

3.4 Hazards and Hazardous Materials

A hazardous material is any substance that, because of its quantity, concentration, or physical or chemical properties, may pose a hazard to human health and the environment. Under California Code of Regulations (CCR) Title 22, the term “hazardous substance” refers to both hazardous materials and hazardous wastes. Both of these are classified according to four properties: (1) toxicity, (2) ignitability, (3) corrosiveness, and (4) reactivity (CCR Title 22, Chapter 11, and Article 3).

A hazardous material is defined in CCR Title 22 as:

[a] substance or combination of substances that, because of its quantity, concentration, or physical, chemical or infectious characteristics, may either (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed (CCR Title 22 Section 66260.10).

Hazardous materials in various forms can cause death, serious injury, long-lasting health effects, and damage to buildings, homes, and other property. Hazards to human health and the environment can occur during production, storage, transportation, use, or disposal of hazardous materials.

This section describes the environmental and regulatory setting pertaining to hazards and hazardous materials. It also describes impacts related to hazards and hazardous materials that would result with implementation of the Project as well as mitigation for significant impacts where feasible and appropriate.

The Project site is within the planning area for the El Camino Real/Downtown Specific Plan. Because the Project’s site plan and development parameters are consistent with development anticipated by the Specific Plan, the programmatic Specific Plan Environmental Impact Report (EIR) is applicable to this Project. Therefore, in accordance with Sections 15128 and 15183.3(d) of the CEQA Guidelines, this discussion is limited to either effects that have not been analyzed in the Specific Plan EIR or effects that cannot be substantially mitigated by uniformly applicable development policies or standards.

Hazardous materials information in this section is based primarily on the Phase I Environmental Site Assessments (Phase I ESAs) for the 1258 El Camino Real site and the 1300 El Camino Real site prepared by Green Environment in April and March 2012, respectively,^{1,2} and the High-Vacuum, Dual-Phase Extraction Pilot Test Work Plan and the Removal Action Work Plan, Derry Lane site, prepared by Green Environment in September 2013³ and September 2015.⁴ ICF also conducted supplemental hazardous materials research on the State Water Resources Control Board’s GeoTracker website in May 2015.

No NOP comments were received regarding hazardous materials.

¹ Green Environment, Inc. 2012. *Phase I Environmental Site Assessment, 1258 El Camino Real, Menlo Park, California*. (GEI Project: A12784.) April 9. San Carlos, CA. Prepared for Bayfront Investments, LLC.

² Green Environment, Inc. 2012. *Phase I Environmental Site Assessment, 1300 El Camino Real, Menlo Park, California*. (GEI Project: A12777.) March 20. Prepared for Bayfront Investments, LLC.

³ Green Environment, Inc. 2013. *High-Vacuum, Dual-Phase Extraction Pilot Test Work Plan, Derry Lane Site*. (Docket No. I&SE 10/11-014.) September 10. Prepared for Bayfront Investments, LLC.

⁴ Green Environment, Inc. 2015. *Removal Action Work Plan, Derry Lane Site*. September. Prepared for Bayfront Investment, LLC.

Existing Conditions

Regulatory Setting

Federal and State

Resource Conservation and Recovery Act

Hazardous waste in California is regulated primarily under the authority of the federal Resource Conservation and Recovery Act (RCRA) (42 United States Code [U.S.C.] Section 6901 et seq.). The RCRA was established in 1976 to protect human health and the environment, reduce waste, conserve energy and natural resources, and eliminate the generation of hazardous waste. Under the authority of the RCRA, the regulatory framework for managing hazardous waste, including requirements for entities that generate, store, transport, treat, or dispose of hazardous waste, is found in 40 Code of Federal Regulations (CFR) Sections 260–299. Other applicable federal laws and regulations include the following:

- 49 CFR Sections 172 and 173: These regulations establish standards for the transport of hazardous materials and hazardous wastes. The standards include requirements for labeling, packaging, and shipping hazardous materials and hazardous wastes as well as training requirements for personnel who complete shipping papers and manifests.
- 40 CFR Subchapter I—Solid Wastes: These regulations implement the provisions of the Solid Waste Act and the RCRA. They also establish criteria for the classification of solid waste disposal facilities (landfills), hazardous waste characteristic criteria and regulatory thresholds, and hazardous waste generator requirements as well as requirements for the management of used oil and universal wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as “Superfund,” was enacted by Congress on December 11, 1980. This law (42 U.S.C. 103) provides 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, provides for liability of persons who were responsible for releases of hazardous waste at these sites, and establishes a trust fund for cleanup when no responsible party can be identified. CERCLA also enabled revision of the National Contingency Plan (NCP). The NCP (Title 40, CFR Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) came into law on October 11, 1976. TSCA authorized the U.S. Environmental Protection Agency (EPA) to secure information regarding all new and existing chemical substances and control any substances that cause unreasonable risks with respect to public health or the environment. The current polychlorinated biphenyl (PCB) regulations (40 CFR 761) were published pursuant to the TSCA and include the following CFR sections, which are applicable to the Project.

- Section 761.60, disposal requirements.
- Section 761.61, PCB remediation, waste cleanup, and disposal options.

- Section 761.77, coordination with the EPA regional administrator.
- Section 761.79, decontamination standards and procedures.
- Section 761.97, export requirements for disposal.
- Section 761.125, requirements for PCB spill cleanup.
- Section 761.130, sampling requirements.
- Section 761.180, records and monitoring.

Department of Transportation Hazardous Materials Regulations (49 CFR 100–185)

U.S. Department of Transportation (DOT) Hazardous Materials Regulations cover all aspects of hazardous materials packaging, handling, and transportation. Parts 107 (Hazard Materials Program), 130 (Oil Spill Prevention and Response), 172 (Emergency Response), and 177 (Highway Transportation) would apply to the Project and/or surrounding uses.

Cortese List

U.S.C. 65962.5 (commonly referred to as the Cortese List) includes Department of Toxic Substances Control- (DTSC-) listed hazardous waste facilities and sites, Department of Health Services lists of contaminated drinking water wells, sites that have been listed by the State Water Resources Control Board as having underground storage tank leaks or discharges of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites with a known migration of hazardous waste/material.

