment in **Appendix F.1** of this Draft EIR.

removed in June 2002. Groundwater wells were installed to determine the extent of contamination to local groundwater. The site was granted closure by the RWQCB on September 21, 2009. Based on the down-gradient hydraulic position of the facility to the Project Site, and the closure granted by the RWQCB, this listing is not considered to represent a REC.[15]

- 533 Colyton is identified on the CA FID UST and SWEEPS UST databases as a facility that had a UST of unspecified size, quantity, and year. No violations, spills, or leaks were reported. Based on the lack of evidence suggesting a latent release of hazardous materials and/or petroleum products, the distance, between 533 Colyton and the Project Site, the depth to groundwater, and the hydraulically cross-gradient position to the Project Site, this listing is not considered to represent a REC.[16]

- Milton's Express Inc., at 1130 E. 5th Street is identified on the Hist UST, UST, CA FID UST, and SWEEPS UST databases as a facility that had one gasoline and one diesel UST of unspecified size and year installed. The SWEEPS UST database lists the tanks creation data as February 29, 1988. No violations, spills, or leaks were reported. Based on the lack of evidence suggesting a latent release of hazardous materials and/or petroleum products, the distance between 1130 E. 5th Street and the Project Site, the depth to groundwater, and the hydraulically cross-gradient position to the Project Site, this listing is not considered to represent a REC.[17]

(iii) Surrounding Properties

The database report identified sites surrounding the Project Site as follows:

- Arco Truck Stop, at 500 S. Alameda Street is identified on the US Hist Auto Station, Hist Cortese, LUST, CA FID UST, and SWEEPS UST databases as a facility that has operated as an Arco Truck Stop from 1994 to 2001, a Superfine Texaco from 2002 to 2008, and a Superfine Valero from 2009 to present day. No violations, spills, or leaks were reported. The facility operated as Metropolitan Service Station in 1937 and Robert Snowden in 1942. The LUST database lists the site as reporting a leak in 1985 with remediation beginning in 1989. The California Water Board GeoTracker database states that the site underwent remediation for hydrocarbon impacted soils and was granted closure by the Regional Water Quality Control Board in 1993. Based on the lack of evidence suggesting a latent release of hazardous materials and/or petroleum products and the hydraulically cross-gradient position to the Project Site, this listing is not considered to represent a REC.[18]

- Downtown Metals & Recycling Center, at 526 S. Alameda Street is identified on the NPDES, SWRCY, and WDS databases as a facility that has an active permit to discharge

[15] See page 18 of the Site Assessment in **Appendix F.1** of this Draft EIR.
[16] See page 18 of the Site Assessment in **Appendix F.1** of this Draft EIR.
[17] See page 19 of the Site Assessment in **Appendix F.1** of this Draft EIR.
[18] See page 19 of the Site Assessment in **Appendix F.1** of this Draft EIR.

waste, as an active industrial facility that has continual or seasonal discharge that is a minor threat to water quality, and for recycling aluminum, glass, plastic, and bimetal. No violations, spills, or leaks were reported. Based on the lack of evidence suggesting a latent release of hazardous materials and/or petroleum products, the distance between 526 S. Alameda Street and the Project Site, the depth to groundwater, and the hydraulically cross-gradient position to the Project Site, this listing is not considered to represent a REC.[19]

(d) Vapor Encroachment

Vapor encroachment is the process whereby chemicals of concern in contaminated soil or groundwater on one site migrate as sub-surface vapors onto a nearby or adjacent site. The Site Assessment included a vapor encroachment screening in order to identify if a vapor encroachment condition (VEC) exists at the Project Site as a result of identified chemicals of concern at the Site or other nearby. Following the Site Assessment's review of historical and environmental records, neither the Project Site nor the adjacent or surrounding sites were identified as potentially containing chemicals of concern by the Site Assessment. As such, no VECs were identified by the Site Assessment and vapor migration is not expected to represent a REC at the Project Site.[20]

