

IV. Environmental Impact Analysis

F. Hazards and Hazardous Materials

1. Introduction

This section analyzes the potential effects of the Project related to hazards and hazardous materials. Hazards addressed in this section include potential releases of hazardous materials from equipment and materials during construction, demolition, and operation; exposure to hazardous materials in buildings and other structures, soil, and groundwater; airport safety; emergency access and response plans; and wildfires. Analysis is based largely on the following reports:

- Phase I and Phase II Environmental Site Assessments (Phase I and Phase II ESAs) prepared by Rincon Consultants, Inc.;^{1,2}
- Subsurface Methane Investigation Report (Methane Report) prepared by Wood Environment & Infrastructure Solutions, Inc. (Wood);³ and
- Geotechnical Engineering Evaluation Report (Preliminary Geotechnical Report) prepared by Twining.⁴
- Hydrology and Water Quality Report (Hydrology Report) by KPFF Consulting Engineers.⁵

2. Environmental Setting

a) Regulatory Framework

(1) Federal

Federal agencies with responsibility for hazardous materials management include the United States Environmental Protection Agency (USEPA), Department of Labor Occupational Health and Safety Administration (OSHA), and Department of

¹ Rincon Consultants, Inc., *Phase I Environmental Site Assessment (ESA)*, September 6, 2016. Provided in Appendix G-1 of this Draft EIR.

² Rincon Consultants, Inc., *Phase II ESA*, September 6, 2018. Provided in Appendix G-2 of this Draft EIR.

³ Wood Environment & Infrastructure Solutions, Inc., *Subsurface Methane Investigation Report*, September 18, 2018. Provided in Appendix G-3 of this Draft EIR.

⁴ Twining Consulting, *Geotechnical Engineering Evaluation Report (Preliminary Geotechnical Report)*, October 30, 2018. Provided in Appendix F-1 of this Draft EIR.

⁵ KPFF Consulting Engineers, *Hydrology and Water Quality Report (Hydrology Report)*, June 3, 2020. Provided in Appendix H of this Draft EIR.

Transportation (USDOT). Major federal laws and issue areas include the following statutes and regulations:

(a) *Resource Conservation and Recovery Act (42 USC 6901 et seq.)*

Resource Conservation and Recovery Act (RCRA) is the principal law governing the management and disposal of hazardous materials. RCRA is considered a “cradle-to-grave” statute for hazardous wastes in that it addresses all aspects of hazardous materials from creation to disposal. RCRA applies to this Project because RCRA is used to define hazardous wastes and offsite disposal facilities.

(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, 1980.⁶ 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, 1986.⁷

(c) *Emergency Planning and Community Right-to-Know Act (EPCRA from SARA Title III)*

In 1986, Congress adopted the Emergency Planning and Community Right-to-Know Act (42 United States Code [USC] Sections 11001–11050) as Title III of the federal Superfund Amendments and Reauthorization Act. EPCRA improved community access to information regarding chemical hazards and facilitated the development of business chemical inventories and emergency response plans. EPCRA also established reporting obligations for facilities that store or manage specified chemicals. EPCRA applies to this Project because the use of hazardous materials during Project construction and/or operation (e.g., fuels, paints and thinners, solvents, etc.) would require the preparation

⁶ USEPA, “Superfund CERCLA Overview,” <https://www.epa.gov/superfund/superfund-cercla-overview>. Accessed March 5, 2021.

⁷ USEPA, “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 March 5, 2021.

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

(d) *USDOT Hazardous Materials Transportation Act of 1975 (49 U.S.C. Section 5101)*

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, as amended and codified in 49 U.S. Code (U.S.C.) Section 5101 et seq. The Secretary is authorized to issue regulations to implement the requirements of 49 U.S.C. The Pipeline and Hazardous Materials Safety Administration (PHMSA),⁸ 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 100-180.⁹ Title 49 of the CFR, which contains the regulations set forth by the Hazardous Materials Transportation Act, 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. The Hazardous Materials Transportation Act applies to this Project because contractors and commercial tenants would be required to comply with its storage and transportation requirements to reduce the possibility of spills during Project construction and/or operation.

(e) *Occupational Safety and Health Act (29 U.S.C. Sections 651, et seq.)*

OSHA is the federal agency responsible for ensuring worker safety. The OSHA regulations contained in 29 CFR Section 1910.120 and 40 CFR Part 311 provide standards for safe workplaces and work practices, including those relating to hazardous materials handling. OSHA applies to this Project because contractors would be required to comply with its hazardous materials management and handling requirements that would reduce the possibility of spills.

OSHA also requires certain actions on the part of any employer whose employees are potentially exposed to asbestos fiber levels above the permissible exposure limit and establishes an action level for workplace exposure. If an employee could be exposed above the action level, employers must begin compliance activities such as notification, employee training, air monitoring and, in some cases, medical surveillance. In addition, contractors involved in asbestos surveys and removal are required to be certified by the Division of Occupational Safety and Health.

⁸ United States Department of Transportation (USDOT), *Federal Hazardous Materials Transportation Law, An Overview*.

⁹ Code of Federal Regulations (CFR) Parts 100-180.

As it relates to lead, the requirements set forth in 29 CFR Section 1926 et seq., are designed to promote safety during construction and include standards to comprehensively address the issue of evaluating and communicating chemical and physical hazards to employees in the construction sector for the demolition, salvage, removal, alternation, etc. of lead-containing materials and lead contamination/emergency clean up, transportation, disposal, storage, or containment of lead or materials containing lead on the site or location at which construction activities are performed, including maintenance activities associated with construction activities. The State adopted requirements comparable to the federal requirements in 1993 (8 California Code of Regulations [CCR], Section 1532.1), but also requires the Division of Occupational Safety and Health to be notified in writing before abating 100 square feet or more of lead-based paint (LBP). In addition, Title 17 of the CCR, Division 1, Chapter 8 requires that all consultants and contractors conducting activities involving lead-based paint or lead hazards be certified. This regulation defines lead-based paint, lead hazards, and lead clearance criteria, and also requires that the California Department of Health Services to be notified in writing before all hazard-related testing and hazard mitigation-related abatement activities.

Furthermore, 29 CFR Section 1926.55 includes specific safety and health regulations during construction for gases, vapors, fumes, dusts, and mists. Controls to limit exposure or protective equipment and measures must be used to ensure that exposure of construction workers to air contaminants are limited.

(f) Toxic Substances Control Act (15 U.S.C. Section 2601 et seq.)

Under the Toxic Substances Control Act, the USEPA has enacted strict requirements on the use, handling, and disposal of asbestos-containing materials (40 CFR Part 763). These regulations include the phasing out of friable asbestos and asbestos-containing materials 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. The Toxic Substances Control Act is enforced by the USEPA through inspections of places in which asbestos-containing materials are manufactured, processed, and stored and through the assessment of administrative and civil penalties and fines, as well as injunctions against violators.

Polychlorinated biphenyls (PCBs) can be found in older transformers and other electrical equipment. Due to their hazardous properties, all aspects of PCBs are strictly regulated by the USEPA under the Toxic Substances Control Act. These regulations ban the manufacture of PCBs, and also contains provisions controlling the continued use and disposal of existing PCB-containing equipment. The disposal of hazardous waste building materials, including PCBs, is also regulated by federal and state laws. The disposal of PCB wastes is regulated by the Toxic Substances Control Act (40 CFR Part 761), which contains life cycle provisions similar to those in the RCRA.

(g) National Emission Standards for Hazardous Air Pollutants

The USEPA has established National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61 Subpart M) that govern the use, removal, and disposal of asbestos-containing materials as a hazardous air pollutant. The National Emission Standards for Hazardous Air Pollutants regulations are promulgated and enforced by the USEPA. Responsibility for implementing these requirements has been delegated to the State, which in turn has delegated the responsibility to the South Coast Air Quality Management District (SCAQMD).

(h) Research and Special Programs Administration (RSPA)

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.

(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
- Atomic Energy Act
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

(j) Federal Emergency Management Act (FEMA)

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.¹⁰ FEMA also initiates proactive mitigation activities, trains first responders, and manages the National Flood Insurance Program and the U.S. Fire Administration.

¹⁰ Federal Emergency Management Act (FEMA), History of FEMA, <https://www.fema.gov/about/history>. Accessed March 5, 2021.

(k) *Disaster Mitigation Act of 2000*

Disaster Mitigation Act (42 United States Code [U.S.C.] §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 U.S.C. §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.

(2) **State**

State and local agencies often have either parallel or more stringent rules than federal agencies. In some cases, state law mirrors or overlaps federal law and enforcement of these laws is the responsibility of the state or of a local agency to which enforcement powers are delegated. For these reasons, the requirements of certain federal laws and their enforcement are discussed under either the state or local agency section.

The primary state agencies with jurisdiction over hazardous chemical materials management are the California Department of Toxic Substances Control (DTSC), State Water Quality Control Board (SWQCB), and Los Angeles Regional Water Quality Control Board (LARWQCB). The LARWQCB is the agency responsible for the approval of Soil Management Plans, which may be required in order to ensure that soil excavated during construction of the Project does not adversely impact human health or the environment and that soils are handled, stored, and disposed of, or reused onsite, in accordance with applicable laws, regulations, and policies.

Other state agencies involved in hazardous materials management are the Department of Industrial Relations (which implements the California Occupational Safety and Health Act of 1973), Office of Emergency Services (OES) – California Accidental Release Prevention (CalARP), California Air Resources Board (CARB), California Department of Transportation (Caltrans), Office of Environmental Health Hazard Assessment (OEHHA – Proposition 65 implementation), and the California Integrated Waste Management Board (CIWMB). Hazardous materials management laws in California include the following statutes and regulations:

(a) *Hazardous Waste Control Law (HWCL; California Health and Safety Code [HSC], Section 25100 et seq.)*

The Hazardous Waste Control Law (HWCL) is the state equivalent of RCRA and regulates the generation, treatment, storage, and disposal of hazardous waste. This act implements the RCRA “cradle-to-grave” waste management system in California but is more stringent in its regulation of non-RCRA wastes, spent lubricating oil, small-quantity generators, transportation and permitting requirements, as well as in its penalties for violations. HWCL applies to this Project because contractors will be required to comply with its hazardous waste requirements that would reduce the possibility of spills.