California Health and Safety Code

DTSC, a department of the California Environmental Protection Agency (CalEPA), is the primary agency in California for regulating hazardous waste, cleaning up existing contamination, and finding ways to reduce the amount of hazardous waste produced in the state. DTSC regulates hazardous waste primarily under the authority of the federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Division 20, Chapter 6.5, of the California Health and Safety Code deals with hazardous waste control through regulations pertaining to transport, treatment, recycling, disposal, enforcement, and permitting. Division 20, Chapter 6.10, contains regulations pertaining to the cleanup of hazardous materials releases. Title 22, Division 4.5, contains environmental health standards for the management of hazardous waste. This includes standards for the identification of hazardous waste (Chapter 11) and standards that are applicable to transporters of hazardous waste (Chapter 13).

Occupational Safety and Health Administration

The Occupational Safety and Health Administration's (OSHA's) mission is to ensure the safety and health of American workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. OSHA establishes and enforces protective standards and reaches out to employers and employees through technical assistance and consultation programs. OSHA standards are listed in 29 CFR 1910.

The California Division of Occupational Safety and Health, known as Cal/OSHA, regulations restrict asbestos emissions from demolition and renovation activities and specify safe work practices to minimize the potential for a release of asbestos fibers. These regulations prohibit emissions of asbestos from asbestos-related manufacturing, demolition, or construction activities; require medical

examinations and monitoring of employees who are engaged in activities that could disturb asbestos; specify precautions and safe work practices that must be followed to minimize the potential for a release of asbestos fibers; and require notices to federal and local government agencies prior to beginning renovation or demolition that could disturb asbestos.

Hazardous Waste Control Act (Section 25100 et seq.)

DTSC is responsible for enforcement of the Hazardous Waste Control Act (California Health and Safety Code Section 25100 et seq.), which creates the framework under which hazardous wastes are managed in California. The law provides for the development of a hazardous waste program that administers and implements the provisions of the federal RCRA cradle-to-grave waste management system in California. It also provides for the designation of California-only hazardous waste and the development of standards that are equal to or, in some cases, more stringent than federal requirements.

California Code of Regulations, Title 8—Industrial Relations

Occupational safety standards exist in federal and state laws to minimize worker safety risks from both physical and chemical hazards in the workplace. Cal/OSHA and OSHA are the agencies that are responsible for ensuring employee safety in the workplace. Cal/OSHA assumes primary responsibility for developing and enforcing standards for safe workplaces and work practices. These standards would be applicable to construction activities related to the Project.

California Labor Code (Division 5, Parts 1, 6, 7, and 7.5)

The California Labor Code is a collection of regulations that include workplace regulations. These include appropriate training regarding the use and handling of hazardous materials as well as the operation of equipment and machines that use, store, transport, or dispose of hazardous materials. Division 5, Part 1, Chapter 2.5, ensures that employees who handle hazardous materials are appropriately trained and informed about the materials. Division 5, Part 6, governs the operation and care of storage tanks and boilers for hazardous materials. Division 5, Part 7, ensures that employees who work with volatile flammable liquids are outfitted with appropriate safety gear and clothing. Division 5, Part 7.5, otherwise referred to as the California Refinery and Chemical Plant Worker Safety Act of 1990, was enacted to prevent or minimize the consequences of catastrophic releases of toxic, flammable, or explosive chemicals. The establishment of process safety management standards is intended to eliminate, to a substantial degree, the risks to which workers are exposed in petroleum refineries, chemical plants, and other related manufacturing facilities.

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (California Health and Safety Code, Chapter 6.11, Sections 25404–25404.9)

This program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of environmental and emergency response programs and provides authority to the Certified Unified Program Agency (CUPA). The CUPA is designed to protect public health and the environment from accidental releases and improper handling, storage, transportation, and disposal of hazardous materials and wastes. This is accomplished through inspections, emergency response, enforcement, and site mitigation oversight. The CUPA for Menlo Park is the San Mateo County Health Department, Environmental Health Division (SMCEHD).

State Water Resources Control Board Construction General Permit (2009-0009-DWQ)

The general permit requirements apply to construction or demolition activities, including, but not limited to, clearing, grading, grubbing, or excavation or any other activity that results in a land disturbance equal to or greater than 1 acre.

The Construction General Permit requires development and implementation of a site-specific Stormwater Pollution Prevention Plan (SWPPP). The SWPPP should contain a site map that shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across a project site. The SWPPP must list the best management practices (BMPs) the discharger will use to protect stormwater runoff and describe the placement of those BMPs.⁴

Local

County of San Mateo

Certified Uniform Program Agency Program

As detailed above, many laws and regulations at the federal, state, and local levels regulate the management of hazardous materials. EPA grants enforcement authority over federal hazardous materials regulations to the states. In California, the state agency with responsibility is CalEPA. CalEPA has granted authority to a local agency, SMCEHD, for implementation and enforcement, under the CUPA, of many of the hazardous materials regulations in the county. The CUPA certifies 83 local government agencies to implement the hazardous waste and materials standards set by five state agencies.

Hazardous Material Business Plan

Businesses must complete a Hazardous Material Business Plan (HMBP) within 30 days of handling or storing a hazardous material equal to or greater than the minimum reportable quantities (i.e., 55 gallons for liquids, 500 pounds for solids, 200 cubic feet at standard temperature and pressure for compressed gasses). The purpose of the HMBP is to provide information to firefighters, health officials, planners, public safety officers, health care providers, and others in case of emergency, thereby lessening “damage to the health and safety of people and the environment when a hazardous material is released.”

The HMBP must include the following elements.

- Summary of business activities.
- Owner/operator information, including emergency contacts.
- The type and quantity of reportable hazardous materials.
- Site map.
- Emergency response procedures.
- Employee training program.

⁴ State Water Resources Control Board. 2015. *State Water Program*. Last revised: April 20, 2015. Available: <http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml>. Accessed: May 27, 2015.

California Accidental Release Prevention Program

The California Accidental Release Prevention Program (CalARP) protects people from releases of regulated substances into the environment. *Regulated substances* are chemicals that pose a major threat to public health and safety or the environment because of their highly toxic, flammable, or explosive nature. Examples of regulated substances are chlorine gas, nitric acid, and propane.