(e) Project Site Reconnaissance

As part of the Site Assessment, a site reconnaissance was conducted on the Project Site and adjacent properties. At the Project Site, reconnaissance did not identify any: hazardous substances; petroleum products; storage tanks (aboveground or belowground); drums; suspect containers; interior stains or corrosion; drains or sumps; wastewater discharges; septic tanks or sewage tanks; pits, ponds, or lagoons; pools of liquid or standing water; solid waste dumping/landfills/suspect fill material; stained soil or pavement; stressed vegetation; drinking water wells; irrigation wells; monitoring wells; odors; or other uses of conditions of concern. An abandoned elevator suspected of containing PCBs was observed in the basement of the central warehouse building. The elevator is no longer in operation and the hydraulic motor shows no signs of leakage or spills. Therefore, the presence of the elevator is not considered to represent a REC.[21]

The various existing structures on the Project Site, including warehouses, awnings, and loading docks, were constructed in 1927, 1930, 1960, and 1985. Accordingly, the presence of asbestos-containing materials (ACMs) is assumed in building materials, such as drywall systems, floor tile and mastic, carpet mastic, spray applied acoustic, ceiling tiles, and exterior finish materials, including the roof. ACMs that are intact and in good condition can, in general, be managed safely in-place until removal is dictated by renovation, demolition, or deteriorating material condition.

[19] See pages 19 and 20 of the Site Assessment in **Appendix F.1** of this Draft EIR.
[20] See pages 1- 2 of the Site Assessment in **Appendix F.1** of this Draft EIR.
[21] See page 22 of the Site Assessment in **Appendix F.1** of this Draft EIR.

Additionally, based on the age of the existing buildings on the Project Site, there is also a potential that lead-based paint has been used on interior and exterior painted surfaces.

(4) Methane

The Project Site is located in the Methane Zone. The level of methane protection required depends upon the "design methane concentration," which is defined in Division 71 of Article I, Chapter IX of the LAMC as "the highest concentration of methane gas found during site testing." Site testing is required to determine the design concentration, unless the developer accepts the most stringent methane requirements (Level V). In this case, Project Site testing was required to document that a lower level of mitigation is justified. As such, shallow and multiple-depth gas probe testing were conducted in accordance with the Department of Building and Safety "Site Testing Standards for Methane" (P/BC 2002-101).

Accordingly, a subsurface methane investigation was conducted at the Project Site. Pursuant to P/BC 2002-101 protocol requirements, six shallow soil gas probes and three multiple-depth deep gas probesets were installed at depths of 4 feet below ground surface and 32 feet below ground surface, respectively. Results of the probe sampling indicate that measurable levels of methane were detected during the testing. As such, the Project falls under Design Level II (see Table 1A in **Appendix F.2**), with less than two inches of water-column gas pressure. This design level and pressure requires a passive methane mitigation system.

3. Project Impacts

a) Thresholds of Significance

In 2015, the California Supreme Court in *California Building Industry Assn. v. Bay Area Air Quality Management Distric*t (CBIA v. BAAQMD) (62 Cal.4th 369), held that CEQA generally does not require a lead agency to consider the impacts of the existing environment on the future residents or users of the project. The revised thresholds are intended to comply with this decision. Specifically, the decision held that an impact from the existing environment to the project, including future users and/or residents, is not an impact for purposes of CEQA. However, if the project, including future users and residents, exacerbates existing conditions, that impact must be assessed, including how it might affect future users and/or residents of the project. For example, if construction of the project on a hazardous waste site will cause the potential dispersion of hazardous waste in the environment, the EIR should assess the impacts of that dispersion to the environment, including to the project's residents.

In accordance with Appendix G of the *State CEQA Guidelines*, the Project would have a significant impact related to hazards and hazardous materials if it would:

Threshold (a): ***Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or***

Threshold (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; or***

Threshold (c): ***Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or***

Threshold (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 create a significant hazard to the public or the environment cause in whole or in part from the project's exacerbation of existing environmental conditions; or***

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

Threshold (f): ***Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or***

Threshold (g): ***Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.***

The *L.A. CEQA Thresholds Guide* identifies the following criteria to evaluate impacts related to hazards and hazardous materials:

(1) Risk of Upset/Emergency Preparedness

- *The regulatory framework;*
- *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.*

(2) Human Health Hazards

- *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.*

The potential for the Project to result in impacts related to hazards and hazardous materials is based on the *State CEQA Guidelines* Appendix G thresholds and criteria identified in the *L.A. CEQA Thresholds Guide* that provide supplemental analysis to the Appendix G thresholds, where applicable. The City's threshold criteria above are considerations that were made as part of the analysis of the Appendix G thresholds related to hazards and hazardous materials.

