

IV. Environmental Impact Analysis

D. Hazards and Hazardous Materials

1. Introduction

This section provides an analysis of potential impacts that would occur relative to hazards and hazardous materials due to implementation of the project. The analysis is based largely on a Phase I Environmental Site Assessment Update (Phase I Update) prepared for 6121 Sunset Boulevard (May 2006) and a Phase I Environmental Site Assessment (Phase I) and Preliminary Screening Subsurface Assessment (Phase II) prepared for 6122 and 6124 Selma Avenue (July 2006). The reports, which were all prepared by California Environmental Geologists Engineers Inc., are provided in Appendix D of this EIR.

2. Environmental Setting

a. Regulatory Framework

(1) Hazardous Materials Management

The use and storage of hazardous materials are subject to local, State, and Federal regulations. At the local level, the Los Angeles Fire Department (LAFD) monitors the storage of hazardous materials for compliance with the local requirements. Specifically, businesses and facilities which store more than threshold quantities of hazardous materials as defined in Chapter 6.95 of the California Health and Safety Code are required to file an Accidental Risk Prevention Program with the LAFD. This program includes information such as emergency contacts, phone numbers, facility information, chemical inventory, and hazardous materials handling and storage locations. In addition, employees and employees of contractors that handle hazardous wastes or are potentially exposed to hazardous wastes, are required under Federal Occupational Safety and Health Administration (OSHA) (29 C.F.R. §1910.120) and State OSHA (Cal-OSHA) regulations to be trained and certified to handle hazardous waste and materials.

The Department of Toxic Substances Control (DTSC) regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC operates programs to accomplish the following: (1) deal with

the aftermath of improper hazardous waste management by overseeing site cleanups; (2) prevent releases of hazardous waste by ensuring that those who generate, handle, transport, store, and dispose of wastes do so properly; and (3) evaluate soil, water, and air samples taken at sites.

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

(2) Asbestos Containing Materials

Asbestos, which is made up of microscopic fibers, is a naturally occurring mineral. Asbestos has unique qualities which include its strength, fire resistance, resistance to chemical corrosion, poor conduction of heat, noise, and electricity, and low cost. Asbestos has been widely used in the building industry for a variety of uses, including acoustic and thermal insulation and fireproofing. It is often found in ceiling and floor tiles, linoleum, and pipes, as well as on structural beams and asphalt. Despite its useful qualities, asbestos is associated with lung diseases caused by inhalation of airborne asbestos fibers. Asbestos becomes a hazard if the fibers separate and become airborne. Any building, structure, surface asphalt driveway, or parking lot constructed prior to 1989 could contain asbestos containing materials (ACM).

In California, any facility known to contain asbestos is required to have a written asbestos management plan (also known as an Operations and Maintenance Program [O&M Program]). Removal of ACM must be conducted in accordance with the requirements of South Coast Air Quality Management District (SCAQMD) Rule 1403. Rule 1403 regulations require that the following actions be taken: (1) a survey of the facility prior to issuance of a permit by SCAQMD; (2) notification of SCAQMD prior to construction activity; (3) asbestos removal in accordance with prescribed procedures; (4) placement of collected asbestos in leak-tight containers or wrapping; and (5) proper disposal.

(3) Lead-Based Paint

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 specified limits on lead content in such products. While adults can be affected by excessive exposure to

lead, the primary concern is the adverse health effects on children. The most common paths of lead exposure in humans are through ingestion and inhalation. Lead-based paint is of concern both as a source of exposure and as a major contributor to lead in interior dust and exterior soil.

Cal-OSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, California Code of Regulations (CCR) Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.

(4) Methane Gas

Chapter IX, Article 1, Division 71, Section 91.7103 of the Los Angeles Municipal Code (LAMC), also known as the Los Angeles Methane Seepage Regulations, provides requirements for buildings and paved areas located in areas classified as being located either in a methane zone or a methane buffer zone. Requirements for new construction within such zones include installing a barrier (i.e., a membrane shield) between the building and underlying earth, installing a vent system(s) beneath the barrier and/or within the building, and installing a gas (methane) detection system. The project site is not located in a methane zone or methane buffer zone.