The types and threshold quantities of regulated substances are provided on a federal list and a state list. All businesses that store or handle more than a threshold quantity of a regulated substance must develop a Risk Management Plan (RMP) to respond to an accidental release.

The RMP must include procedures for the following:

- Keeping employees and customers safe.
- Handling regulated substances.
- Training staff.
- Maintaining equipment.
- Checking that substances are stored safely.
- Responding to an accidental release.

Underground Storage Tank Program

To make sure that underground storage tanks remain leak-free and do not contaminate soil and groundwater, tank owners must comply with the following requirements:

- Possess a valid operating permit.
- Conduct routine testing.
- Maintain equipment.
- Prepare an approved leak-response plan.
- Upgrade tank systems, as required.

Aboveground Storage Tank Program

The CUPA has responsibility for implementation, inspection, enforcement, and administration of aboveground storage tank operations. Aboveground storage tanks are defined as those with the capacity to store 55 gallons or more of petroleum and are substantially or totally above the surface of the ground.

Hazardous Waste Generation and Disposal

San Mateo County operates a Hazardous Waste Disposal and Reduction Program with three waste streams: residential, businesses that generate small quantities of hazardous waste (Very Small Quantity Generator Program), and businesses that generate larger quantities.

City of Menlo Park

City of Menlo Park General Plan Hazardous Materials Policies

The following policies within the Safety Element of the general plan are relevant to the Project.⁵

Policy S1.16: Hazardous Materials Regulations. Review and strengthen, if necessary, regulations for the structural design and/or uses involving hazardous materials to minimize risk to local populations. Enforce compliance with current state and local requirements for the manufacturing, use, storage, transportation and disposal of hazardous materials, and the designation of appropriate truck routes in Menlo Park.

Policy S1.17: Potential Exposure of New Residential Development to Hazardous Materials. Minimize risk associated with hazardous materials by assessing exposure to hazardous materials of new residential development and sensitive populations near existing industrial and manufacturing areas. Minimize risk associated with hazardous materials.

Policy S1.18: Potential Hazardous Materials Conditions Investigation. Continue to require developers to conduct an investigation of soils, groundwater and buildings affected by hazardous-material potentially released from prior land uses in areas historically used for commercial or industrial uses and to identify and implement mitigation measures to avoid adversely affecting the environment or the health and safety of residents or new uses.

Policy S1.19: Disposal of Existing Hazardous Materials on Sites Planned for Housing. Continue to require that sites planned for housing be cleared of hazardous materials (paint, solvents, chlorine, etc.) and the hazardous materials disposed in compliance with state and federal laws.

City of Menlo Park Municipal Code, Chapter 16, Zoning Ordinance

Chapter 16, Zoning Ordinance, of the City of Menlo Park Municipal Code requires a conditional use permit for hazardous materials use in M-2, and M-3 zoning districts. Also, fuel used in the operation of emergency generators (associated with office uses) can be reviewed through the conditional use permit process in any zoning district. Use permit applications pertaining to hazardous materials are routed to the Menlo Park Fire Protection District, SMCEHD, West Bay Sanitary District, and City of Menlo Park Building Division for review and approval prior to Planning Commission review and action.

City of Menlo Park Emergency Operations Plan

The City of Menlo Park Emergency Operations Plan (EOP) describes how the City will manage and coordinate resources and personnel when responding to emergency situations. The EOP discusses the City of Menlo Park's planned response to extraordinary emergency situations associated with natural disasters and technological incidents, thus focusing on potential large-scale disasters, which can create unique situations and require expanded emergency responses.

The EOP has as its objectives the following:

- Conform to the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS).

⁵ City of Menlo Park. 2013. Open Space/Conservation, Noise, and Safety Elements. Available: <<http://menlopark.org/DocumentCenter/View/234>>. Accessed: May 27, 2015.

- Provide Emergency Operations Center (EOC) responders with procedures, documentation, and user-friendly checklists to manage emergencies effectively.
- Provide detailed information regarding supplemental requirements (e.g., public information, damage assessment, recovery operations).

Environmental Setting

The Project site is bound by commercial development to the north, along Glenwood Avenue; by both the Caltrain and Garwood Way rights-of-way to the east; by Oak Grove Avenue to the south; and El Camino Real to the west. Nearby land uses include a hotel to the north, single- and multi-family residential units east of the Caltrain right-of-way, the Menlo Park Caltrain station and mixed-use development south of Oak Grove Avenue, and the El Camino Real commercial corridor to the west. The northeast corner of El Camino Real/Oak Grove Avenue (immediately adjacent to the Project site) includes a Chevron gas station and a restaurant. The existing Project site is divided into three areas: the 1258 El Camino Real site, the 1300 El Camino Real site, and the Derry Lane site. Although these areas are currently on separate parcels, the entire Project site is owned by the Project Sponsor.

Hazardous Materials

Derry Lane Site. The Derry Lane site occupies approximately 3.5 acres of contiguous parcels. According to the Site Characterization Report prepared by Weber, Hayes & Associates,⁶ the site is currently developed with five commercial buildings, a self-service car wash, and vehicle parking and storage lots. The buildings at Derry Lane were constructed during the late 1940s or early 1950s.

The following is a summary of current conditions:

- 560 Derry Lane is currently developed with a commercial one-story building with an adjacent yard and concrete pad, which are occupied by a handyman/contractor.
- 550 Oak Grove Avenue is currently developed with an operating self-service car wash.
- 562/564 Oak Grove Avenue is developed with a commercial one-story building, occupied by a private dance studio.
- 580 Oak Grove Avenue is developed with a commercial one-story building, occupied by a Foster's Freeze fast-food restaurant when the project NOP was released, although it has been vacant since late 2015.
- 570 Derry Lane and 558/560 Oak Grove Avenue are both developed with a one-story commercial building, which is currently vacant.
- A vacant field is located at 550 Derry Lane.

In May 2011, DTSC issued an Imminent and Substantial Endangerment Determination and Order and Remedial Action Order to the Derry Family Partnership and several individuals in response to the discovery of PCE and the PCE-degradation products (i.e., trichloroethene [TCE], dichloroethene [DCE], and vinyl chloride) in site soil, soil vapor, and groundwater at concentrations that pose a risk to human health and the environment. The presence of these contaminants was due to a release of PCE from a former dry cleaning business (Wo Sing Laundry and Dry Cleaners) that operated at 570 Derry Lane from 1981 to 2011.