Under the California Hazardous Waste Control Law, asbestos is considered a “non-RCRA” or “California-only” hazardous waste. CalEPA’s DTSC classifies asbestos-containing materials (ACMs) as hazardous waste if they are friable (e.g., easily crumbled) and contain one percent or more asbestos (22 CCR Section 66261.24). The DTSC regulates the packaging, on-site accumulation, transportation (through standards applicable to transporters of hazardous waste), and disposal of asbestos when it is a hazardous waste. In addition to the Toxic Substances Control Act, provisions relating to PCBs are contained in the Hazardous Waste Control Law, previously discussed, which lists PCBs as hazardous waste.

(b) *Hazardous Materials Release Response Plans and Inventory Law of 1985 (Business Plan Act) and Senate Bill 1082*

Basic requirements of California’s Hazardous Materials Release Response Plans and Inventory Law (Business Plan Act) 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 must comply with the reporting requirements and file a Business Emergency Response Plan with the local administering agency. 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 the California Environmental

Protection Agency (CalEPA) and the California Emergency Management Agency. The California Highway Patrol (CHP) and Caltrans enforce regulations specifically related to the transport of hazardous materials. Together, these agencies determine container types used and license hazardous waste haulers for hazardous waste transportation on public roadways.

The Business Plan Act applies to the commercial component of the Project because tenants would be required to comply with its handling, storage, and transportation requirements that would reduce the possibility of spills, and to prepare an emergency response plan to respond to accidental spills.

In 1993, the State Legislature passed Senate Bill (SB) 1082 to streamline the permitting process for those businesses that use, store, or manufacture hazardous materials. The passage of SB 1082 provided for the designation of a local certified uniform program agency (CUPA) that would be responsible for the permitting process and collection of fees. The CUPA is responsible for implementing at the local level the Unified Program, which serves to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities for the following environmental and emergency management programs:

- Hazardous Waste;
- Hazardous Materials Business Plan;
- California Accidental Release Prevention Program;
- Underground Hazardous Materials Storage Tanks;
- Aboveground Petroleum Storage Tanks/Spill Prevention Control and Countermeasure Plans; and
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs.

In the City of Los Angeles (City), the designated CUPA responsible for implementing the above-listed program elements is the City of Los Angeles Fire Department (LAFD), as discussed further below in the City of Los Angeles regulations section.

(c) Hazardous Waste and Substances Sites (Cortese List)

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

The Connelly Act (Assembly Bill 3713; Health and Safety Code Section 25915 et seq.) establishes notification requirements for all owners and employees working within any pre-1979 building known to contain asbestos-containing materials. Notification could be based upon a survey of asbestos-containing materials and their locations. The notification requirements of the Connelly Act are enforced by the California Division of Occupational Safety and Health.

(e) Safe Drinking Water and Toxic Enforcement Act

The Safe Drinking Water and Toxic Enforcement Act (California Health and Safety Code Section 25249.5, et seq.), enacted as Proposition 65, lists lead as a substance known to the State of California to be a reproductive toxin and prohibits a business from knowingly exposing anyone to levels in excess of the “No Significant Risk Level” without first giving “clear and reasonable warning.” The No Significant Risk Level is set at five micrograms of lead per day. In addition to providing warning requirements, these codes prohibit discharge to land or water where lead can pass into a source of drinking water.

(f) 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.

(g) *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 Regional Water Quality Control Boards (RWQCB) and typically on the local level, to the fire department. The Los Angeles Fire Department (LAFD) administers and enforces federal and state laws and local ordinances for USTs at the Project Site. Plans for the construction/installation, modification, upgrade, and removal of USTs are reviewed by LAFD Inspectors. If a release affecting groundwater is documented, the project file is transferred to the appropriate RWQCB for oversight.

(h) *Aboveground Petroleum Storage Act*

In 1989, California established the Aboveground Petroleum Storage Act instituting a regulatory program covering ASTs containing specified petroleum products (Health and Safety Code 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 Health and Safety Code 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.

(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. Furthermore, Cal/OSHA requires construction sites to include control measures to ensure construction worker safety as it relates to explosion hazards through flammable vapors or gas concentrations (8 CCR, Section 5416).

(j) 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 Code of Federal Regulations [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.

(k) California Water Code

The California Water Code (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 Los Angeles Regional Quality Control Board (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.¹¹ 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.

¹¹ 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.

(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. The International Fire Code (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, Article 80 (Section 80.103 of the Uniform Fire Code as adopted by the State Fire Marshal pursuant to Health and Safety Code 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 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*

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 Volatile Organic Compounds (VOC) 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:
Asbestos Emissions from Renovation/Demolition Activities*

The SCAQMD implements the National Emission Standards for Hazardous Air Pollutants through its Rule 1403. SCAQMD Rule 1403, Asbestos Emissions from Renovation/Demolition Activities, regulates asbestos releases from construction activities associated with buildings or structures with asbestos-containing materials (ACMs), or facilities that store or provide disposal facilities for ACMs. Rule 1403 establishes protocols for surveys for the presence of ACMs; regulatory agency notifications of the intent to remove ACMs; the removal of ACMs by qualified remediation specialists; handling and cleanup; disposal requirements; and record-keeping.

(d) *Los Angeles County Operational Area Emergency Response Plan (ERP)*

The County of Los Angeles developed the 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.

(4) Local

(a) *Hazardous Materials Plans and Los Angeles Fire Code*

At the local level, the LAFD monitors the storage of hazardous materials for compliance with local requirements. The LAFD is the designated CUPA responsible for implementing the City's environmental and emergency management programs, which includes hazardous waste, the Hazardous Materials Business Plans, the California Accidental Release Prevention Program, UST management, ASTs and spill prevention control, and hazardous waste generator and treatment programs. 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. 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 (Assembly Bill [AB] 2185; Health and Safety Code sec. 25500 et seq.).

The LAFD also administers the applicable sections of the Los Angeles City Fire Code, including Division 8, Hazardous Materials Disclosures. Those businesses that store hazardous waste or hazardous materials must submit a Certificate of Disclosure to the LAFD.

(b) *Los Angeles Municipal Code*

The 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. Building permit application 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, the development and 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 Los Angeles Department of Building and Safety (LADBS) Ordinance defines the design methane concentration as "...the highest concentration of methane gas found during site testing..." and defines design methane pressure as "...the highest pressure of methane gas found during site testing." The Ordinance states that all buildings located in a methane buffer zone shall install a methane mitigation system, based on the applicable site design level, which is based on the methane concentration.

(c) *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 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 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.

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

The Project Site and the greater City of Los Angeles are subject to the emergency preparedness requirements of the City of Los Angeles Safety Element (Safety Element). The City of Los Angeles Emergency Management Department (EMD) leads the City's effort in the development of citywide emergency plans, revises and distributes the Emergency Operations Master Plan and Master Procedures and Annexes and updates and disseminates guidelines for the emergency response and recovery plans. The EMD also reviews and tests departmental emergency plans to ensure City departments are ready to fulfill their respective emergency missions.

The Emergency Operations Organization (EOO) is the operational department of the City responsible for the City's emergency preparations (planning, training and mitigation), response, and recovery operations. The EOO comprises all agencies of the City's government, and centralizes command and information coordination. Each City agency, in turn, has operational protocols, as well as plans and programs, to implement EOO protocols and programs.

The Emergency Operations Plan (EOP) for the City of Los Angeles addresses the City's response from small- to large-scale emergency situations associated with natural disasters or human caused emergencies. The EOP describes the methods for carrying out emergency operations, the process for rendering mutual aid, the emergency services of governmental departments and agencies, how resources are mobilized, how the public will be informed and the process to ensure continuity of government during an emergency or disaster.

A particular emergency or mitigation triggers a particular set of protocols, which are addressed by implementing plans and programs. These include hazard-specific plans

(e.g., flood), situational contingency plans for known or anticipated events (e.g., annual L.A. Marathon) and pre- and post-event plans (e.g., Recovery and Reconstruction Plan). The City's emergency operations program encompasses all of these protocols, plans and programs. Therefore, its programs are not contained in one comprehensive document. The Safety Element goals, objectives and policies are broadly stated to reflect the comprehensive scope of the EOO.¹²

(e) *City of Los Angeles General Plan Conservation Element*

The City of Los Angeles General Plan Conservation Element (Conservation Element) adopted in 2001, contains policies related to the identification and protection energy resources. Relevant goals, objectives, and policies of the Framework Element are as follows:

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.

b) Existing Conditions

(1) Project Site

The information presented below is based in part on the research conducted for the Phase I and II ESAs, Methane Report, Preliminary Geotechnical Report, and the Hydrology Report.

The discussion of the Phase I ESA below summarizes the historic and current site uses, lists the results of the regulatory records database searches, and identifies Recognized Environmental Conditions (RECs), Potential Recognized Environmental Conditions (PRECs), and other observed potential hazardous materials issues. The results of the Phase I ESA prompted a Phase II ESA that conducted sampling to further investigate the RECs and PRECs, the results of which are discussed further below. The Phase I and II ESA discussions are then followed by other hazards and hazardous materials topics, including the methane investigation, oil and natural gas fields, hazardous building materials, proximity to schools and airports, and wildland fires.