The *L.A. CEQA Thresholds Guide* also requires the consideration of Fire Protection Services, which are specifically addressed in **Section IV.J.1, Public Services – Fire Protection,** of this Draft EIR.

b) Methodology

The Site Assessment was reviewed for information on hazardous materials or conditions on the Project Site and is included in **Appendix F.1** of this Draft EIR. The Site Assessment was a Phase I performed in general conformance with the scope and limitations as detailed in the ASTM Practice E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process[22] and the EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312). The Site Assessment included a reconnaissance of the Project Site, review of historic aerial photographs, review of historic maps, mapped regulatory database searches, and reviews of other reports prepared for the site. Supplementary information was obtained through review of City resources such as Zone Information & Map Access System (ZIMAS) and the City of Los Angeles, Department of City Planning, General Plan Safety Element.

c) Project Design Features

Construction and operation of the Project would be implemented in accordance with applicable regulatory and code requirements related to hazards and hazardous materials. No specific Project Design Features are proposed with regard to hazards and hazardous materials.

d) Analysis of Project Impacts

As compared to the Project, the Flexibility Option would change a portion of the use of the second floor from residential to commercial, and would not otherwise change the Project's land uses or size. The overall commercial square footage provided would be increased by 17,765 square feet to 64,313 square feet and, in turn, there would be a reduction in the number of live/work units from 220 to 200 units. The overall building parameters would remain unchanged and the design, configuration, and operation of the Flexibility Option would be comparable to the Project. Furthermore, hazards and hazardous materials impacts are typically site-specific and dependent on a project site's historic and existing uses and subsurface hazardous materials

[22] ASTEM E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, website: https://www.astm.org/Standards/E1527.htm, accessed August 23, 2022.

conditions. The Flexibility Option would be located on the same Project Site with the same historic and existing uses, subsurface hazardous materials conditions, and Government Code Section 65962.5 listings. In addition, the Flexibility Option would not alter the proposed construction activities or operational uses in a manner that would alter the anticipated risks involving hazards or hazardous materials as compared to the Project and would be subject to the same regulatory requirements, including SCAQMD Rule 1403, OSHA Lead In Construction Standard and Cal/OSHA Construction Safety Orders, Lead Section 1532.1, and Title 8, California Code of Regulations. Therefore, the conclusions regarding the impact analysis and impact significance determination presented below for the Project would be the same under the Flexibility Option. Further, as discussed below, for certain thresholds, the impacts of the Project were addressed in the Initial Study (see **Appendix A.2** of this Draft EIR) and were determined to be less than significant, with no further analysis required. However, since the Flexibility Option was not specifically addressed in the Initial Study, the analysis of the Flexibility Option is presented in this section for those thresholds.

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 Analyses

(a) Project

As discussed in the Initial Study (**Appendix A.2** of this Draft EIR), the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **Therefore, the Project would have a less-than-significant impact with respect to the routine transport, use, or disposal of hazardous materials, and no mitigation measures would be required.**

(b) Flexibility Option

The Flexibility Option would merely change a portion of the land use of the second floor from residential to commercial, and would not otherwise change the Project's land uses, size. The design, configuration, and operation of the Flexibility Option would be comparable to the Project.

(i) Construction

Construction of the Flexibility Option would involve the temporary use of potentially hazardous materials, including vehicle fuels, paints, oils, and transmission fluids. Any asbestos and lead would be removed and disposed in accordance with applicable regulations, as discussed below (see **Threshold b)**). During construction, the Project Site would contain a variety of construction materials such as adhesives, cleaning agents, landscaping, plumbing, painting, heat/cooling, masonry materials, floor and wall coverings, and demolition debris. Spills of construction materials can be a source of soil contamination. All hazardous materials are to be stored, labeled, and used in accordance with the U.S. Occupational Safety and Health Administration regulations.

These regulations for routine handling and storing of hazardous materials effectively control the potential stormwater pollution caused by these materials.