⁶ Weber, Hayes, & Associates. 2013. *Site Characterization Report, Derry Lane Site*. May 21.

Activities conducted at the Derry Lane site were designed to identify contaminants and the extent of contaminants. Contamination exists in the form of PCE, TCE, DCE, and vinyl chloride, which affect soil, soil vapor, and groundwater. In 2015 Green Environmental conducted a feasibility study and human health risk assessment, then proposed remedies for site cleanup in its Removal Action Work Plan (RAW). The document is under review by DTSC. Upon approval of the Project's Final RAW, a detailed Remedial Design and Implementation Plan (RDIP) and Soil Management Plan will be prepared for DTSC approval.

Remedial Action Recommendations proposed in the RAW include:

Soil Excavation and Offsite Disposal

- Excavation of approximately 7,500 cubic yards (cy) of contaminated soil in areas that coincide with the underground parking garage (to at least 22 feet deep in the affected areas).
- Excavation of approximately 1,230 cy of contaminated soil in area outside of garage footprint.
- Excavation of approximately 1,550 cy of contaminated soil at two identified hot spots below the garage with PCE-affected soil (to at least the depth of the first encountered groundwater or 40 feet).

In-Situ Chemical Oxidation (ISCO), Well Monitoring, and Institutional Controls

- In-situ treatment of contaminated groundwater.
- Installation of groundwater monitoring wells and periodic sampling.
- Installation of vapor venting features below the concrete floor of the garage for the residential building, coinciding with the location of the PCE groundwater plume to enhance vapor-intrusion protection.
- Establishment of a groundwater and vapor monitoring program.

Confirmation samplings will be collected and analyzed by a state-certified laboratory to confirm that cleanup goals are being met. The contaminated soil will be hauled to the approved permitted landfill. The Removal Action Work Plan details vapor and dust mitigation, which will be performed under BMPs. The route for transporting contaminated soil will also be considered to avoid traveling through a sensitive area.

1258 El Camino Real Site. This site includes a 3,500-square-foot building. The one-story building was constructed in 1958 and occupied by a veterinary hospital from 1958 to 1991, a chiropractic office until 2002, and a hair salon from 2005 to 2010. The building is currently vacant. The 1258 El Camino Real site is listed as a former state voluntary cleanup program site, with a voluntary cleanup agreement termination date of June 2011, and a past hazardous waste generation site (asbestos waste, PCBs, and other organic solids). This site is identified by DTSC as the Tarr Property (former owner). It was a residential property until redevelopment in 1958 when the commercial building that is currently present on the property was constructed. In October 2010, a subsurface investigation was conducted to determine whether the property was affected by chlorinated volatile organic compounds. Perchloroethylene (PCE) was detected in the soil vapor and groundwater samples collected at the site. It is assumed that the source was the adjacent Wo Sing Laundry and Dry Cleaners.⁷

⁷ AEI Consultants. 2010. *Comfort Letter Investigation Report, 1258 El Camino Real, Menlo Park, California*. November 8.

The Phase I ESA for the 1258 El Camino Real site determined that groundwater, saturated soils, soil vapor, and indoor air are affected by a past release of dry cleaning solvent to the subsurface from the adjoining property to the east (570 Derry Lane), thereby posing a potential human health risk for occupants of the site. Other potential concerns at the site include groundwater, saturated soil, and soil vapor, which could be affected by petroleum hydrocarbons from a former gasoline station on the adjoining property to the east (1246 El Camino Real); asbestos-containing materials (ACMs), consisting of concrete, stucco, paint, sheetrock, mortar, mastic, window putty, and roofing materials; lead-based paint on cinder blocks, stucco, sheetrock, concrete floors, and wood ceilings; and a depressed paved area (approximately 25 square feet) at the rear of the site.⁸

The 1258 El Camino Real site is included in the Derry Lane site boundaries and subject to the 2011 DTSC order. Thus, the identified subsurface impacts would be addressed in the selected cleanup remedy for the Derry Lane site. Soil vapor and groundwater sampling completed on the 1258 El Camino Real site during the due diligence period associated with a change in ownership at the Derry Lane site indicates that the former gasoline station on the adjoining property to the east has not significantly affected the 1258 El Camino Real site. Building materials would be properly sampled for asbestos prior to demolition under Bay Area Air Quality Management District (BAAQMD) regulations.

1300 El Camino Real Site. The site includes two parcels that were formerly occupied by five buildings that were constructed in 1967. The buildings were demolished in April 2010 in anticipation of a mixed-use project that was not completed. Building foundations, paved surfaces, and subsurface utilities were not demolished or removed at that time. The existing site, which is vacant with respect to buildings, includes impervious surfaces and ruderal vegetation. In-ground components from 21 hydraulic lifts, remnants from a historic automotive dealership, exist on the subject property. As described in the Phase I ESA for the 1300 El Camino Real site,⁹ the potential exists for residual hydraulic oil in the lifts and potentially affected soil at the lift locations. The potential also exists for contaminated soil from a previously installed pad-mounted transformer, which was located in the western portion of the property and may have contained dielectric oil with PCBs.

Soils at the locations of former automotive painting and detailing operations, sumps, and trenches have not been adequately sampled to confirm the presence of hazardous substances. Other potential concerns with the 1300 El Camino Real site include fill material from an unidentified source; soil where a former transformer that may have contained PCBs was located; discarded fluorescent light bulbs; ACMs, consisting of concrete, paint, brick, mortar, ceramic and vinyl flooring tiles, and grout; a sinkhole, approximately 1 foot deep; and groundwater, saturated soil, and soil vapor that may be affected by a hazardous substance release from one or more former occupants of upgradient properties.

Soil vapor and groundwater sampling completed on the eastern portion of the 1300 El Camino Real site indicates that the PCE release at the Derry Lane site has not significantly affected the 1300 El Camino Real site. Because the redevelopment plan calls for at least one level of underground parking across the entire site, the hydraulic lifts and sinkhole would be removed, along with soil of potential concern. The soil would be properly characterized prior to removal. The remnants of building floors and foundations would be properly sampled for asbestos prior to demolition and off-site recycling or disposal, as required by Cal/OSHA and BAAQMD regulations. Prior to construction, additional groundwater samples

⁸ Green Environment, Inc. 2012. *Phase I Environmental Site Assessment, 1258 El Camino Real, Menlo Park, California*. April 9.