(a) *Phase I ESA*

(i) *Historic Site Uses*

As described in the Phase I ESA, the majority of the Project Site was developed since at least 1890 for use as a cold storage facility. Portions of the Project Site were historically used as residential dwellings, a barn, a wagon shed, a juice factory, a quilt factory, cold

¹² City of Los Angeles Department of City Planning, *General Plan Safety Element*, Exhibit H, Critical Facilities & Lifeline Systems, adopted November 26, 1996.

storage, and an automotive painting facility. The Phase I ESA considered the following to be RECs associated with the Project Site:

- Two former 150-gallon petroleum underground storage tanks (USTs) and associated piping depicted on the southeastern portion of the Project Site in 1890 through 1950
- Former gas and oil storage facility on the Project Site depicted on the Sanborn maps in 1959 through 1970

The Phase I ESA also considered the following to be PRECs:

- Transformer room identified on the Project Site on Sanborn maps
- Use of fuel oil identified on the Project Site on Sanborn maps
- Existing adjacent railroad tracks and former railroad spur on the northern portion of the Project Site
- Former spray painting facility on the Project Site
- Former sheet metal manufacturing company on the Project Site identified on Sanborn maps and City directories
- Stained concrete near the waste oil above-ground storage tank (AST) and drums and the presence of an oil/water separator (clarifier)
- The former use of the Project Site for manufacturing

The Phase I ESA included a review of databases and files from federal, state, and local environmental regulatory agencies to identify use, generation, storage, treatment, or disposal of hazardous materials and chemicals, or release incidents of such materials, which may impact the Project Site. The complete results of the EDR database search, including a list of the databases searched and the EDR Radius Map with GeoCheck that maps the location of each of the database listings, are included as Appendix B of the Phase I ESA (see Appendix G-1 of this Draft EIR). The Project Site was listed on the California Emission Inventory (CA EMI) database as American Fiber Ind. at 689 Mesquit Street. The listing indicates that air emissions were regulated at the Project Site by the California Air Resources Board. In 1987, approximately four tons of particulate matter [ten micrometers (PM₁₀) and smaller] were released, and in 1990 approximately one ton was released. According to the South Coast Air Quality Management District (SCAQMD) Facility Information Detail (FIND) website, a textile goods facility was in operation at the Project Site, which has since gone out of business. The facility was permitted for baghouses (i.e., dust collectors). There are no active air emission permits for the Project Site and the textile goods facility did not have any recorded violations. Consequently, the Phase I ESA did not identify the former textile goods facility as an REC. No other database listings as provided in Appendix B of the Phase I ESA were considered to be a PREC. See the Phase I ESA as provided in Appendix G of this Draft EIR for further details.

(ii) *Current Project Site Conditions*

The Project Site is currently developed with one- to four-story freezer, cold storage, and dry storage warehouses with associated office space, loading docks, and surface parking. The existing warehouses, which date from approximately 1908 through 2003, are generally massive and utilitarian in appearance, range from approximately 22 to 61 feet in height, and total approximately 205,393 square feet. The Applicant and property owners have worked on or adjacent to the Project Site since the 1960s and have owned the primary business operating on-site, Rancho Cold Storage, for more than 30 years. Other existing on-site businesses include Hidden Villa Ranch, Integrated Food Service, and Harvey's Produce.

The Project Site is bordered on the east by freight and passenger rail lines and rail yards (Railway Properties) owned by National Railroad Passenger Corporation (Amtrak), BNSF Railway Company (BNSF), and the Los Angeles County Metropolitan Transportation Authority (Metro). The Railway Properties have been in operation with railway uses since at least 1890. A railroad spur previously crossed the northern portion of the Project Site from at least 1923 through 1983.¹³ The Phase I ESA considered these areas to be a PREC due to the potential for spillover and migration of possible contaminants.

(a) *Hazardous Materials*

Due to current site uses, small quantities of various hazardous substances and petroleum products are stored on-site. Ten small propane tanks for powering forklifts are located in the 670 Mesquit building. A maintenance area on-site contains a five-gallon container of kerosene, a five-gallon container of hydraulic oil, two five-gallon containers of compressor oil, older batteries, and household maintenance supplies.¹⁴ No indications of releases from these containers was observed during the site reconnaissance conducted for the Phase I ESA.

(b) *Underground and Aboveground Storage Tanks*

One 300-gallon and one 500-gallon ASTs, a smaller tank containing ammonia are located within the engine room of the 670 Mesquit building near the building's southern end on the Project Site. There was no evidence of releases in connection with the ammonia ASTs.

A 110-gallon waste oil tank is located on the east side of the 670 Mesquit building. Oil appeared to have been spilled around the top of the AST, and minor staining was observed on the concrete around the tank. The AST is situated in proximity to a drain that is reportedly connected to the on-site clarifier. The Phase I ESA considered this to be a PREC.

No other ASTs, or any USTs are located on the Project Site.

(c) *Polychlorinated Biphenyls*

Typical sources of polychlorinated biphenyls (PCBs) include electrical transformer cooling oils, fluorescent light fixture ballasts, and hydraulic oil. In 1976, the USEPA banned the

¹³ Rincon Consultants, Inc., *Phase I ESA*, September 6, 2016.

¹⁴ Rincon Consultants, Inc., *Phase I ESA*, September 6, 2016, page 29.

manufacture and sale of PCB-containing transformers. Prior to this date, transformers were frequently filled with a dielectric fluid containing PCB-laden oil. By 1985, the USEPA required that commercial property owners with transformers containing more than 500 parts per million (ppm) of PCBs must register the transformer with the local fire department, provide exterior labeling, and remove combustible materials within 16 feet.¹⁵

A transformer room is located on the south side of the 670 Mesquit building. In addition, three pole-mounted transformers are located at the south end of Mesquit Street, between the 685-689 and 690 Mesquit buildings. There was no indication of a release of PCBs in the vicinity of the transformers. However, the Phase I ESA considered the transformer room to be a PREC due to the historic use of PCB oil.

Two elevators are present at the Project Site. One is a traction lift, and one is hydraulic. The hydraulic equipment for the piston-operated elevator was identified during the site reconnaissance performed. The hydraulic equipment and reservoir are located in a closet on the first floor in the 670 Mesquit building. There was no indication of a release of PCBs in the vicinity of the reservoir. The elevator was reportedly installed in 1997; therefore, it is unlikely that hydraulic fluid within the elevator equipment contains PCBs, and the Phase I ESA did not consider these to be an REC.¹⁶

(d) Asbestos-Containing Materials and Lead-Based Paint

Asbestos is a naturally-occurring mineral made up of microscopic fibers that has been widely used in the building industry for a variety of uses, including acoustic and thermal insulation and fireproofing. It is often found in ceiling and floor tiles, linoleum, pipes, structural beams and asphalt. However, asbestos can become a hazard when the fibers separate and become airborne. Asbestos has been linked to lung disease cause by inhalation of airborne asbestos fibers. In 1979, a ban on ACMs in building materials was imposed although it is still possible to detect ACMs in buildings built after 1980.

Lead is a naturally-occurring element and heavy metal that was widely used as a major ingredient in most interior and exterior oil-based paints prior to 1950. Lead compounds continued to be used as corrosion inhibitors, pigments, and drying agents from the early 1950s to 1972, when the Consumer Products Safety Commission (CPSC) specified a limit on lead content in such products. In 1977, CPSC banned the production of virtually all house paints containing lead and banned its use in commercial buildings in 1978.

Based on historical sources for the Project Site, several of the existing structures on-site were constructed prior to 1980. Based on the age of these on-site structures, there is the potential that ACMs and LBP were used during the construction of the on-site structures.¹⁷ Testing for ACM and LBP is not within the scope of Phase I ESAs and such

¹⁵ 40 *Code of Federal Regulations* 761.30, Fire Rule.

¹⁶ Rincon Consultants, Inc., *Phase I ESA*, September 6, 2016, page 29.

¹⁷ Rincon Consultants, Inc., *Phase I ESA*, September 6, 2016, pages 33 and 34.

materials are not evaluated or identified as RECs. However, given the age of the structures, ACM and LBP may be present on the onsite buildings.

(e) Groundwater Wells

As described in the Phase I ESA, an 84-foot deep water well was identified on the 1890 Sanborn map and a 90-foot deep well was identified on the 1894 Sanborn map.¹⁸ The more recent Sanborn maps no longer show these groundwater wells. The use of well water through 1970 was identified on the Sanborn maps. No documentation has been identified pertaining to the destruction of the wells.¹⁹ If unearthed during construction the groundwater wells would be properly abandoned and demolished per local and state regulations.

A potential groundwater monitoring well was also identified in Mesquit Street, adjacent to the northern portion of the Project Site,²⁰ within an area currently under construction as part of the Sixth Street Viaduct project. Based on plans prepared by the City, it appears that the groundwater monitoring well is no longer present in this area.²¹

(b) Phase II ESA

A Phase II ESA was conducted for the Project Site to further investigate the RECs and PRECs related to the current and previous uses on the Project Site, as identified in the Phase I ESA discussed above. These uses and conditions include the following:

- Two former on-site petroleum USTs and associated piping
- Former on-site gas and oil facility
- Current on-site transformer room
- Use of fuel oil
- Existing off-site but adjacent railroad tracks (Railway Properties)²²
- Former on-site railroad spur
- Former on-site spray painting facility
- Former on-site sheet metal shop
- One on-site waste oil AST and drums and the presence of an oil/water separator
- Former use of Project Site for manufacturing

The Phase II ESA scope of work included the advancement of 14 soil borings in March 2018 for the collection of soil and soil vapor samples to further investigate the above-

¹⁸ Rincon Consultants, Inc., *Phase I ESA*, September 6, 2016, page 32.

¹⁹ Rincon Consultants, Inc., *Phase I ESA*, page 32.

²⁰ Rincon Consultants, Inc., *Phase I ESA*, page 32.