(ii) Operation

With respect to operation, significant hazards are not anticipated as long as residents and commercial tenants store, use, and dispose of hazardous materials in accordance with manufacturers' instructions and handled in compliance with applicable federal, state, and local regulations. Any associated risk would be adequately reduced to a less-than-significant level through compliance with these standards and regulations. The types and amounts of hazardous materials that would be used would be typical of those used in other live/work and commercial developments (e.g., cleaning solvents, painting supplies, batteries, etc.).

As such, similar to the Project, the Flexibility Option would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **Therefore, the Flexibility Option would have a less-than-significant impact with respect to the routine transport, use, or disposal of hazardous materials, and no mitigation measures would be required.**

(2) Mitigation Measures

Under both the Project and the Flexibility Option, impacts related to the routine transport, use, or disposal of hazardous materials would be less than significant; no mitigation would be required.

(3) Level of Significance after Mitigation

Under both the Project and the Flexibility Option, impacts related to the routine transport, use, or disposal of hazardous materials would be less than significant without mitigation.

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?

Because the Flexibility Option would be located on the same Project Site with the same historic and existing uses and subsurface conditions as the Project, would be subject to the same federal, state, and local regulations and policies with regard to the storage, use, transport, and disposal of hazardous materials, and would not alter the proposed operational land uses as compared to the Project, the conclusions regarding the impact analysis and impact significance determination presented below for the Project would be the same under the Flexibility Option.

(1) Impact Analysis

(a) Construction

As detailed in the existing setting section above, the Site Assessment did not identify any RECs or VECs associated with the past or present uses of the Project Site or the adjacent or surrounding

sites. Accordingly, the presence of contaminated soils or groundwater that could create a hazard to the public or environment if they were released into the environment when encountered during excavation and grading activities is not considered likely. However, due to the age of the existing structures on the Project Site, it is assumed that building materials, such as drywall systems, floor tile and mastic, carpet mastic, spray applied acoustic, ceiling tiles, and exterior finish materials, including the roof, contain ACMs and that interior and exterior painted surfaces contain LBP. Pursuant to AQMD and LADBS policies and requirements, the Project would conduct an asbestos survey prior to demolition. The Project would be required to remove ACMs prior to demolition using a licensed abatement contractor and dispose of such materials in accordance with all federal, state, and local regulations, including SCAQMD Rule 1403. Mandatory compliance with these standards and procedures would reduce risks associated ACMs to acceptable levels. With respect to LBP, the contractor would be required to comply with the OSHA Lead In Construction Standard and Cal/OSHA Construction Safety Orders, Lead Section 1532.1, Title 8, California Code of Regulations. Such regulations would require that, prior to demolition, the Project test interior and exterior painted surfaces for lead and properly and safely handle and dispose of materials found to contain lead above regulatory levels. Mandatory compliance with applicable federal and state standards and procedures would reduce risks associated with LBP to acceptable levels. In addition, an abandoned elevator located in the basement of the central warehouse building is suspected of containing PCBs within the hydraulic motor. Although the hydraulic motor shows no signs of leakage or spills and was not identified as a REC by the Site Assessment, disposal of the hydraulic motor during demolition would require compliance with the Toxic Substances Control Act. Compliance with the disposal requirements of the Toxic Substances Control Act would reduce the risks of PCB disposal to acceptable levels.

With respect to methane, the Methane Investigation (**Appendix F.2** of this Draft EIR) determined that the Project Site falls under Design Level II (see Table 1B in **Appendix F.2**), with less than two inches of water-column gas pressure. Accordingly, the Project would be required to install, operate, and maintain a passive methane mitigation system as part of development of the Project. Passive methane mitigation systems capture methane as it naturally rises in subsurface soils and removes it by directing it around the edge of a structure, venting it into the atmosphere to prevent the accumulation of dangerous amounts beneath a building. The installation and operation of such a system would reduce risks associated with methane to acceptable levels.

Therefore, the Project would have a less-than-significant impact during construction with respect to upset and accident conditions involving the release of hazardous materials into the environment, and no mitigation measures would be required.