⁹ Green Environment, Inc. 2012. *Phase I Environmental Site Assessment, 1300 El Camino Real, Menlo Park, California*. (GEI Project: A12777.) March 20. Prepared for Bayfront Investments, LLC.

would be collected across the site to determine if potential off-site upgradient chemical releases have affected groundwater beneath the site.¹⁰

Soils and Hydrogeology

Information obtained from the Phase I ESAs^{11,12} indicates that the Project site soils generally consist of fill (mostly sand and clay) at shallow depths (2 to 6 feet below ground surface [bgs]). Beneath the fill, the native soils consist of clay, with varying amounts of sand. Groundwater was encountered at 41 feet bgs at 1258 El Camino Real. A 50-foot soil boring at the 1300 El Camino Real site did not encounter groundwater.

Hazardous Materials Use

The 1300 El Camino Real site is a vacant lot; the 1258 El Camino Real site includes one building, which is currently vacant. The Derry Lane site includes a car wash, dance studio, fast-food restaurant, hardware storage area, and a private parking lot. Hazardous materials usage is expected to be typical of commercial locations (e.g., small quantities of solvents, cleaning agents, paints, pesticides, petroleum fuels, propane, and aerosol cans). Accordingly, significant hazardous materials usage is not expected.

Cortese List Status

The 1258 El Camino Real site was listed as a former state voluntary cleanup program site, with termination granted in June 2011. The 1300 El Camino Real site was included and granted closure in August of 1984 for a leaking underground storage tank violation. The Derry Lane site is currently participating in an Imminent and Substantial Endangerment Determination and Order and Remedial Action Order from DTSC.

Asbestos, Lead-Based Paint, PCBs

Given the construction dates of previously existing buildings on the Project site (1958 for the 1258 El Camino Real site, 1967 for the 1300 El Camino Real site, and late 1940s and early 1950s for the Derry Lane site), it is possible that existing building components on the site contain unknown quantities of ACMs or lead-based paints. Potential ACMs on the Project site consist of concrete, stucco, paint, sheetrock, mortar, mastic, window putty, brick, ceramic floor tile, ceramic floor tile grout, roofing materials, etc. Lead-based paint may be found in cinder block walls, stucco, sheetrock, concrete flooring, and wood ceilings.

Emergency Response

In September 2011, the City adopted the Annex to 2010 Association of Bay Area Governments Local Hazard Mitigation Plan (Hazard Mitigation Plan) and an update to the City's EOP. The Hazard Mitigation Plan assesses a full range of natural disasters and the City's disaster planning. The City developed the

¹⁰ Green Environment, Inc. 2012. *Phase I Environmental Site Assessment, 1300 El Camino Real, Menlo Park, California*. March 20.

¹¹ Green Environment, Inc. 2012. *Phase I Environmental Site Assessment 1258 El Camino Real Menlo Park, California*. (GEI Project: A12784.) April 9. San Carlos, CA. Prepared for Bayfront Investments, LLC.

¹² Green Environment, Inc. 2012. *Phase I Environmental Site Assessment 1300 El Camino Real Menlo Park, California*. (GEI Project: A12777.) March 20. Prepared for Bayfront Investments, LLC.

EOP to prepare for emergency situations that could result from natural disasters and technological incidents.

The Menlo Park Fire Protection District (MPFPD) would respond to incidents at the Project site, primarily from Fire Station 6, located at 700 Oak Grove Avenue.

The Menlo Park Police Department (MPPD) is at 701 Laurel Street.

Schools within 0.25 Mile of the Project Site

The closest school to the Project site is the Language Pacifica School, at 585 Glenwood Avenue, approximately 400 feet to the northwest. Other schools in the vicinity include Menlo School, located southwest of the Project site at 50 Valparaiso Avenue, and Nativity Catholic School, located northeast of the Project site at 1250 Laurel Street. Both schools are approximately 0.3 mile from the Project site.

Airports within 2 Miles of the Project Site

The Project site is not within an airport land use plan area or within 2 miles of a public airport or public use airport. The closest airport to the Project site is Palo Alto Airport of Santa Clara County, located approximately 4 miles to the east. San Carlos Airport is approximately 5.4 miles to the northwest, and the Moffett Federal Airfield is approximately 7.8 miles to the southeast. There are no private airstrips in the vicinity of the Project site.

Environmental Impacts

This section presents the analysis regarding hazards and hazardous materials related to the Project. It describes the methods that were used to determine Project impacts and lists the thresholds that were used to conclude whether an impact would be significant. Measures to mitigate (i.e., avoid, minimize, rectify, reduce, eliminate, or compensate for) significant impacts accompany the discussion where applicable. As presented in the Infill Environmental Checklist (Appendix 1-1), the Project must implement Mitigation Measure HAZ-3, which requires the use of construction BMPs to control the handling of hazardous materials during construction. This mitigation measure is included as part of the Project's Mitigation Monitoring and Reporting Program (MMRP).

Thresholds of Significance

In accordance with Appendix G of the CEQA Guidelines, the Project would have a significant effect if it would result in any of the conditions listed below.

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.
- Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (the Cortese List, described above) and, as a result, create a significant hazard to the public or the environment.

- For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.
- For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.
- Impair or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Impacts Not Evaluated In Detail

Public and private airports, interference with emergency response plans, and wildland fires are not discussed below because it was determined in the Infill Environmental Checklist that the Project would have no impact.