²¹ Based on plans for the Sixth Street Viaduct produced prior to the start of construction of the viaduct, the well is no longer shown in this area.

²² It should be noted that the Railway Properties would be associated as part of the Project Site under the Project with the Deck Concept, as further detailed below under Subsection 2.b.2, *Project with the Deck Concept*.

listed RECs and PRECs. Soil samples were collected at various depths and analyzed for one or more of the following: total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), PCBs, and total metals.²³ The soil analytical results were compared to the San Francisco Bay Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs) established for residential and commercial/industrial soil. The selection of which analyses to conduct in which location was based on the particular chemicals associated with each REC or PREC. A summary based on the REC or PREC is provided below.

(i) *Former USTs and Associated Piping, Fuel Oil, and AST*

TPH, VOCs, metals, and PCBs were analyzed in the borings for the former USTs and associated piping.

TPH as diesel was present in the soil beneath the Project Site in the vicinity of the former on-site USTs on the southeastern portion of the Project Site at concentrations that exceed the ESLs and maximum SSLs to which they were compared.²⁴ Soil borings were not drilled through the freezer/cold storage warehouse floor because that would compromise the integrity of the floor. The Phase II ESA recommended sampling the soil beneath the freezer floor for TPH upon removal of the building and its floor.

VOCs were not detected except for benzene in one sample and acetone in two samples. The detected concentrations were below their respective ESLs. In addition, the detected concentration of benzene was below the SSL. Based on the reported levels, the Phase II ESA concluded no further assessment for VOCs appears warranted.²⁵ PCBs were not detected in any soil samples analyzed.²⁶ Metals, including arsenic and lead, were detected at varying concentrations, all within background ranges that are naturally occurring in California soils.

(ii) *Former On-Site Gas and Oil Facility*

TPH and VOCs were analyzed in the borings for the former on-site gas and oil facility. TPH and VOCs were not detected in any soil samples analyzed.

(iii) *Transformer Room*

PCBs were analyzed in the borings for the transformer room. PCBs were not detected in any soil samples analyzed.

²³ These soil samples are inclusive of all the conditions listed in the Phase I ESA (two former petroleum USTs and associated piping; former gas and oil facility; transformer room; existing adjacent railroad tracks and former railroad spur on the northern portion of the Project Site; former spray painting facility on the Project Site; AST; and the former sheet metal shop onsite).

²⁴ Rincon Consultants, Inc., *Phase II ESA*, September 6, 2018, pages 1 and 2.

²⁵ Rincon Consultants, Inc., *Phase II ESA*, September 6, 2018, page 2.

²⁶ Rincon Consultants, Inc., *Phase II ESA*, September 6, 2018, page 2.

(iv) *Adjacent Railroad Tracks and Railroad Spur*

TPH, SVOCs, and metals were analyzed in the borings for the adjacent railroad tracks and railroad spur. While TPH was detected in the soils samples, the concentrations were below the SSL and ESL. SVOCs were not detected in any soil samples analyzed. Metals, including arsenic and cobalt, were detected at varying concentrations, all within background ranges that are naturally occurring in California soils.

(v) *Spray Painting Facility*

SVOCs, VOCs, and metals were analyzed in the borings for the spray painting facility. SVOCs and VOCs were not detected in any soil samples analyzed. Metals, including arsenic, were detected at varying concentrations, all within background ranges that are naturally occurring in California soils.

(vi) *Sheet Metal Shop and Manufacturing Use*

VOCs and metals were analyzed in the borings for the former sheet metal shop. While VOCs were detected in the soils samples for the adjacent railroad tracks, the concentrations were below the SSL and ESL. Metals, including arsenic, were detected at varying concentrations, all within background ranges that are naturally occurring in California soils.

(c) *Groundwater*

Groundwater depth at the Project Site is estimated to be at an elevation of approximately 57 to 61 feet bgs, although historic data shows it at much lower elevations.²⁷ Groundwater conditions may vary across the Project Site due to stratigraphic and hydrologic conditions and may change over time due to seasonal and meteorological fluctuations, or of activities by humans, such as heavy irrigation and groundwater injection, at the Project Site and nearby sites.

(d) *Methane Zones*

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

²⁷ KPFF Consulting Engineers, *Hydrology and Water Quality Report (Hydrology Report)*, June 3, 2020, page 7. Provided in Appendix H of this Draft EIR.

As stated in the Methane Report and the Preliminary Geotechnical Report, per the City Department of Public Works web-based mapping application Navigate LA, the northern portion of the Project Site is located in a City-designated methane buffer zone.^{28,29}

Eleven soil gas samples were collected as part of the Methane Report. As discussed therein, methane was not detected above the laboratory reporting limit (RL)³⁰ of 10 parts per million (ppm) in the shallow soil gas samples collected. In the deep soil gas samples (including replicates and confirmation samples) collected during the initial subsurface investigation, methane gas was detected above the laboratory RL in 12 of the 30 deep soil gas samples.

Sixteen additional deep soil gas samples (including replicates) were collected from two additional borings. Methane gas was detected above the laboratory RL in 14 of the 16 samples.

Based on the site investigation results, as described above, some of the results exceeded the LABDS Level V criteria. According to the ordinance, LABDS requires a Level V site design methane mitigation system as part of the building permit application process when the design methane concentration results are greater than 12,500 parts per million by volume (ppmv). The following methane system components are typically required for a Level V site design:

- Passive System:
 - Sub-slab vent lines (perforated horizontal pipes) connected to vent risers routed through the roof of the structure;
 - An impervious gas membrane;
 - Gravel blanket surrounding perforated horizontal pipes and the under the impervious membrane;
- Active System:
 - Pressure sensors below the impervious gas membrane;
 - A mechanical extraction system;
 - A dewatering system if the proposed sub-slab vent lines are to be located within 1 foot of the historical high groundwater table;
 - A gas detection system located in the lowest occupied space; and
 - Mechanical ventilation, an alarm system and a control panel.

²⁸ Wood Environment & Infrastructure Solutions, Inc., *Subsurface Methane Investigation Report*, September 18, 2018, page 5.

²⁹ Twining Consulting, *Preliminary Geotechnical Report*, October 30, 2018, page 9.

³⁰ The laboratory reporting limit (RL) is defined as the smallest concentration of a chemical that can be reported by a laboratory.

The soil gas sample collected from one of the borings was also analyzed for hydrogen sulfide, which was detected with a concentration of 1,500,000 parts per billion by volume (equivalent to 1,500 ppmv). Hydrogen sulfide, at certain concentrations, is an explosive and toxic gas often found in conjunction with methane gas. Unlike for methane gas, the LADBS does not have specific hydrogen sulfide testing and mitigation standards. However, a properly designed methane system would reduce the potential for hydrogen sulfide gas intrusion into buildings and structures.³¹

(e) *Airport Safety Provisions*

The Project Site is not within an airport land use plan and it is not within two miles of a public airport or public use airport. The nearest airport is the Hawthorne Municipal Airport located approximately 10 miles southwest of the Project Site.

(f) *Oil and Gas Fields*

A review of the CalGEM Online Mapping System (CalGEM Well Finder) indicates that no oil wells are located on the Project Site or adjacent properties.³² Two wells are located within 0.25 miles of the Project Site. One well, identified as API No. 037-05160, is located approximately 535 feet east of the Project Site, across the Railway Properties and the Los Angeles River. The well was plugged in accordance with CalGEM requirements in 2001. A second well, identified as API No. 03720600, is located approximately 1,200 feet west of the Project Site. The well was plugged immediately after it was drilled as it was found to contain no oil or gas.

(g) *Fire Hazards*

The Project Site is located in a highly urbanized area. No wildlands are present on the Project Site or surrounding area. Consequently, the Project Site is not within a City-designated wildfire hazard area.³³

(2) **Project with the Deck Concept**

As stated in Chapter II, *Project Description*, the Applicant seeks to construct a Deck that extends over a portion of the off-site Railway Properties east of the Project Site. Construction activities for the Deck would include excavation into the soil within the Railway Properties.

The Railway Properties have existed in their current location since at least 1890. A railroad spur previously crossed the northern portion of the Project Site from at least 1923 through 1983. Railroad ties were historically treated with creosote, and the track beds

³¹ Wood Environment & Infrastructure Solutions, Inc., *Subsurface Methane Investigation Report*, September 18, 2018, page 5.

³² California Geologic Energy Management Division (CalGEM), Well Finder, <https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-118.22469/34.03605/16>. Accessed March 5, 2021.

³³ City of Los Angeles Department of City Planning, *Safety Element of the Los Angeles City General Plan*, adopted November 26, 1996, Exhibit D – Selected Wildfire Hazard Areas in the City of Los Angeles.

were historically treated with herbicides for weed management. Therefore, hydrocarbons, metals, herbicides, and SVOCs (creosote, naphthalene) from the railroad activities could potentially be present in the soils surrounding the railroad tracks.