(5) Airport Safety Provisions

The Federal Aviation Administration (FAA) has established an advisory circular with regard to safety concerns associated with the construction of high-rise buildings since such buildings may present a hazard to aircraft operations.¹ This requirement is in effect for buildings with a height of over 200 feet above ground level (AGL) at the object site.² In this regard, Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace, establishes minimum standards to ensure air safety by regulating the construction or alteration of buildings or structures that may affect airport operations.³

The FAA requires that Form 7460-1, Notice of Proposed Construction or Alteration be filed with the FAA regional office prior to construction for buildings that are 200 feet or greater in height from the grading terrain. In addition, generally any structure that exceeds

¹ FAA Advisory Circular 150/5300-13 (September 30, 2000).

² *Ibid.*

³ FAR. 14 C.F.R. Part 77 (2001).

an overall height of 200 feet AGL should be marked and/or lighted.⁴ However, the determination is made by FAA and depends on terrain features, weather patterns, geographic location, number of structures, and overall layout of design.⁵

b. Historical Uses of the Project Site

The project site was undeveloped until the early 1900s. In 1910, the first studio was developed on the southern portion of the project site in addition to several residences throughout the project site. From 1910 to 1919, additional residences were constructed on previously undeveloped portions of the project site. In 1919, an east-west street (Salem Place) was located in the center of the project site, dividing the property in half. The studio (noted as Christie Film Company) and residences were still present at this time. In the late 1930s, CBS and KNX Radio redeveloped the southern portion of the project site with the existing structures which resulted in the removal of some of the residences formerly located on this portion of the project site. The residences located on the northern portion of the project site remained for the most part. The existing L-shaped structure located on the northern portion of the project site (6122 and 6124 Selma Avenue) was present at this time and appears to have been a store. A public garage also appears to have been present just south of the store. In 1950, the east-west street (now Harold Way) was still present on the project site in addition to many of the residences. An auto repair facility was noted on the northern portion of the project site (6122 and 6124 Selma Avenue) just south of the store. By 1970, with the exception of the structures that were previously located on the northern portion of the project site (6122 and 6124 Selma Avenue), the northern portion of the project site had been redeveloped with the existing parking lot. By 1973, the northern portion of the project site was occupied by Criterion Music Publishing. Historical use of the project site may present a concern to the project site since contamination may have occurred from the former auto repair facility located on the northern portion of the project site.

c. Existing Conditions

The project site is currently developed with several buildings, which are currently utilized as entertainment-related, production, and post-production offices and studios (6121 Sunset Boulevard). A planted courtyard (Sunset Courtyard) is located on the southern portion of the project site, immediately north of Sunset Boulevard between the Radio Building and Television Building. The remaining portion of the project site consists

⁴ FAA Advisory Circular AC 70/7460-1K (August 1, 2000).

⁵ *Ibid.*

of a surface parking lot. Various hazardous materials are located on the project site as discussed in further detail below.

(1) Hazardous Materials Database Site Listing

As part of the Phase I and Phase I Update, environmental agency databases were reviewed to ascertain whether the project site or any properties within a determined radius of the project site were listed on local, State, or Federal databases. Both properties located on the project site are listed on databases. The television and radio station operations located at 6121 Sunset Boulevard are listed on the Hazardous Waste Information System (HAZNET), Emissions Inventory Data (EMI), Underground Storage Tank (UST), California Facilities Inventory Database (CA FID UST), Statewide Environmental Evaluation and Planning System (SWEEPS), and Historical UST databases. The majority of the listings pertain to the former UST and existing UST located at the project site (discussed in greater detail below). The EMI listing pertains to emissions associated with the diesel emergency generators located at the project site. Additionally, 6122 Selma Avenue (previously Criterion Music Publishing) is listed on the EDR Historical Auto Stations (EDR HAS) database. The EDR HAS listing pertains to the former auto repair facility located on the project site (discussed in greater detail below).