Impacts and Mitigation Measures

Impact HAZ-1: Routine Hazardous Materials Use. The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (LTS/M)

Project Construction

Project construction would involve the routine transport, use, and disposal of hazardous materials such as solvents, paints, oils, grease, and caulking. Such transport, use, and disposal must comply with applicable regulations, such as the RCRA, DOT Hazardous Materials Regulations, local CUPA regulations, and City of Menlo Park General Plan Hazardous Materials Policies and construction BMPs, as implemented through a Project-specific SWPPP (per requirements of the State Water Resources Control Board's Construction General Permit 2009-0009-DWQ). Although small amounts of solvents, paints, oils, grease, and caulking would be routinely transported, used, and disposed of during the construction phase, these materials would not represent the transport, use, and disposal of acutely hazardous materials. Because compliance with existing regulations is mandatory, the Project is not expected to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Information obtained in the Phase I ESAs for the 1300 El Camino Real site and the 1258 El Camino Real site, as well as the current remediation status of the Derry Lane site, indicates that contamination exists within the Project site. Additionally, given the construction dates of on-site structures, it is possible that building components may contain unknown quantities of ACMs or lead-based paints. If encountered during construction activities, contaminated media and building materials would be hauled off-site for disposal. This could have an impact on the public or the surrounding environment during demolition and transport if the materials are handled incorrectly. However, as mentioned above, the transport and disposal of hazardous materials must comply with applicable DOT transportation regulations and City of Menlo Park General Plan Hazardous Materials Policies. Furthermore, in accordance with relevant U.S. EPA regulations, implementation of Mitigation Measure HAZ-1.1 would ensure that any spills would be

contained and controlled. Therefore, the Project would not create a significant hazard for the public or the environment through the routine transport or disposal of hazardous materials. Construction of the Project would result in **less-than-significant** impacts related to routine transport, use, or disposal of hazardous materials.

HAZ-1.1: Prepare and Implement a Spill Prevention, Control, and Countermeasure Program for Construction Activities. The contractors will develop and implement a Spill Prevention, Control, and Countermeasure Program (SPCCP) to minimize the potential for and effects from spills of hazardous, toxic, or petroleum substances during construction and demolition activities. The SPCCP will be completed before any construction or demolition activities begin. Implementation of this measure will comply with state and federal water quality regulations.

The Project Sponsor will review and approve the SPCCP before the onset of construction activities. The Project Sponsor will routinely inspect the construction area to verify that the measures specified in the SPCCP are properly implemented and maintained. The Project Sponsor will notify its contractors immediately if there is a noncompliance issue and will require compliance.

The federal reportable spill quantity for petroleum products, as defined in 40 CFR 110, is any oil spill that includes any of the following:

- Violates applicable water quality standards,
- Causes a film or sheen on or discoloration of the water surface or adjoining shoreline, or
- Causes a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines.

If a spill is reportable, the contractors' superintendents will notify the Project Sponsor, and the Project Sponsor will take action to contact the appropriate safety and cleanup crews and ensure that the SPCCP is followed. A written description of reportable releases must be submitted to the San Francisco Bay Regional Water Quality Control Board. This submittal must contain a description of the spill, including the type of material and an estimate of the amount spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent and control future releases. The releases will be documented on a spill report form.

If a reportable spill has occurred and Project activities have adversely affected surface water or groundwater quality, a detailed analysis will be performed by a registered environmental assessor to identify the likely cause of contamination. This analysis will conform to American Society for Testing and Materials (ASTM) standards and will include recommendations for reducing or eliminating the source or mechanisms of contamination. Based on this analysis, the Project Sponsor and its contractors will select and implement measures to control contamination, with a performance standard that groundwater quality must be returned to baseline conditions. These measures will be subject to approval by the Project Sponsor.

Project Operation

The Project would use hazardous materials that are typical of non-medical office, retail, and residential uses (e.g., solvents, cleaning agents, paints, pesticides, petroleum fuels, propane, aerosol

cans). These hazardous materials are generally used in small, localized amounts, and any spills that may occur would be cleaned up immediately. Although implementation of the Project might account for an increase in the amount of common types of hazardous materials, normal routine use of these products would not result in a significant hazard for residents or workers in the vicinity. In addition, the Project would not involve handling acutely hazardous materials, substances, or waste. Moreover, any applicant who handles quantities of hazardous materials equal to or greater than the minimum reportable quantities (i.e., 55 gallons for liquids, 500 pounds for solids, 200 cubic feet for compressed gases) would be required to submit a HMBP for review and approval by SMCEHD. The City reviews the use of hazardous materials (e.g., diesel fuel for emergency generators) when certain thresholds are exceeded and coordinates with the county and the MPFPD. The purpose of the HMBP is to ensure that employees are adequately trained with respect to handling hazardous materials and providing information to the MPFPD in a timely manner should an emergency response be required. Proper handling and disposal of contaminated materials reduces unforeseen risks to the environment and prevents adverse health, safety, or environmental effects. The Project would have ***less-than-significant*** impacts related to the transport, use, and disposal of hazardous materials.

Impact HAZ-2: Accidental Release of Hazardous Materials. The Project could 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. (LTS/M)

As described under Impact HAZ-1, typical construction-related hazardous materials, including gasoline, diesel, oil, other vehicle-related fluids, paints, solvents, and metals, would be used during construction of the Project. It is possible that these substances could be released during construction activities. However, as described previously, compliance with federal, state, and local regulations, in combination with construction BMPs, as implemented through a Project-specific SWPPP, would ensure that all hazardous materials would be used, stored, and disposed of properly, which would minimize potential impacts related to a hazardous materials release during construction activities.

As described in the Existing Conditions section, contamination exists in the form of PCE, TCE, DCE, and vinyl chloride, which have affected soil and groundwater, from historical activities conducted by Wo Sing Laundry and Dry Cleaners. The dry cleaners operated at 570 Derry Lane from 1981 to 2011. A RAW has been prepared with site-specific remedial action recommendations for the Derry Lane site and is pending approval by the DTSC. Mitigation Measure HAZ-2.2 would ensure the implementation of the aforementioned remedial activities at the Derry Lane site upon DTSC approval and prior to construction of the Project. As detailed in the Phase I ESA for the 1300 El Camino Real site,¹³ historic automotive detailing and painting operations, a former pad-mounted transformer, and undocumented fill may have affected soil within the site. Portions of 21 hydraulic lifts remain on the property. Therefore, residual hydraulic oil may exist within these components, and affected soil may exist in the soil below the lifts and their surroundings. The pad-mounted transformer was located in the western portion of the property and may have contained dielectric oil (containing PCBs). As such, construction activities related to the Project may encounter contaminated media during grading, excavation, and the installation of the support structures for new buildings. Any disturbance of soils or groundwater at locations that may have been previously contaminated by prior uses could further extend contamination into the environment and expose construction workers, the public, or the environment to hazardous conditions. Additionally, historical information suggests that building materials from 1300 El Camino Real, 1258 El Camino Real,