(b) Operation

As discussed in the existing setting above, there is no evidence of hazardous materials present in Project Site soils or groundwater that would pose a possible health risk to the occupants of future buildings. No uses are proposed that would generate hazardous materials. Routine cleaning supplies used on the Project Site during operations that contain hazardous materials. However, use of these supplies is subject to county, state, and federal requirements to minimize exposure to people and to ensure safe use, storage, and disposal of any chemicals. Compliance

with such existing regulations would ensure that routine cleaning solvents would not pose a risk from hazardous materials. Furthermore, with respect to methane, the Methane Investigation (**Appendix F.2** to this Draft EIR) found that no methane mitigation system would be required with the development of the Project. **Therefore, the Project and the Flexibility Option would have a less-than-significant impact during operation with respect to upset and accident conditions involving the release of hazardous materials into the environment, and no mitigation measures would be required.**

(2) Mitigation Measures

Under both the Project and the Flexibility Option, impacts related to the release of hazardous materials into the environment would be less than significant; no mitigation would be required.

(3) Level of Significance after Mitigation

Under both the Project and the Flexibility Option, impacts related to the release of hazardous materials into the environment would be less than significant without mitigation.

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

(a) Project

As discussed in the Initial Study (**Appendix A.2** of this Draft EIR), the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **Therefore, the Project would have a less-than-significant impact with respect to hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, and no mitigation measures would be required.**

(b) Flexibility Option

The Project Site is not located within one-quarter mile of an existing or proposed school. The nearest schools are the Lumbini Child Development Center (505 E 3rd Street), located 0.38-mile northwest of the Project Site, and Metropolitan High School (727 Wilson Street), located 0.45-mile southeast of the Project Site. Construction of the Flexibility Option would involve the temporary use of potentially hazardous materials, including vehicle fuels, paints, oils, and transmission fluids. Additionally, the Flexibility Option operation would involve the limited use of hazardous materials typically used in the maintenance of mixed-use projects incorporating live/work and commercial uses (e.g., cleaning solutions, solvents, painting supplies, batteries, etc.). However, it is reasonably anticipated that all potentially hazardous materials would be used, stored, and disposed of in accordance with manufacturers' specifications and in compliance with applicable federal, state, and local regulations. As such, the use of such materials would not

create a significant hazard to any nearby schools. Additionally, as discussed under Threshold a, the Project is not expected to result in hazardous emissions.

Similar to the Project, the Flexibility Option would not create a significant hazard to any nearby schools. **Therefore, the Flexibility Option would have a less-than-significant impact during operation with respect to emission or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or planned school, and no mitigation measures would be required.**

(2) Mitigation Measures

Under both the Project and the Flexibility Option, impacts related to the emission of hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school would be less than significant; no mitigation would be required.

(3) Level of Significance after Mitigation

Under both the Project and the Flexibility Option, impacts related to the emission of hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school would be less than significant without mitigation.

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 create a significant hazard to the public or the environment cause in whole or in part from the project's exacerbation of existing environmental conditions?

Because the Flexibility Option would be located on the same Project Site with the same Government Code Section 65962.5 listings as the Project, the conclusions regarding the impact analysis and impact significance determination presented below for the Project would be the same under the Flexibility Option.

(1) Impact Analysis

(a) Construction

California Government Code Section 65962.5 requires various state agencies to compile lists of hazardous waste disposal facilities, unauthorized releases from underground storage tanks, contaminated drinking water wells and solid waste facilities where there is known migration of hazardous waste and submit such information to the Secretary for Environmental Protection on at least an annual basis.

As discussed in the existing setting above, the Project Site is listed on the HAZNET database. However, the listing is merely for having legally disposed of a regulated substance and no violations, spills, or leaks were reported. Accordingly, the Site Assessment determined that based on the lack of evidence suggesting a latent release of hazardous materials and/or petroleum

products, the Project Site's listing is not considered to represent a REC. As such, the Project Site does not consist of a hazardous material site pursuant to Government Code Section 65962.5, and the Project would not create a significant hazard to the public or the environment. **Therefore, the Project and the Flexibility Option's would have a less-than-significant impact with respect to exacerbating environmental conditions due to existing hazardous materials, and no mitigation measures would be required.**

(b) Operation

As discussed above, none of the database listings that include the Project Site are considered to be an environmental concern as no violations were noted and the databases on which the Project Site appears are for permitting/documentation purposes rather than for a noted hazardous release. As such, the Project Site does not consist of a hazardous material site pursuant to Government Code Section 65962.5, and the Project would not create a significant hazard to the public or the environment. **Therefore, the Project and the Flexibility Option would have a less-than-significant impact during operation with respect to exacerbating environmental conditions due to existing hazardous materials, and no mitigation measures would be required.**

(2) Mitigation Measures

Under both the Project and the Flexibility Option, impacts related to lists of hazardous materials sites would be less than significant; no mitigation would be required.