Several properties located within the vicinity of the project site were also listed on various databases, including the Resource Conservation and Recovery Information System-Small Quantity Generator (RCRIS-SQG), Facility Index System (FINDS), CLEANERS, HAZNET, EMI, UST, CA FID UST, SWEEPS UST, Historical UST, Waste Discharge System (CA WDS), Emergency Response Notification System (ERNS), EDR Historical Auto Stations, and EDR Historical Cleaners databases. These properties include but are not limited to dry cleaners, gas stations, auto repair facilities, medical facilities, and photo processing centers. Due to the distance of these properties from the project site, their cross- or down-gradient direction relative to the project site, and/or their current status (e.g., permit only, case closed, etc.), they are not expected to present a concern to the project site. For detailed information regarding these listings, please refer to the Phase I and Phase I Update in Appendix D of this EIR.

(2) Hazardous Materials Management

(a) Hazardous Substances Use

Small quantities of hazardous substances are currently used on the portion of the project site occupied by television and radio station operations including common cleaning and maintenance supplies, paints, pesticides, motor oil, hydraulic oil, coolant, refrigerant,

and lacquer thinner. Because these supplies are used in small quantities on the project site, they do not pose an environmental concern.

(b) Poly-chlorinated biphenyls (PCBs)

Fluorescent light ballasts are located within the buildings occupied by television and radio station operations. Fluorescent light ballasts manufactured prior to 1979 may contain small quantities of poly-chlorinated biphenyls (PCBs). Since these buildings were constructed prior to 1979, it is possible that the fluorescent light ballasts contain PCBs.

(c) Aboveground and Underground Storage Tanks

Two 50-gallon aboveground storage tanks (ASTs), one 100-gallon AST, and a 6,000-gallon UST all containing diesel fuel for emergency generators are located on the portion of the project site currently occupied by television and radio station operations. The three ASTs are located in a generator building located near the southwest corner of the project site. The UST is located immediately north of the generator building. The UST was installed on the project site in 1995. According to containment tightness test reports, there is a leak within the secondary containment of the UST. The leak is likely from a failed rubber boot or penetration leak within the secondary containment piping. No evidence of a fuel release is evident to date.

At the time the existing 6,000-gallon UST was installed on the project site in 1995, another 6,000-gallon UST was abandoned at the same location. Soil samples were collected during the removal of the former UST and analyzed for total petroleum hydrocarbons as diesel (TPH-D); benzene, toluene, ethylbenzene, and xylene (BTEX); and lead. The soil samples were non-detect for TPH-D and BTEX and below current action levels for lead. LAFD issued a no further action letter with regard to the former UST in September 1999. Therefore, the former UST does not present an environmental concern to the project site.

(d) Asbestos Containing Materials

Because all of the existing buildings located on the project site were constructed prior to 1980, it is likely that asbestos is present in some of the building materials (i.e., floor tiles and mastic, ceiling tiles, and piping insulation wrap). Furthermore, signs stating the presence of asbestos were observed in the buildings occupied by television and radio station operations.

(e) *Lead-Based Paint*

Due to the time frame in which the buildings located on the project site were constructed, it is also possible that lead-based paint is present. No lead-based paint sampling has been conducted at the project site.

(3) Methane Gas

The project site is not located within a City-designated methane zone or methane buffer zone.⁶ Furthermore, according to Division of Oil, Gas, and Geothermal Resources (DOGGR) records, no oil wells are located directly on the project site.

3. Project Impacts

a. Methodology

To assist in evaluating potential impacts associated with hazards and hazardous materials that would occur from construction and/or operation of the project, a Phase I, Phase I Update, and Phase II were conducted at the project site. The Phase I and Phase I Update are intended to identify the likelihood of past, present, or potential releases of hazardous materials at a site. The characterization is based on readily ascertainable information and site observations. The Phase II is intended to determine if contamination is present at a site. The characterization is based on soil and/or groundwater sampling.

Based on the results of the above-mentioned reports, the potential for construction and/or operation of the project to result in significant impacts associated with hazards and hazardous materials was evaluated.

Hazards impacts associated with emergency response and evacuations are discussed in Section IV.H.1, Fire Protection, of this EIR.

b. Significance Thresholds

The following factors are set forth in the *City of L.A. CEQA Thresholds Guide (2006)* for consideration on a case-by-case basis in making a determination of significance:

⁶ *City of Los Angeles Department of Public Works, LAMC, Methane Ordinance Map A-20960. City Ordinance No. 175,790. (February 4, 2004).*

(1) Risk of Upset/Emergency Preparedness

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

(2) Human Health Hazards

- Compliance with the regulatory framework for the health hazard;
- The probable frequency and severity of consequences to people from exposure to the health hazard; and
- The degree to which project design would reduce the frequency of exposure or severity of consequences of exposure to the health hazard.