As previously discussed under Subsection 2.b.1.a, *Phase I ESA*, the railway tracks on the Railway Properties are considered to be PRECs. As noted in the Phase II ESA, soil borings were done along the northeastern boundary of the Project Site and in the former railroad spur on the northern portion of the Project Site. Testing was not conducted on the Railway Properties as the Railway Properties were not accessible. TPH and SVOC were not detected in any of the soil samples collected. While metals were detected at varying concentrations in the soils samples collected and analyzed, none of the detected concentrations of the metals exceeded ESLs, except for arsenic and cobalt. However, the concentrations of arsenic and cobalt were within the acceptable California background concentrations range published by the Kearney Foundation.³⁴

(3) Adjacent and Nearby Properties

There are nine sites adjoining or near the Project Site that are listed on federal, state, and/or local regulatory agency databases. They are as follows:

- Apex Wholesale Produce Inc.
- Alfred A Grant Company, Inc.
- Bailey and Schmitz Co.
- Riggs, E W
- Dean and Associates
- Lumary's Tire Service Inc.
- Sun Chemical
- BASF Inmont
- Santa Fe/W.A. grant

A significant environmental concern would result from the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, past release, or a materials threat of release of any hazardous substances or petroleum products into structures on the Project Site or into the ground, soil, groundwater, or surface water at the Project Site. Due to the location of the listed sites, which are hydrologically cross gradient with respect to the groundwater flow direction, these sites are not expected to represent a significant environmental concern for the Project Site. A complete list of all listed sites within the ATSM-required

³⁴ Kearney Foundation, *Background Concentrations of Trace and Major Elements in California Soils – Special Report*, University of California, 1996. The Kearney Foundation Special Report was the first comprehensive, scientific database on background concentrations of trace and major elements in California. The background concentrations are often used by public agencies and private studies for purposes of environmental monitoring, remediation of contaminated soils, land use planning, and ecological evaluations.

search distances, which can be up to one mile, is available in the Phase I ESA, provided in Appendix G-1 of this Draft EIR. The Phase I ESA includes more detailed description about each of the databases.

3. Project Impacts

a) Thresholds of Significance

In accordance with Appendix G of the CEQA Guidelines, a 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;

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;

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;

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 it create a significant hazard to the public or the environment;

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

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?

For this analysis, the Appendix G Thresholds are relied upon. The analysis utilizes factors and considerations identified in the City's 2006 L.A. CEQA Thresholds Guide, as appropriate, to assist in answering the Appendix G questions. The factors to evaluate hazards and hazardous materials impacts include:

(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 a project may require a new, or interfere with an existing, emergency response or evacuation plan, and the severity of the consequences.
- 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.
- 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 project design will reduce the frequency or severity of a potential accidental release or explosion of a hazardous substance.

b) Methodology

(1) General

This environmental analysis of potential impacts related to hazards and hazardous materials is based on a review of the results of the Phase I and II ESAs prepared for the Project and specific to the Project Site, a review of published reports and maps, and the LAMC. The Phase I and II ESAs reviewed the results for the Project Site and did not include analysis of the Railway Properties. While the Railway Properties were not included in the Phase I and II ESAs, the analysis provided is based on a general understanding of the current uses and the potential for hazardous conditions.

The Project would be regulated by the various laws, regulations, and policies summarized above in the Regulatory Framework. Compliance by the Project with applicable federal, state, and local laws and regulations is assumed in this analysis and local and state agencies would be expected to continue to enforce applicable requirements to the extent that they do so now. Note that compliance with many of the regulations is a condition of permit approval.

A significant impact would occur if, after considering the features described in Chapter II, *Project Description*, and compliance with regulatory requirements, a significant impact would still occur. For those impacts considered to be significant, mitigation measures are proposed to reduce the identified impacts.

(2) Phase I and II ESAs

The evaluation of hazardous conditions and materials associated with construction and operation of the Project is based primarily on the Phase I and II ESAs prepared for the

Project by Rincon Consultants, Inc., included in Appendix G-1 and G-2 of this Draft EIR, respectively.

The Phase I ESA identified the presence of hazardous materials occurring on the Project Site, the potential hazards posed by such materials, and recommendations for addressing identified potential hazards. The Phase I ESA was prepared to ASTM E1527-13, Standard Practice for Environmental Site Assessments, requirements for assessing the presence or potential presence of above-ground and subsurface hazardous materials at the Project Site, as well with the requirements of 40 CFR, Part 312, Standards and Practices for All Appropriate Inquiry.

Tasks performed for the Phase I ESA included a review of title information pertaining to the Project Site; review and summary of prior environmental documents pertaining to the Project Site; an evaluation of standard environmental record sources contained within federal, State, and local environmental databases within specific search distances; an evaluation of additional environmental record sources obtained from local regulatory departments/agencies; a qualitative evaluation of the physical characteristics of the Project Site through a review of published topographic, geologic, and hydrogeologic maps, published groundwater data, and area observations to characterize surface water flow conditions; an evaluation of past site and adjacent/nearby property uses through a review of historical resources; a physical inspection of the Project Site (interior and exterior) conducted to search for conditions indicative of potential environmental concerns (e.g., USTs; ASTs; associated tank piping; stained soil or pavement; equipment that may contain or have historically contained ACM, PCB, LBP, etc.); a physical assessment of indications of past uses and visual observations of adjacent surrounding properties to assess potential impacts to the Project Site; and interviews with the client, a site owner representative, and local regulatory official. Based on the aforementioned research, testing and monitoring, the Phase I ESA identified whether any RECs occur on the Project Site.

The Phase II ESA evaluated the potential impacts to the Project Site associated with the identified and PRECs. The tasks performed as part of the Phase II ESA included obtaining a soil boring permit, developing a health and safety plan, notifying utility services prior to drilling, soil sampling, and reporting.

(3) Methane Investigation

Per the LADBS Site Testing Standards for Methane, one shallow soil gas probe is required for every 10,000 square feet of the Project Site, and one deep multiple-depth gas probe set for every 20,000 square feet of the Project Site. The Project Site is approximately 205,000 square feet and, therefore, required 21 shallow soil gas sampling probes. However, since the majority of the Project Site is currently developed with buildings, the use of a standard drill rig to reach the required boring depths was not possible and posed a risk of potentially damaging the subsurface refrigeration systems in the buildings. Moreover, the northern portion of the Project Site is currently in use for construction staging for the Sixth Street Viaduct Replacement Project and was not

accessible to a standard drill rig. Therefore, methane investigation fieldwork could only be conducted at the truck loading docks and in the surface parking lots on the Project Site. Nonetheless, the results of the methane investigation indicated that the proposed buildings, per LAMC requirements, would require a properly designed methane mitigation system.

c) Project Design Features

No Project Design Features are proposed with regard to hazards and hazardous materials.

d) Analysis of Project Impacts

Threshold (a): Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

(1) Impact Analysis

(a) Construction

Construction activities required for the Project would involve trenching, excavation, grading, and other ground-disturbing activities, as well as the removal of on-site hazardous materials and soils. During the demolition and construction phase, construction equipment and materials may include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures, which are all commonly used in construction. It is reasonably anticipated that materials would be used, stored, and disposed of in consumer quantities and in accordance with applicable laws and regulations and manufacturers' instructions. The Project, including paint and solvent used on the new mixed-use buildings, would be required to comply with SCAQMD Rule 1113. As discussed below under Threshold (b), there is potential that contamination could be encountered during construction, particularly during excavation activities. However, the excavated impacted soils would be transported safely and in compliance with all applicable regulations and would therefore not create a significant hazard to the public or the environment. Compliance with applicable federal, state, and local requirements concerning the handling, storage, and disposal of hazardous waste would reduce the potential to release contaminants. **Therefore, impacts related to the routine transport, use, and disposal of hazardous materials during demolition and construction of the Project would be less than significant.**

(b) Operation

Project operation would involve a mix of residential uses, commercial uses, parking, and associated landscape and open space amenities. Limited quantities of common maintenance and janitorial supplies, such as cleaners and solvents for kitchens and bathrooms, paints and thinners for site maintenance, and other common chemicals found in typical residential and commercial uses, would be used during operation of the Project.

The Project does not include any industrial land uses. The limited quantities and nature of chemical use by the Project would not be considered significant. The use of these materials would be in small quantities and in accordance with the manufacturers' specifications for use, storage, and disposal of such products which have been formulated to avoid substantial exposure hazards. Compliance with applicable federal, state, and local requirements concerning the handling, storage and disposal of hazardous waste would reduce the potential to release contaminants. **Therefore, impacts related to the routine transport, use, and disposal of hazardous materials during Project operation would be less than significant.**

(c) *Project with the Deck Concept*

As stated and described in Chapter II, *Project Description*, the Applicant seeks to construct a Deck that extends over a portion of the off-site Railway Properties east of the Project Site. Construction activities for the Project with the Deck Concept would be similar to the Project and would involve excavation and other ground-disturbing activities. Excavation depths for the Project with the Deck Concept would be the same as the Project.

Construction equipment and materials used during construction would be similar to the Project under the Project with the Deck Concept and would similarly comply with applicable federal, state, and local requirements concerning the handling, storage, and disposal of hazardous waste. This would reduce potential to release contaminants. Therefore, impacts related to the routine transport, use, and disposal of hazardous materials during demolition and construction of the Project with the Deck Concept would be less than significant.

As discussed in Chapter II, *Project Description*, of the Draft EIR, similar to the Project, the Project with the Deck Concept would include the same uses as proposed under the Project along with the addition of the Deck. As such, the Project with the Deck Concept would not include any additional operational functions or uses that would require the use of different hazardous materials during operation. Therefore, impacts related to the routine transport, use, and disposal of hazardous materials during operation of the Project with the Deck Concept would be less than significant.

The Project with the Deck Concept would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and impacts would be less than significant.

(2) Mitigation Measures

Impacts regarding the routine transport, use, and disposal of hazardous materials during construction and operation were determined to be less than significant without mitigation. Therefore, no mitigation measures are required.

(3) Level of Significance after Mitigation

Impacts regarding the routine transport, use, and disposal of hazardous materials during construction and operation were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.

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

(1) Impact Analysis

(a) Construction

(i) ACMs and LBPs

Based on the age of the buildings on the Project Site, there is a potential for the presence of ACMs and LBPs in the on-site buildings, and, if released into the environment, ACMs and LBPs could pose a significant hazard to construction workers or the public during demolition and removal of buildings and structures. Remediation or abatement of these materials in accordance with all applicable regulations and standards before building demolition commences would reduce impacts to less than significant.

Through compliance with regulations, including Section 19827.5 of the California HSC and California Occupational Safety and Health Administration's (Cal/OSHA) Lead in Construction Standards and SCAQMD Rule 403, Project construction would not create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous building materials. As such, impacts would be less than significant.