(3) Level of Significance after Mitigation

Under both the Project and the Flexibility Option, impacts related to lists of hazardous materials sites would be less than significant without mitigation.

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

(1) Impact Analysis

(a) Project

As discussed in the Initial Study (**Appendix A.2** of this Draft EIR) the Project Site is not located within any airport's influence area nor within two miles of an existing airport.[23] **Therefore, the Project would have no impact with respect to public airport safety hazards or excessive**

[23] Los Angeles County Airport Land Use Commission, Airports and Airport Influence Areas Map, August 2018, https://planning.lacounty.gov/assets/upl/project/ALUC_Airports_Aug2018_rev3.pdf, accessed: August 23, 2022.

noise for people residing or working in the Project area, and no mitigation measures would be required.

(b) Flexibility Option

Similar to the Project, the Flexibility Option would not be located within any airport's influence area nor within two miles of an existing public airport or public use airport. [24] **Therefore, the Flexibility Option would have no impact with respect to public airport safety hazards or excessive noise for people residing or working in the Project area, and no mitigation measures would be required.**

(2) Mitigation Measures

Under both the Project and the Flexibility Option, no impacts related to airport noise and safety hazards would occur; no mitigation would be required.

(3) Level of Significance after Mitigation

Under both the Project and the Flexibility Option, no impacts related to airport noise and safety hazards would occur.

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

Because the Flexibility Option would be located on the same Project Site with the same proximity to disaster routes as the Project and would not alter the proposed construction or operational activities in a manner that would have the potential to alter the anticipated risks involving interference with adopted emergency response or evacuation plans as compared to the Project, the conclusions regarding the impact analysis and impact significance determination presented below for the Project would be the same under the Flexibility Option.

(1) Impact Analysis

(a) Construction

The Project Site is near county- and City-designated disaster routes, specifically, Alameda Street, approximately 375 feet to the west, and E. 4th Street, approximately 0.15-mile to the north.[25] Project construction activities may potentially impact traffic along Alameda Street and E. 4th Street,

[24] Los Angeles County Airport Land Use Commission, Airports and Airport Influence Areas Map, August 2018, https://planning.lacounty.gov/assets/upl/project/ALUC_Airports_Aug2018_rev3.pdf, accessed: August 23, 2022.

[25] Los Angeles County Department of Public Works, Disaster Route Maps, City of Los Angeles Central Area, https://dpw.lacounty.gov/dsg/disasterroutes/map/Los%20Angeles%20Central%20Area.pdf, accessed: March 26, 2019; and City of Los Angeles Department of City Planning, General Plan Safety Element, Exhibit H, Critical Facilities & Lifeline Systems in the City of Los Angeles, Adopted November 1996, https://planning.lacity.org/odocument/31b07c9a-7eea-4694-9899-f00265b2dc0d/Safety_Element.pdf.

which may be utilized as evacuations routes during an emergency, if the Project requires temporary street and/or lane closure(s) without adequate measures to ensure optimal circulation and safety of motorists.

The construction of the Project would not require the closure of any vehicle travel lanes. This is due primarily to the availability of parking "lanes" adjacent to the Project Site on Seaton Street, which precludes the need to use the adjacent travel lanes. The street parking spaces adjacent to the Project Site on Seaton Street would likely be reserved for use by construction vehicles for the duration of construction. The temporary unavailability of these street parking spaces would not prevent emergency access to other nearby businesses. In addition, as detailed in PDF TR-1, a Project-specific Construction Staging and Traffic Management Plan would be developed by the Applicant and approved by the Los Angeles Department of Transportation and an emergency response plan would be submitted to the LAFD during review of plans as part of the building permit process, and a work site traffic control plan would be prepared and submitted to LADOT prior to the start of construction which would show the location any temporary street parking or sidewalk closures, warning signs, and access to abutting properties (see **Section IV.K)**. Furthermore, access for emergency service providers and evacuation routes would be maintained during construction. **Therefore, the Project and the Flexibility Option would have a less-than-significant impact during construction with respect to interference with an adopted emergency response plan or emergency evacuation plan, and no mitigation measures would be required.**