¹³ Green Environment, Inc. 2012. *Phase I Environmental Site Assessment, 1300 El Camino Real, Menlo Park, California*. (GEI Project: A12777.) March 20. Prepared for Bayfront Investments, LLC.

and Derry Lane could contain unknown quantities of ACMs and lead-based paint. Potential ACMs in the area would consist of concrete, stucco, paint, sheetrock, mortar, mastic, window putty, and roofing materials. Potential lead-based paint might be found in cinder block walls, stucco, sheetrock, concrete flooring, and wood ceilings. Asbestos is regulated both as a hazardous air pollutant and as a potential safety hazard for workers. BAAQMD and Cal/OSHA regulations restrict asbestos emissions from demolition and renovation activities and specify safe work practices to minimize the potential for a release of asbestos fibers. As such, compliance with applicable BAAQMD and Cal/OSHA regulations, as well as RCRA, DOT Hazardous Materials Regulations, local CUPA regulations, and City of Menlo Park General Plan Hazardous Materials Policies, and implementation of Mitigation Measures HAZ-1.1, described above, and HAZ-2.1, HAZ-2.2, HAZ-2.3 and HAZ-2.4, described below, would reduce these potential impacts to a ***less-than-significant*** level.

HAZ-2.1: Hazardous Materials Characterization at 1258 and 1300 El Camino Real and Derry Lane. Prior to construction, the following characterization activities shall be conducted by a qualified environmental consultant in areas of the Project site where the likelihood of contaminated media exists. If contaminants are discovered, the consultant shall provide recommendations for the proper treatment and/or removal and disposal of the contaminated media.

The following characterization activities are based on the recommendations included in the Phase I ESAs.

- Remaining components of the 21 hydraulic lifts located on the 1300 El Camino Real site shall be removed by a qualified contractor, with soil samples collected at the bottom of each hole for laboratory analyses for total petroleum hydrocarbons as hydraulic oil and PCBs.
- Soil samples shall be collected at the 1300 El Camino Real site in locations of former automotive painting and detailing operations, sumps, and trenches for laboratory analyses for total extractable and purgeable petroleum hydrocarbons and volatile organic compounds (VOCs).
- Groundwater, soil, and soil vapor sampling for VOCs shall be conducted in the eastern portion of the 1300 El Camino Real site to determine the significance and extent of the on-site impact from the off-site PCE release.
- Fill soils on the 1300 El Camino Real site shall be sampled for chemicals of potential concern associated with an unknown source of fill.
- Soil at the location of a former transformer on the 1300 El Camino Real site shall be sampled for PCBs.
- The cause of the depressed asphalt area on the 1258 El Camino Real shall be investigated and remedied.
- Construction materials shall be surveyed for ACMs and lead-based paint by a certified consultant on the 1258 El Camino Real site, 1300 El Camino Real site, and Derry Lane site to comply with applicable BAAQMD and Cal/OSHA regulations.

If contaminants are discovered during testing, the Project Sponsor will report the contamination to SMCEHD to determine how the contamination is to be addressed and update the HMBP within 30 days of discovering the contamination to reflect the new understanding of hazardous materials at the Project site.

HAZ-2.2: Implementation of Remedial Action Recommendations included in the Derry Lane RAW. Upon approval by the DTSC and prior to construction; site-specific remedial action recommendations contained in the RAW shall be conducted at the Derry Lane site as required by the Imminent and Substantial Endangerment Determination and Order and Remedial Action Order issued by the DTSC in May 2011. As detailed in the Environmental Setting, remedial actions proposed in the RAW may include; soil excavation and disposal, ISCO injections, well monitoring and implementation of institutional controls.

HAZ-2.3: Implement Engineering Controls and Best Management Practices during Construction. During construction activities conducted on all sites, the contractor shall employ engineering controls and BMPs to minimize human exposure to potential contaminants and potential negative effects from an accidental release to groundwater and soils. Engineering controls and construction BMPs shall include, but not be limited to, the following:

- Contractor employees working on-site shall be certified in OSHA's 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training program.
- Contractor shall monitor the area around the construction site for fugitive vapor emissions with appropriate field screening instrumentation.
- Contractor shall water/mist soil as it is being excavated and loaded onto trucks.
- Contractor shall place any stockpiled soil in areas that are shielded from prevailing winds.
- Contractor shall cover the bottom of excavated areas with sheeting when work is not being performed.

All materials will be handled consistent with the HMBP developed for the Project.

HAZ-2.4: Develop Construction Activity Dust Control Plan (DCP) and Asbestos Dust Management Plan (ADMP). Prior to commencement of site grading on all sites, the Project Sponsor shall retain a qualified professional to prepare a DCP/ADMP. The DCP shall incorporate the applicable BAAQMD standards pertaining to fugitive dust control. The ADMP will be prepared if ACMs are identified onsite and shall be submitted to and approved by BAAQMD prior to the beginning of construction. The Project Sponsor will ensure implementation of all specified dust control measures throughout construction of the Project. The ADMP shall require compliance with specific control measures to the extent deemed necessary by BAAQMD to meet its standard.

Impact HAZ-3: Proximity to Sensitive Receptors at Schools. The Project would not emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. (LTS)

Project Construction

The closest school is the Language Pacifica School, located at 585 Glenwood Avenue, approximately 400 feet northwest of the Project site. All other schools in the vicinity are more than 0.25 mile away. Project construction would involve hazardous materials that are typical of a construction project (as discussed above under Impact HAZ-1). It is expected that construction of the Project would be conducted in compliance with federal, state, and local regulations. Any potential construction-related hazardous materials releases or emissions would be from commonly used materials, such as fossil fuels, solvents,

and paints, and would not include substances that have been listed in 40 CFR 355, Appendix A: Extremely Hazardous Substances and Their Threshold Planning Quantities. Any spills would be localized and immediately contained and cleaned up. Also, construction BMPs implemented through a project-specific SWPPP, per requirements of the Construction General Permit, would further reduce potential impacts to ***less than significant***.