(ii) Methane and Hydrogen Sulfide

As discussed above in Subsection 2.b, *Existing Conditions*, under Methane Zones, the northern portion of the Project Site is located within a Methane Buffer Zone. The subsurface investigation conducted throughout the Project Site reported methane gas detected above the laboratory RL and reported detection of hydrogen sulfide. Due to the potential environmental (e.g., flammability, combustibility) and health (e.g., asphyxiation from oxygen displacement) risk associated with construction within a Methane Buffer Zone and the possible exposure of construction workers to methane and hydrogen sulfide, construction activities and workers would be required to comply with OSHA and Cal/OSHA regulations, including but not limited to 29 CFR 1926.55 and 8 CCR Section 5416, to develop and enforce workplace safety standards and ensure worker safety during construction. Project contractors would be required to comply with OSHA and Cal/OSHA regulations regarding any potential construction activities that may cause a release of methane or exposure to hydrogen sulfide in order to increase worker safety

and reduce the possibility of exposure during construction. The Project would be subject to developmental regulations pertaining to ventilation and methane gas detection systems that are mandated by the City. Development would occur per the provisions of the LAMC, Division 71 Methane Mitigation Standards Ordinance (Ordinance No. 175,790). Prior to the issuance of a grading permit, the site conditions and protocols for the methane gas mitigation systems would need to be defined in conformance with Ordinance No. 175,790.

Compliance with City requirements would ensure that the Project would not result in reasonably foreseeable upset or accident conditions involving the release of methane gas or hydrogen sulfide into the environment. Therefore, impacts related to methane and hydrogen sulfide would be less than significant.

(iii) *Impacted Soils*

As discussed above in Subsection 2.b, *Existing Conditions*, the Phase II ESA included the advancement of 14 soil borings in March 2018 for the collection of soil and soil vapor samples to further investigate the RECs and PRECs related to the current and previous uses on the Project Site. The Phase II ESA indicated the following known and PRECs on the Project Site:

- TPH as diesel is present in the soil beneath the Project Site in the vicinity of the former on-site USTs on the southeastern portion of the Project Site at concentrations that exceed the ESLs and SSLs to which they were compared.³⁵ In addition, the Project has a long history of industrial use, including as a gas and oil storage facility.
- The soil beneath the freezer floor in the freezer/cold storage warehouse was not tested because drilling through the freezer floor would compromise the integrity of the freezer/cold storage warehouse. The lateral and vertical extent of the TPH-diesel in soil beneath buildings is not known.

Based on the above known and PRECs on the Project Site, it is possible that contamination could be encountered during construction, particularly during excavation activities, as it relates to the former on-site USTs and freezer/cold storage warehouse. Note that the former USTs would be removed in accordance with CHS, Division 20, Chapter 6.7, and CCR Title 23, Division 3, Chapter 16 and Chapter 18. In the absence of proper handling procedures, soil excavation at the Project Site could expose construction workers and the environment to elevated concentrations of hazardous materials during Project construction. These impacts are considered potentially significant.

(iv) *Conclusion*

Based on the above, Project impacts during construction related to creating a significant hazard to the public or the environment through reasonably foreseeable

³⁵ Rincon Consultants, Inc., *Phase II ESA*, September 6, 2018, page 9.

upset and accident conditions involving the release of hazardous materials into the environment would be potentially significant and mitigation is required.

(b) Operation

Operation of the Project would consist of the typical and common activities associated with mixed-use development, including office space, hotel, multi-family residential housing units, Arts District Central Market, a grocery store, general retail uses, restaurants, studio/event/gallery space, potential museum, and a gym. No hazardous materials would be used during day-to-day operation of the Project other than typical housekeeping, restaurant, vehicle, pool, and landscape maintenance materials, such as cleaning supplies, paints and thinners, fuels, oil and grease, pesticides, herbicides, water disinfectants, and fertilizers. In addition, the use of these materials would be in relatively small quantities and in accordance with the manufacturers' instructions for reasonably foreseeable upset or accident conditions involving the release of hazardous materials. As it relates to methane gas or hydrogen sulfide, the methane mitigation systems required to be installed by Ordinance No. 175,790, would be in place during operation of the Project. Compliance with City requirements would ensure that the Project would not result in reasonably foreseeable upset or accident conditions involving the release of methane gas or hydrogen sulfide into the environment. **Based on the above, operation of the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and impacts would be less than significant.**

(c) Project with the Deck Concept

As it relates to ACMs and LBPs, the Project with the Deck Concept would include demolition of the same buildings as required under the Project and no new buildings would be removed. As such, through compliance with regulations, including Section 19827.5 of the California HSC and Cal/OSHA's Lead in Construction Standards and SCAQMD Rule 1403, construction of Project with the Deck Concept would not create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials. As such, impacts would be less than significant.

With regard to Methane Buffer Zone, as with the Project, the northern portion of the Project Site would be developed and would require the construction of a methane mitigation system as a condition of the construction permit. The Railway Properties are not within a Methane Buffer Zone and the construction of a methane mitigation system is not required for this area pursuant to Ordinance No. 175,790.³⁶ However, given the methane gas levels identified for proximate areas of the Project Site, potential impacts due to encountering methane gas during construction of the Deck are considered significant. In the event that methane is discovered, upon implementation of Mitigation

³⁶ City of Los Angeles, *Methane and Methane Buffer Zones*, 2004.

Measure HAZ-MM-3, a methane mitigation system would be required pursuant to Ordinance No. 175,790. As it relates to the potential for encountering soil gases during construction activities, the contractor would be required to comply with OSHA and Cal/OSHA regulations regarding the release or exposure to airborne contaminants, including methane and hydrogen sulfide, in order to increase worker safety and reduce the possibility of exposure during construction.

Similar to the Project, contaminated soils could be encountered during construction, particularly during excavation activities, as it relates to the former on-site USTs and freezer/cold storage warehouse. In the absence of proper handling procedures, soil excavation at the Project Site could expose construction workers and the environment to elevated concentrations of hazardous materials during Project construction. These impacts are considered potentially significant.

As discussed in the Phase I ESA, railroad ties were historically treated with creosote, and track beds were historically treated with herbicides, such as oil and arsenic, for weed management. In addition, other hazardous materials from rail cars may also be present in the soils. The soil within the Railway Properties has not been tested and it is unknown if metals may be present in the soil. As discussed above, the results of soil testing along the eastern boundary of the Project Site adjacent to the Railway Properties did not result in levels exceeding applicable regulatory standards for TPH gasoline. However, soils on the Railway Properties may be impacted by TPH diesel, TPH oil, SVOCs, and metals. Therefore, it is possible that previously unknown contamination could be encountered during construction, particularly during excavation activities. In the absence of proper handling procedures, soil excavation at the Railway Properties could expose workers to elevated concentrations of hazardous materials (that were previously unknown) during Project construction. These unforeseen impacts could be potentially significant.

Based on the above, impacts during construction related to creating 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 would be potentially significant and mitigation would be required.

As discussed in Chapter II, *Project Description*, of the Draft EIR, similar to the Project, the Project with the Deck Concept would include the same uses as proposed under the Project along with the addition of the Deck. As such, the Project with the Deck Concept would not include any additional operational functions or uses that would require the use of different hazardous materials during operation. Additionally, in the event of an emergency involving a hazardous materials release due to the continued railroad and railyard uses under or in proximity to the Deck, as required by CCR Title 19 Section 2631, the responsible person must immediately report any significant release or threatened release of a hazardous material to the Cal OES State Warning Center and to the LAFD. The LAFD, as the designated CUPA, would be responsible for emergency response procedures and programs to combat the risk of release of hazardous materials with response protocols similar to those that apply along other railway segments in proximity

to urban land uses. The LAFD must report the exact location of the release or threatened release, the name of the person reporting the release, the hazardous materials involved in the release, an estimate of the quantity of hazardous materials involved, and if known, the potential hazards presented by the material involved. **Therefore, operation of the Project with the Deck Concept would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving hazardous materials as a result of contaminated soils or soil vapors, and impacts would be less than significant.**

(2) Mitigation Measures

The following mitigation measures address impacts related to contaminated soils and groundwater:

HAZ-MM-1: Health and Safety Plan. The construction contractor(s) shall prepare and implement site-specific Health and Safety Plans (HASP) in accordance with 29 CFR 1910.120 to protect construction workers and the public during all excavation and grading activities, due to the potential to encounter TPH diesel, TPH oil, TPH gasoline, SVOCs, and total metals during construction. This HASP shall be submitted to the LADBS for review prior to commencement of demolition and construction activities and as a condition of the grading, construction, and/or demolition permit(s). The HASP shall include, but is not limited to, the following elements:

- Designation of a trained, experienced site safety and health supervisor who has the responsibility and authority to develop and implement the site HASP;
- A summary of all potential risks to demolition and construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals;
- Specified personal protective equipment and decontamination procedures, if needed;
- Emergency procedures, including route to the nearest hospital; and

Procedures to be followed in the event that evidence of potential soil contamination (such as soil staining, noxious odors, debris or buried storage containers) is encountered. These procedures shall be in accordance with hazardous waste operations regulations and specifically include, but are not limited to, the following: immediately stopping work in the vicinity of the unknown hazardous materials release, and retaining a qualified environmental firm to perform sampling and remediation, as needed.