(b) Operation

Operation of the Project could impact the performance of roadways that could be utilized as evacuations routes during an emergency. However, a Project-specific emergency response plan would be submitted to the LAFD during review of plans as part of the building permit process. Emergency access to the Project Site would continue to be provided from major roadways adjacent to the Project Site, including 5th Street and Seaton Street. All circulation improvements that are proposed for the Project Site would comply with the Fire Code, including any additional access requirements of the LAFD. As discussed in **Section IV.K., Transportation**, the increase in traffic from the Project's operation would not greatly affect emergency vehicles because the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. These same options would be available during an emergency response plan or evacuation plan. Furthermore, the Project would not cause permanent alterations to vehicle circulation routes and patterns, or impede public access or travel upon public rights-of-way. **Therefore, the Project and the Flexibility Option would have a less-than-significant impact during operation with respect to interference with an adopted emergency response plan or emergency evacuation plan, and no mitigation measures would be required.**

(2) Mitigation Measures

Under both the Project and the Flexibility Option, impacts related to emergency response and evacuation plans would be less than significant; no mitigation would be required.

(3) Level of Significance after Mitigation

Under both the Project and the Flexibility Option, impacts related to emergency response and evacuation plans would be less than significant without mitigation.

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

(a) Project

As discussed in the Initial Study (**Appendix A.2** of this Draft EIR), and in **Section IV.O, Wildfire**, the Project Site and surrounding area are not located within the State Responsibility Area,[26] a Very High Fire Hazard Severity Zone,[27] or a Wildfire Severity Zone.[28] **Therefore, the Project would have no impact with respect to Threshold g), and no mitigation measures would be required.**

(b) Flexibility Option

As discussed above, the Project Site and surrounding area are not located within the State responsibility area,[29] a Very High Fire Hazard Severity Zone,[30] or a Wildfire Severity Zone.[31] **Therefore, the Flexibility Option would have no impact with respect to the direct or indirect exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires, and no mitigation measures would be required.**

(2) Mitigation Measures

Under both the Project and the Flexibility Option, impacts related to the risk of loss, injury, or death involving wildfire would be less than significant; no mitigation would be required.

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[26] California Board of Forestry and Fire Protection, State Responsibility Area Interactive Map Viewer, https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=5ac1dae3cb2544629a845d9a19e83991, accessed August 23, 2022.

[27] City of Los Angeles Department of City Planning, Zone Information & Map Access System Website, http://zimas.lacity.org, accessed: August 23, 2022.

[28] City of Los Angeles, Emergency Management Department, 2018 Local Hazard Mitigation Plan, Figure 13-3: Wildfire Severity Zones in the East Los Angeles APC, available at: https://emergency.lacity.org/sites/g/files/wph1791/files/2021-10/2018_LA_HMP_Final_with_maps_2018-02-09.pdf, accessed: August 23, 2022.

[29] California Board of Forestry and Fire Protection, State Responsibility Area Interactive Map Viewer, https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=5ac1dae3cb2544629a845d9a19e83991, accessed August 23, 2022.

[30] City of Los Angeles Department of City Planning, Zone Information & Map Access System Website, http://zimas.lacity.org, accessed: April 24, 2017.

[31] City of Los Angeles, Figure 13-3: Wildfire Severity Zones in the East Los Angeles APC, available at: https://emergency.lacity.org/sites/g/files/wph1791/files/2021-10/2018_LA_HMP_Final_with_maps_2018-02-09.pdf, accessed: August 23, 2022.

(3) Level of Significance after Mitigation

Under both the Project and the Flexibility Option, impacts related to the risk of loss, injury, or death involving wildfire would be less than significant without mitigation.