Based on these factors, the project would be considered to have a significant risk of upset/emergency preparedness or human health hazard impact if:

- It does not comply with applicable regulations regarding the handling and storage of hazardous materials or if it would consistently increase interference with existing emergency response capacity to the project area over existing conditions.

c. Analysis of Project Impacts

(1) Historical Uses of the Project Site

An auto repair facility was located on the northern portion of the project site from approximately the late 1930s to at least the 1950s. No agency records were found regarding this former use. Given the variety of hazardous materials used in auto repair facilities, contamination may have occurred at the project site from this former use. In June 2006, a subsurface assessment was conducted on the project site to determine if soil contamination had in fact occurred. Six soil borings were penetrated on the project site to

depths of 5 feet below ground surface (bgs). A total of fifteen soil samples were obtained from these borings. The locations of the soil borings are depicted in Figure IV.D-1 on page IV.D-10. The samples were analyzed for TPH, volatile organic compounds (VOCs), and metals. The soil samples were non-detect for TPH and VOCs with the exception of soil boring no. 6. Approximately 4.5 milligrams per kilogram (mg/kg) of TPH was detected 0.5 feet bgs at this location. With regard to metals, the soil samples were either non-detect within the current Preliminary Remediation Goals (PRGs) established by the U.S. Environmental Protection Agency for residential uses, with the exception of soil boring no. 6.⁷ Lead was detected at 620 mg/kg and 680 mg/kg at 0.5 feet and 1.5 feet bgs, respectively, at this location. The PRG for lead is 150 mg/kg. Soil boring no. 6 at 1.5 feet was also analyzed for soluble lead which was detected to be 51 milligrams per liter (mg/L). A soluble lead value over 5 mg/L is considered hazardous material and requires proper disposal. Elevated levels of lead were found to persist to depths of about 2 feet near soil boring no. 6. The TPH and lead contamination is most likely from the former auto repair facility. Because this portion of the project site is proposed to be redeveloped with residential uses, the soil contamination may present a concern to future residents. Therefore, Mitigation Measure D-1 below is recommended to reduce potential impacts from soil contamination to a less than significant level.