HAZ-MM-2: Soil and Groundwater Management Plan. In support of the HASP described above in Mitigation Measure HAZ-MM-1, the contractor(s) shall develop and implement a Soil and Groundwater Management Plan (SGMP) that includes a materials disposal plan specifying how the construction contractor(s) will remove,

handle, transport, and dispose of all excavated materials and dewatering effluent in a safe, appropriate, and lawful manner. The SGMP shall include the following, at a minimum:

- Site description, including the hazardous materials that may be encountered.
- Roles and responsibilities of onsite workers, supervisors, and the regulatory agency.
- Training for site workers focused on the recognition of and response to encountering hazardous materials.
- Protocols for the materials (soil and/or dewatering effluent) testing, handling, removing, transporting, and disposing of all excavated materials and dewatering effluent in a safe, appropriate, and lawful manner.
- Confirmation sampling to verify that the remaining soil and/or groundwater at the site does not have chemical concentrations above screening levels for the applicable planned land use.
- Identification of licensed disposal sites permitted to accept the waste materials.
- Reporting requirement to the overseeing regulatory agency, documenting that site activities were conducted in accordance with the SGMP.

The SGMP shall include a groundwater dewatering control and disposal plan specifying how groundwater (dewatering effluent), if encountered, will be handled and disposed of in a safe, appropriate, and lawful manner. The groundwater portion of the SGMP shall include the following, at a minimum:

- The locations at which groundwater dewatering is likely to be required.
- Test methods to analyze groundwater for hazardous materials.
- Appropriate treatment and/or disposal methods.

This SGMP shall be submitted to the LADBS for review prior to commencement of demolition and construction activities and as a condition of the grading, construction, and/or demolition permit(s). Contract specifications shall mandate full compliance with all applicable local, state, and federal regulations related to the identification, transportation, and disposal of hazardous materials, including those encountered in excavated soil and dewatering effluent.

(a) *Project with the Deck Concept*

HAZ-MM-3: Prior to construction of the Deck and any associated soil disturbing activities at the Railway Properties, the construction contractor shall retain and consult a qualified environmental professional to conduct a soil sampling assessment, in accordance with applicable regulations. It is anticipated that the soil samples would be analyzed for TPH gasoline, TPH diesel, TPH oil, SVOCs, and total metals. While the Railway Properties are not within a Methane Buffer

Zone, methane/soil gas testing shall also be conducted as part of the soils sampling assessment. The soil analytical results shall be compared to applicable screening levels established by the appropriate regulating agencies. In the event that methane gas is detected above the laboratory RL, construction of the Project with the Deck would occur per the provisions of the LAMC, Division 71 Methane Mitigation Standards Ordinance.

In the event elevated contaminant levels or methane gas levels are reported that exceed applicable regulatory standards, Mitigation Measures HAZ-MM-1 and HAZ-MM-2 would be implemented for the Project Site, which would include the Railway Properties under the Project with the Deck Concept.

(3) Level of Significance after Mitigation

To ensure the proper management of contaminated soils and to reduce the risk of impacts to construction workers, the public, or the environment, the Project would be required to implement Mitigation Measure HAZ-MM-1, which requires the preparation and implementation of a site-specific HASP in accordance with federal and state OSHA regulations, and Mitigation Measure HAZ-MM-2, which requires the preparation and implementation of a SGMP prior to and during Project construction. Groundwater management is included because up to five levels of below grade parking may be constructed, which would encounter groundwater that has not been tested.

(a) *Project with the Deck Concept*

As it relates to the Project with the Deck Concept, Mitigation Measure HAZ-MM-3 (which includes implementation of Mitigation Measures HAZ-MM-1 and HAZ-MM-2 in the event of elevated contaminant levels or soil gas levels that exceed applicable regulatory standards) would be implemented, which requires soil sampling and testing for methane/soil gas in accordance with applicable guidelines and methods and analyzed against applicable regulatory screening levels within the Railway Properties, specifically for areas where earthwork would occur for the construction of the Deck. In the event that, upon implementation of Mitigation Measure HAZ-MM-3, methane is detected, the Project with the Deck Concept would implement a methane mitigation system which would be required pursuant to Ordinance No. 175,790. Under the Project with the Deck Concept, if elevated contaminant levels are detected in the soil sampling, Mitigation Measures HAZ-MM-1 and HAZ-MM-2 would be required to reduce impacts related to contaminated soil and groundwater.

With implementation of Mitigation Measures HAZ-MM-1, HAZ-MM-2, and HAZ-MM-3, potentially significant impacts with respect to the public or the environment from the release of hazardous materials released during upset and/or accident conditions would be reduced to a less-than-significant level.

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) Construction

There are no existing or proposed schools within 0.25 miles of the Project Site. The closest schools to the Project Site are Los Angeles Unified School District (LAUSD) Metropolitan High School located approximately 0.26 mile to the southeast and LAUSD Para Los Niños Elementary School approximately 0.40 mile to the east. The closest proposed school to the Project Site is about 0.35 mile northwest of the Project Site. Since there are no existing or proposed schools within 0.25 miles of the Project Site, construction is not expected to cause risk to the public or nearby schools. **Therefore, Project construction would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school, and impacts would be less than significant.**

(b) Operation

No schools are located within 0.25 miles of the Project Site, and the closest proposed school to the Project Site is about 0.35 mile northwest of the Project Site. Further, no hazardous materials would be used during day-to-day operation of the Project other than typical housekeeping, restaurant, vehicle, pool, and landscape maintenance materials, such as cleaning supplies, paints, oil, grease, pesticides, herbicides, water disinfectants, and fertilizers. These materials would typically be used in small quantities and in accordance with the manufacturer's instructions for use, storage, and disposal of such products. **Therefore, Project operation would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school, and impacts would be less than significant.**

(c) Project with the Deck Concept

The addition of the Deck would not extend the boundaries of the Project Site such that a school would be within 0.25 miles of the Project Site. The Project with the Deck Concept would also include the same uses as proposed under the Project along with the addition of the Deck. As such, the Project with the Deck Concept would include similar construction activities and would not include any additional operational functions or uses that would require the use of different hazardous materials during operation. **Therefore, construction and operation of the Project with the Deck Concept would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school, and impacts would be less than significant.**

(2) Mitigation Measures

Impacts with respect to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school would be less than significant. Therefore, no mitigation measures would be required.

(3) Level of Significance after Mitigation

Impacts with respect to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed 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 it create a significant hazard to the public or the environment?

(1) Impact Analysis

The Project Site is located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.³⁷ However, the listing is a permit for air emissions for a former textile manufacturing facility. The facility had no records of violations and is no longer operating at the Project Site. **Therefore, the impact of being identified on a hazardous materials site list would be less than significant.**

(a) *Project with the Deck Concept*

With respect to the Project with the Deck Concept, as previously stated, the listing for the Project Site is a permit for air emissions for a former textile manufacturing facility. The facility had no records of violations and is no longer operating at the Project Site. In addition, the Railway Properties, where the Deck would be developed under the Project with the Deck Concept, is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.³⁸ **Therefore, the impact of being identified on a hazardous materials site list under the Project with the Deck Concept would be less than significant.**

(2) Mitigation Measures

Impacts with respect to being identified on a hazardous materials list would be less than significant. Therefore, no mitigation measures are required.

³⁷ Rincon Consultants, Inc., *Phase II ESA*, September 6, 2018, pages 11 and 12.

³⁸ California Department of Toxic Substances Control, *EnviroStor – Hazardous Waste and Substances Site List*, https://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&reporttype=CORTESE&site_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST, accessed June 4, 2020.

(3) Level of Significance after Mitigation

Impacts with respect to being identified on a hazardous materials list would be less than significant without mitigation.

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

As discussed in Subsection VI.6, *Impacts Found Not to Be Significant*, and in the Initial Study (Appendix A-2), the Project Site is not within an airport land use plan, and it is not within two miles of a public airport or public use airport. The nearest airport is the Hawthorne Municipal Airport located over 10 miles southwest of the Project Site. Therefore, the Project and the Project with the Deck Concept would not result in an airport-related safety hazard for people residing or working in the Project vicinity. **As a result, no impact would occur with respect to the Project or the Project with the Deck Concept resulting in a safety hazard or excessive noise for people residing or working at the Project Site, and no further analysis is required.**

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

(1) Impact Analysis

The Project Site is located in an established urban area that is well-served by the surrounding roadway network. No City-designated Selected Disaster Routes border the Project Site – the closest routes are Santa Fe Avenue located one-half block to the west, I-10 located approximately 0.38 mile to the south, and US-101 located approximately 0.37 mile to the east.³⁹ The Project would not physically alter the City’s designated disaster routes. The Project would not include design features, objectives, or operations that would amend or alter adopted emergency response plans and/or emergency evacuation plans.

(a) Construction

During construction of the Project, heavy construction-related vehicles could interfere with emergency response to the Project Site or emergency evacuation procedures in the event of an emergency (e.g., vehicles traveling behind the slow-moving truck). Most construction activities would occur within the Project Site boundaries. Certain construction activities, such as trenching for connection to existing utilities in the streets and construction of driveways, including connecting the Project to the 7th Street Bridge, could result in temporary lane closures or lane narrowing. However, while such construction activities could temporarily interfere with traffic in the surrounding area and effect

³⁹ City of Los Angeles Department of City Planning, *Safety Element of the Los Angeles City General Plan*, adopted November 26, 1996, Exhibit H – Critical Facilities & Lifeline Systems.

emergency response or evacuation plans, as described in Section IV.L, Transportation, of the Draft EIR, the Project would implement Project Design Feature TRAF-PDF-1, Construction Traffic Management Plan, which includes procedures and strategies for controlling potential effects of construction along the Project Site edges and construction vehicles and equipment entering the Project Site. The Construction Traffic Management Plan would also include procedures to maintain two-way traffic flow and would ensure that adequate access for emergency vehicles would be maintained. **Therefore, Project construction impacts related to impairment of implementation of or physical interference with an adopted emergency response plan or evacuation plan would be less than significant.**

(b) *Operation*

The Project would not include land uses that would constitute a potential hazard to the community (e.g., airport, oil refinery, or chemical plant) or physically alter the City's designated disaster routes. Furthermore, the Project would not include design features, objectives, or operations that would amend or alter adopted emergency response plans and/or emergency evacuation plans.