4. Cumulative Impacts

Because the Flexibility Option would be located on the same Project Site with the same historic and existing uses and subsurface hazardous materials conditions as the Project, and would not alter the proposed construction or operational activities and uses in a manner that would alter the potential risks associated with the storage, use, transport, or disposal of hazardous materials as compare to the Project, the conclusions regarding the impact analysis and impact significance determination presented below for the Project would be the same under the Flexibility Option.

a) Impact Analysis

(1) Construction

Although there is potential for an accidental release of hazardous materials from the Project and Related Projects (see **Table III-1 in Section III, Environmental Setting**) to contribute to a cumulatively considerable impact related to the accidental release of hazardous materials into the environment during construction, especially if the hazardous materials were transported offsite in water or air, as with the Project, each of the Related Projects would require evaluation for potential threats to public safety, including those associated with the use and storage of potentially hazardous materials used in construction, such as gasoline, lubricants, cleaning agents, and paints, as well as disposal of hazardous wastes, including ACMs, LBPs, PCBs. Because hazardous materials and risk of upset conditions are largely site-specific, this would occur on a case-by-case basis for each individual project affected, in conjunction with the development proposal for that property. Furthermore, Related Projects would be required to adhere to all applicable laws and regulations associated with hazardous materials and implement BMPs or mitigation, as necessary to reduce potential impacts related to the release of hazardous materials into the environment, including as a result of conditions related to the inclusion of Related Project Sites on California Government Code Section 65962.5 databases.

As previously discussed, Alameda Street and E. 4th Street are county- and City-designated disaster routes. Should construction of the Project and other Related Projects in the vicinity occur concurrently, a cumulative impact to these disaster routes could occur. However, similar to the Project, each Related Project would also be subject to the City's routine construction permitting process, which includes a review by the LAFD and LAPD. Additionally, as required by Project Design Feature PDF TR-1, a Project-specific Construction Staging and Traffic Management Plan would be developed by the Applicant and approved by the Los Angeles Department of Transportation. Such plans are based on the nature and timing of the specific construction activities and other Related Projects in the area, allowing the Los Angeles Department of Transportation to identify and reduce potential impacts to nearby roadways resulting from concurrent construction schedules. Furthermore, as discussed in **Sections IV.J.1, Fire**

Protection, and **IV.J.2, Police Protection**, construction-related traffic generated by the Project and the Related Projects would not significantly affect emergency vehicles as drivers normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic.

Therefore, the Project and the Flexibility Option, in conjunction with the Related Projects, would not have a cumulatively considerable impact on hazards and hazardous materials, and cumulative construction impacts would be less than significant.

(2) Operation

With respect to operation, Related Projects would require evaluation for potential threats to public safety, including those associated with the accidental release of hazardous materials into the environment during operation and the transport/use/disposal of hazardous materials. Because hazardous materials and risk of upset conditions are largely site-specific, this would occur on a case-by-case basis for each individual project affected, in conjunction with the development proposal for that property. Furthermore, Related Projects would be required to adhere to all applicable laws and regulations associated with hazardous materials and implement BMPs or mitigation, as necessary to reduce potential impacts related to the release of hazardous materials into the environment.

With regard to cumulative impacts on emergency response/evacuation plans, as with the Project, Related Projects would be designed to comply with applicable Los Angeles Building Code and Fire Code requirements, including compliance with LAFFD fire apparatus and personal access requirements. The Project and Related Projects would also be required to establish, implement, and maintain on file emergency response plans, which would be inspected annually by the LAFD. As discussed in **Section IV.K., Transportation**, an increase in traffic would not greatly affect emergency vehicles because the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. These same options would be available during an emergency response plan or evacuation plan to reduce potential impacts to emergency evacuation routes. Furthermore, the City revises its emergency response/evacuation plans on a periodic basis, as required, to address increased growth and changes in regulatory requirements.

As detailed above, the Project Site is not located within one-quarter mile of an existing or planned school, within an airport influence zone, within two miles of an existing airport, or within a wildfire hazard zone and the Project would, accordingly, not have the potential to contribute to a cumulative impact with regard to such conditions.

Therefore, the Project and the Flexibility Option, in conjunction with the Related Projects, would not have a cumulatively considerable impact on hazards and hazardous materials, and cumulative operational impacts would be less than significant.

b) Mitigation Measures

Under both the Project and the Flexibility Option, cumulative impacts related to hazards and hazardous materials would be less than significant; no mitigation measures would be required.

c) Level of Significance After Mitigation

Under both the Project and the Flexibility Option, cumulative impacts related to hazards and hazardous materials would be less than significant without mitigation.