(2) Hazardous Materials Management

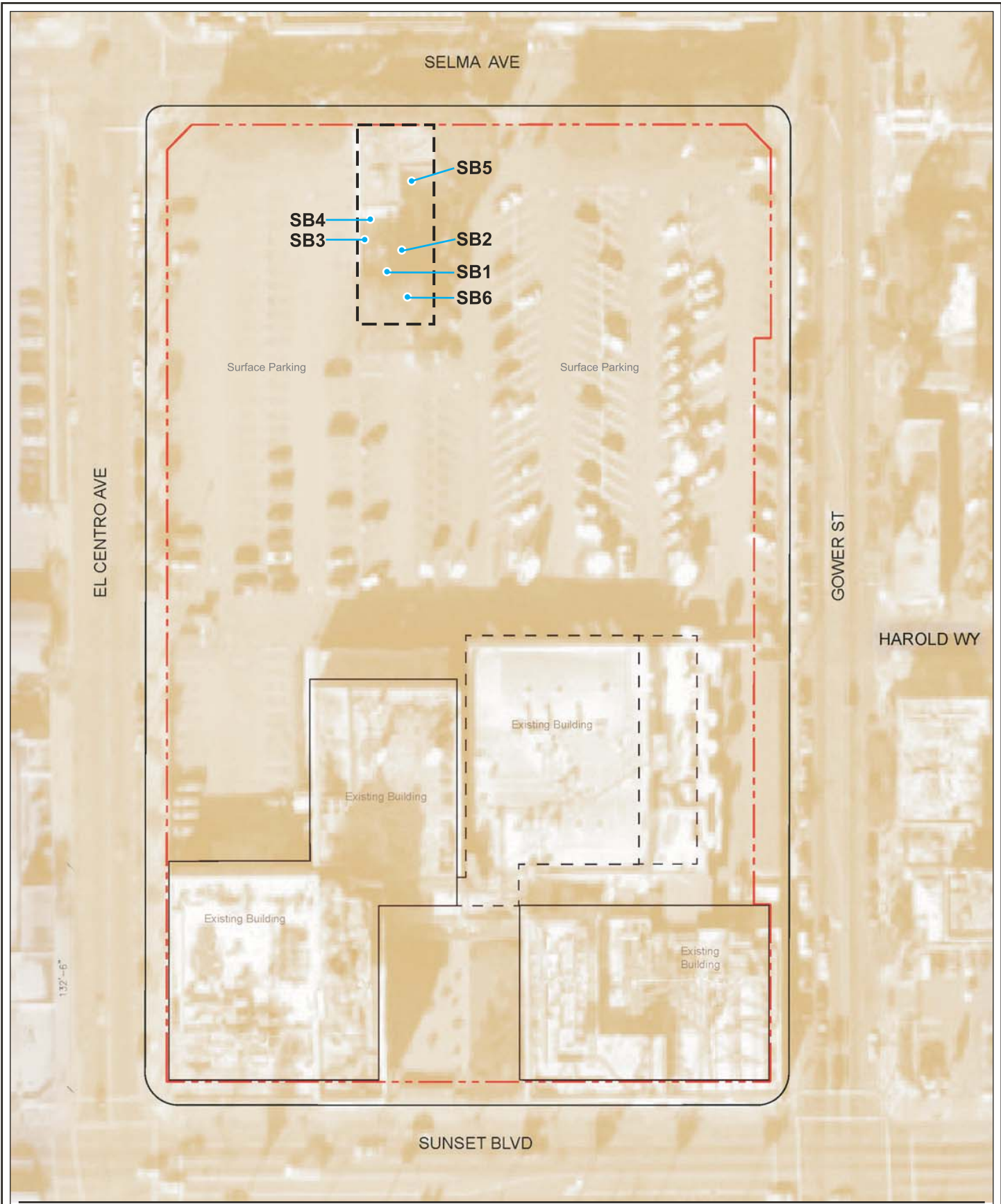
(a) PCBs

Fluorescent light ballasts are located within the buildings occupied by television and radio station operations. It is possible that they contain PCBs. Implementation of the project could result in generation of PCB wastes during demolition and renovation activities. However, potential impacts from PCB-containing fluorescent light ballasts would be reduced to a less than significant level with the incorporation of Mitigation Measure D-2 below.

(b) Underground Storage Tanks

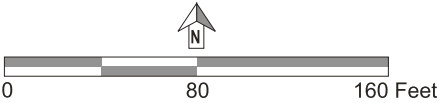
A 6,000-gallon diesel UST is located immediately north of the generator building located near the southwest corner of the project site. According to containment tightness test reports, there is a leak within the secondary containment of the UST. The leak is likely from a failed rubber boot or penetration leak within the secondary containment piping. No evidence of a fuel release is evident to date. Prior to project building construction, this UST

⁷ PRGs are estimated soil concentrations that the agency considers protective of human health. Although concentrations above these levels would not automatically designate a site as dirty or trigger a response action, exceeding a PRG suggests that further evaluation of the potential risk is appropriate.



Columbia Square

Figure IV.D-1
Soil Sampling Locations



Source: Johnson Fain International, Inc., 2007 and California Environmental, July 2006.

would be removed. Soil contamination may exist below the UST and associated piping. Therefore, Mitigation Measure D-3 below is proposed to reduce potential impacts from the UST and associated soil contamination to a less than significant level.

(c) Asbestos Containing Materials

Because all the existing buildings located on the project site were constructed prior to 1980, it is likely that asbestos is present in some of the building materials (i.e., floor tiles and mastic, ceiling tiles, and piping insulation wrap). Furthermore, signs stating the presence of asbestos were observed in the buildings occupied by television and radio station operations. The project proposes to demolish and/or renovate the existing buildings located on the project site. The demolition and/or renovation of these buildings would have the potential to release asbestos fibers into the atmosphere if they are not properly stabilized or removed prior to demolition or renovation activities. The removal of asbestos is regulated by SCAQMD Rule 1403 and therefore, would be removed by a certified asbestos containment contractor in accordance with applicable regulations prior to demolition or renovation. Therefore, with implementation of Mitigation Measure D-4 below, impacts related to asbestos would be reduced to a less than significant level.