As discussed in Sections IV.K.1, *Fire Protection*, and IV.K.2, *Police Protection*, impacts to these services from Project implementation would be less than significant. Under the Project, Santa Fe Avenue, I-10, and US-101 would still be available as City designated disaster routes, even with the addition of Project traffic. No policy or procedural changes to an existing risk management plan, emergency response plan, or evacuation plan would be required due to Project implementation. Furthermore, during an unanticipated disaster event, the EOO along with City agencies (i.e., LAPD and LAFD) would implement operational protocols, as well as plans and programs, on a case-by-case basis, to facilitate emergency evacuations and/or response, which would consider traffic conditions at the time of the emergency. In such instances, traffic would be routed along the City's numerous disaster routes, as determined appropriate by the applicable responding City agencies. In addition, as described in Sections IV.K.1, *Fire Protection*, and IV.K.2, *Police Protection*, of the Draft EIR, the drivers of emergency vehicles normally have a variety of routes and measures for dealing with traffic and congestion, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic.

While Project would result in modifications to site access, site accessibility and design would be reviewed and approved by the LAFD. The Project would also be required to establish, implement, and maintain on file an emergency response plan, which would be inspected annually by the LAFD. Project accessibility features would not adversely affect the delivery of emergency services in the Project vicinity.

Based on the above, Project operational impacts related to impairment of implementation of or physical interference with an adopted emergency response plan or evacuation plan would be less than significant.

(c) *Project with the Deck Concept*

With the inclusion of the Deck, construction activities would extend adjacent to the Project Site boundaries and into the Railway Properties. The Project with the Deck Concept would include the same uses as proposed under the Project along with the addition of the Deck. As such, the Project with the Deck Concept would include similar construction activities and would not include any additional operational functions or uses that would require amending or altering adopted emergency response plans and/or emergency evacuation plans. As with the Project, the Project with the Deck Concept would require implementation of a Construction Traffic Management Plan as a condition of grading and/or construction permits to ensure that construction does not interfere with emergency access. In addition, similar to the Project, Santa Fe Avenue, I-10, and US-101 would still be available as City designated disaster routes, even with the addition of Project with the Deck Concept traffic. As with the Project, the Project with the Deck Concept would result in modifications to site access, site accessibility and design would be reviewed and approved by the LAFD. The Project would also be required to establish, implement, and maintain on file an emergency response plan, which would be inspected annually by the LAFD. **Therefore, impacts under the Project with the Deck Concept related to impairment of implementation of or physical interference with an adopted emergency response plan or evacuation plan would be less than significant.**

(2) Mitigation Measures

Impacts regarding the impairment of implementation or interference with an adopted emergency response plan or emergency evacuation plan were determined to be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance after Mitigation

Impacts regarding the impairment of implementation or interference with an adopted emergency response plan or emergency evacuation plan were determined to 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?

As discussed in Subsection VI.6, *Impacts Found Not to Be Significant*, and in the Initial Study (Appendix A-2), the Project Site is located in an urbanized area. No wildlands are present on the Project Site or surrounding area. Furthermore, the Project Site is not within a City-designated wildfire hazard area, or a CAL FIRE, Fire Hazard Severity Zone.⁴⁰ **Therefore, no impact would occur with respect to the Project or the Project with the Deck Concept exposing people or structures, directly or indirectly, to a significant risk involving wildland fire, and no further analysis is required.**

⁴⁰ City of Los Angeles Department of City Planning, *General Plan Safety Element*, adopted November 26, 1996, page 53.

e) Cumulative Impacts

(1) Impact Analysis

Generally, the geographic context for cumulative impact analysis of hazards and hazardous materials includes the related projects in the vicinity of the Project Site that, when viewed together with the Project, could incrementally increase a hazards impact to a significant level. As previously stated, the Phase I ESA prepared for the Project identified potentially hazardous conditions located within search distances that varied from 0.25 miles to one mile from the Project Site, as indicated by the databases reviewed. The Phase I ESA concluded that based on distance, topography, gradients, current regulatory status, and the absence of reported releases, none of the sites surrounding the Project Site represent a likely past, present, or material threat of release.

Construction and operation of the related projects (e.g., primarily the development currently occurring in the Arts District) could reasonably be expected to involve the limited use of potentially hazardous materials typical those used in residential and commercial developments, including gasoline, lubricants, cleaning agents, paints, and pesticides. Each related project would be subject to applicable laws and regulations and manufacturers' specifications to ensure the safe transport, storage, handling, and disposal of such materials.

As identified in Chapter III, *Environmental Setting*, of this Draft EIR, there are 141 related projects in the Project vicinity. There are nine related projects within 0.25 miles of the Project Site, the majority of which are mixed-use projects with commercial and residential components, and one is an industrial park southwest of the Project Site. These include:

- Related Project No. 1: 540 S Santa Fe Avenue office project to the north;
- Related Project No. 9: 2051 E. 7th Street mixed-use project to the southwest;
- Related Project No. 11: 826 S. Mateo Street residential project to the southwest;
- Related Project No. 12: 2030 E. 7th Street office and retail project to the south;
- Related Project No. 20: 2130 E. Violet Street office and retail project to the south;
- Related Project No. 22: 1800 E. 7th Street residential and office project to the southwest;
- Related Project No. 35: 676 Mateo Street residential and commercial project to the west;
- Related Project No. 45: 640 S. Santa Fe Avenue commercial and residential project to the west;
- Related Project No. 57: 1005 S. Mateo Street industrial park project to the southwest; and
- Related Project No. 68: 641 Imperial Street residential and office project to the west.

Construction and operation of the related projects can reasonably be expected to involve the limited use of potentially hazardous materials typical of those used in residential and commercial developments, including fuels, oil and lubricants, solvents and cleaning agents, paints and thinners, and pesticides. However, potentially hazardous materials typically used in such developments are commonplace and would be present in relatively small quantities. Related Project No. 57, which is an industrial park project, could involve the routine use of hazardous materials. Each of these developments must comply with its site-specific development standards, such as federal OSHA regulations (29 CFR 1910.120) and Cal/OSHA regulations (8 CCR Title 8, Section 5192), HSC Section 25500 et seq., SB 1082, City of Los Angeles Hazardous Materials Plan required by Chapter 6.95 of the HSC, and federal and state hazardous materials handling and transporting regulations (USDOT Hazardous Materials Transportation Act of 1975 [49 USC 5101], Federal Motor Carrier Safety Administration [49 CFR Part 383-397]) as described above in Subsection IV.F.2, *Environmental Setting*, under *Regulatory Framework*.

Moreover, each related project would be subject to applicable manufacturers' specifications and regulations intended to ensure the safe transport, storage, handling, and disposal of such materials. This reduces the potential for the individual projects to contribute to significant cumulative impacts related to hazards and hazardous materials.

Finally, as discussed above in Threshold (b), Mitigation Measures HAZ-MM-1 and HAZ-MM-2 shall be required for the Project to mitigate potential impacts related to contaminated soil and/or groundwater encountered during construction to less-than-significant levels. Implementation of the identified mitigation measures would prevent the release of hazardous materials into the environment and ensure that Project impacts would not be cumulatively considerable. Furthermore, related projects that also have the potential to encounter contaminated soil and/or groundwater would also be required to prepare and implement similar mitigation measures to mitigate exposing construction workers, the public, and the environment to hazardous materials.

As discussed in the construction portion of Threshold (f), the Project would be required to prepare and implement a Construction Traffic Management Plan as a condition of obtaining grading and/or construction permits to ensure that construction does not interfere with emergency access. Similarly, cumulative projects that may restrict traffic flow would also be required to prepare and implement a Construction Traffic Management Plan. The construction traffic management plans that are required for all projects would reduce the potential for the individual projects to contribute to significant cumulative impacts related to emergency access. As discussed in the operations portion of Threshold (f), Project site accessibility and design would be reviewed and approved by the LAFD. The Project would also be required to establish, implement, and maintain on file an emergency response plan, which would be inspected annually by the LAFD. Similarly, cumulative projects would also be required to establish, implement, and maintain on file an emergency response plan, which would be inspected annually by the LAFD. Furthermore, the City revises its emergency response/evacuation plans on a periodic basis, as required, to address increased growth and changes in regulatory requirements.

For these reasons, the Project, together with related projects, would provide adequate accessibility features and would not adversely affect the delivery of emergency services or impair emergency evacuation in the Project vicinity. **Therefore, cumulative impacts associated with hazards and hazardous materials would be less than significant.**

(a) *Project with the Deck Concept*

Cumulative impacts associated with hazards and hazardous materials would be similar under the Project and the Project with the Deck Concept. As discussed above under Threshold (b), Mitigation Measures HAZ-MM-1, HAZ-MM-2, and HAZ-MM-3 shall be required for the Project with the Deck Concept to mitigate potential impacts related to contaminated soil and/or groundwater encountered during construction to less-than-significant levels. Similar to the Project, implementation of the identified mitigation measures would prevent the release of hazardous materials into the environment and ensure that impacts would not be cumulatively considerable. The Project with the Deck Concept would also be required to prepare and implement a Construction Traffic Management Plan as a condition prior to obtaining grading and/or construction permits to ensure that construction does not interfere with emergency access. Thus, the conclusions regarding cumulative impacts presented above are the same and apply to the Project and the Project with the Deck Concept. **Therefore, cumulative impacts associated with hazards and hazardous materials would be less than significant.**

(2) Mitigation Measures

Cumulative impacts related to hazards and hazardous materials would be less than significant. No mitigation measures to address cumulative impacts are required.

(3) Level of Significance after Mitigation

Cumulative impacts related to hazards and hazardous materials would be less than significant without mitigation.