(d) Lead-Based Paint

Due to the time frame in which the existing buildings located on the project site were constructed, it is possible that lead-based paint is present. No lead-based paint sampling has been conducted at the project site. Since the project proposes to demolish and/or renovate the existing buildings located on the project site, the potential for lead exposure exists. However, with the implementation of Mitigation Measure D-5 below, potential impacts from lead exposure would be reduced to a less than significant level.

(3) Methane Gas

The project site is not located within a City-designated methane zone or methane buffer zone.⁸ Furthermore, according to DOGGR records, no oil wells are located directly on the project site. Therefore, no impacts with regard to methane gas are anticipated to occur.

⁸ *City of Los Angeles Department of Public Works, LAMC, Methane Ordinance Map A-20960. City Ordinance No. 175,790. (February 4, 2004).*

(4) Airport Safety Provisions

As described previously, Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace, establishes minimum standards to ensure air safety by regulating the construction or alteration of buildings or structures that may affect airport operations. The FAA requires that Form 7460-1, Notice of Proposed Construction or Alteration be filed with the FAA regional office prior to construction for buildings that are 200 feet or greater in height from the grading terrain. In addition, generally any structure that exceeds an overall height of 200 feet AGL should be marked and/or lighted. However, the determination is made by FAA and depends on terrain features, weather patterns, geographic location, number of structures, and overall layout of design. The finished height of the proposed residential tower would be approximately 467 feet AGL with other elements such as the helipad and architectural features extending to a maximum of 512 feet AGL. In addition, the proposed high-rise office building would be approximately 204 AGL, with other elements such as the helipad and architectural features extending to a maximum of approximately 260 feet AGL. The Project Applicant would file the appropriate forms subject to the approval of the FAA to ensure that the project would not result in significant impacts relative to airport safety.

4. Cumulative Impacts

All related development located within the vicinity of the project site would be subject to the same local, regional, State, and Federal regulations pertaining to hazards and hazardous materials. Therefore, with adherence to such regulations, the concurrent development of the project and related projects would not result in cumulatively significant impacts with regard to hazards and hazardous materials.

5. Mitigation Measures

Mitigation Measure D-1: Prior to issuance of a grading permit, the Project Applicant shall hire a qualified environmental consultant to excavate and dispose of contaminated soils, or treat in-situ (in place), in accordance with applicable regulatory requirements and approved by applicable governmental authorities. If during grading activities additional contamination is discovered, grading within such an area shall be temporarily halted and redirected around the area until the appropriate evaluation and remediation measures are implemented in accordance with applicable regulatory requirements so as to render the area suitable for grading activities to resume.

Mitigation Measure D-2: Prior to demolition and/or renovation activities, all fluorescent light ballasts shall be inspected for PCBs. Any PCB-containing fluorescent light ballasts shall be disposed of in accordance with applicable regulatory requirements and approved by applicable governmental authorities.

Mitigation Measure D-3: During removal of the 6,000-gallon diesel UST, soil sampling shall be conducted below and in the immediate vicinity of the UST and associated piping. The Project Applicant shall submit the results of the soil survey to the City of Los Angeles Department of Building and Safety. If soil contamination is found, it shall be removed or remediated in accordance with applicable regulatory requirements.

Mitigation Measure D-4: Prior to issuance of demolition permits, the Project Applicant shall submit verification to the City of Los Angeles Department of Building and Safety that an asbestos survey has been conducted at all existing buildings located on the project site. If asbestos is found, the Project Applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403.

Mitigation Measure D-5: Prior to issuance of demolition permits, the Project Applicant shall submit verification to the City of Los Angeles Department of Building and Safety that a lead-based paint survey has been conducted at all existing buildings located on the project site. If lead-based paint is found, the Project Applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint.

6. Level of Significance After Mitigation

Potentially significant impacts associated with hazards and hazardous materials would be reduced to less than significant with implementation of the aforementioned mitigation measures.