As discussed above, it is possible that contamination may exist at the Project site in the form of PCE releases in soil and groundwater, hydraulic fluid-affected soil, and PCB-affected soil. As such, construction activities related to the Project may encounter contamination during grading, excavation activities, and the installation of support structures for new buildings and could, therefore, result in potential impacts. However, compliance with federal, state, and local regulations, in combination with implementation of Mitigation Measures HAZ 1.1 and HAZ-2.1 through HAZ-2.4 would reduce these impacts to a ***less-than-significant*** level.

Project Operation

The Project would not involve handling acutely hazardous materials, substances, or waste as part of day-to-day operations. It is anticipated that the Project would use hazardous materials that are typical of non-medical office, retail, and residential uses. These hazardous materials would generally be used in small, localized amounts, and any spills that may occur would be cleaned up immediately. Furthermore, any site where hazardous materials would be handled in reportable quantities would be required to submit a HMBP for review and approval by the SMCEHD and would be subject to its oversight. As such, operation of the Project would result in ***less-than-significant*** impacts.

Impact HAZ-4: Hazardous Materials Sites. The Project would not exacerbate existing environmental hazards as a result of being located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

As discussed in Chapter 3.0, *Introduction to the Environmental Analysis*, the CBIA vs. BAAQMD case does not require analysis of how existing environmental conditions will impact a project's future users or residents. Since the Project would not exacerbate an existing hazard, the following discussion is provided here for informational purposes only and no significance conclusion is required. The Project site was found in several environmental databases. The 1258 El Camino Real site was listed as a former state voluntary cleanup program site, with termination granted in June 2011. The 1300 El Camino Real site was granted closure in August of 1984 for a leaking underground storage tank violation. The Derry Lane site is currently participating in an Imminent and Substantial Endangerment Determination and Order and Remedial Action Order from DTSC. Due to the nature of the future land uses at the Project site, the Project would not contribute to or exacerbate the existing hazards. No further discussion is needed.

Cumulative Impacts

Hazardous materials issues are related to specific geologic conditions, prior land uses, and current activities on a site or adjacent sites. Hazardous materials issues are site specific, unless there is a major hazardous site nearby (e.g., a Superfund site) or contamination reaches groundwater.

Cumulative development within the Specific Plan area must adhere to the mitigation measures contained in the Specific Plan EIR. These include Mitigation Measure HAZ-1, which requires Phase I ESAs to identify the potential for hazardous releases and subsequent Phase II ESAs, as necessary, to remediate

identified contamination. Specific Plan Mitigation Measure HAZ-2.3 requires all new development to use construction BMPs to control hazardous waste during construction and minimize risks. Compliance with these measures will help minimize the likelihood of cumulative hazardous materials impacts.

The Project site is in an area of groundwater contamination. Thus, any impacts related to hazardous materials have the potential to be cumulatively considerable and must be closely reviewed.

Impact C-HAZ-1: Cumulative Hazardous Materials Use. The Project, in combination with other foreseeable development in the surrounding area, would not have a significant cumulative impact resulting from hazardous materials usage. (LTS)

Although existing, proposed, and reasonably foreseeable development, as identified in Section 3.0, *Introduction to the Analysis*, could have unique hazardous materials considerations, all existing and potential users would comply with the range of federal, state, and local statutes and regulations regarding the use, transport, and disposal of hazardous materials and be required to comply with existing and future programs of enforcement by the appropriate regulatory agencies, which are described in the Regulatory Setting. Compliance with these federal, state, and local laws and regulations pertaining to hazardous materials management would be adequate for minimizing health and safety risks because the laws and regulations have been designed to protect health and safety and are enforced by state and local agencies. In addition, stringent federal and state regulatory requirements would apply to the common carriers that would deliver and transport hazardous materials to and from locations where hazardous materials are used. Although these regulations would not eliminate the potential for accidents and resulting spills, they would reduce the frequency of possible occurrences and limit the number of people who could be exposed. Therefore, the cumulative impact with regard to the routine use, transport, disposal, and handling of hazardous materials would be *less than significant*.

Operation of the Project would involve limited hazardous materials usage because of the types of activities that would occur on-site (office, residential, and retail/service uses and related amenities). Moreover, as explained in Impact HAZ-1, the Project would comply with all applicable statutes and regulations and implement Mitigation Measure HAZ-1.1. This would ensure that the Project would not result in significant hazards as a result of hazardous materials use, transport, or disposal.

Development of other projects and the Project would result in an increase in hazardous materials usage and transportation in the area. Such use could also occur within 0.25 mile of a school. This could expose a greater number of people to risk in the event of an inadvertent release or spill. However, hazardous materials incidents are usually site specific, and the likelihood of multiple incidents occurring concurrently and resulting in a cumulative impact is very remote. As a result, associated health and safety risks would generally be limited to those individuals who use the materials or persons in the immediate vicinity of the materials. The impact would be *less than significant*.

Impact C-HAZ-2: Cumulative Soil and Groundwater Contamination. Development of the Project site and other foreseeable development could expose people or the environment to residual contaminants in soil and/or groundwater if measures are not implemented to control unintentional or inadvertent releases. (LTS)

The projects identified in Section 3.0, *Introduction to the Analysis*, could be listed on the Cortese List, pursuant to Government Code Section 65962.5. For projects in the city that involve development or redevelopment of an existing site where soil or groundwater contamination may have occurred, the potential exists for a release of hazardous materials during construction and/or remediation of those

sites. For individuals who are not involved in construction activities, the greatest potential source of exposure to contaminants is airborne emissions, primarily through construction-generated dust. Other potential pathways, such as direct contact with contaminated soils or groundwater, would not pose as great a risk to the public because such exposure scenarios are typically confined to construction zones.

Assuming that site-specific risk management controls are implemented and compliance with applicable laws and regulations pertaining to site cleanup and hazardous materials management is achieved at all other locations, soil or water contamination in the identified geographic context would not result in significant cumulative impacts. Exposure to soil and groundwater contamination, inadvertent spills, etc., are localized impacts that are not expected to combine with other incidents to create a cumulative impact for the same population or environment. Moreover, an individual who is near the construction zone of one source would most likely not be exposed to maximum off-site levels from another source. Implementation of applicable laws and regulations for the management of hazardous materials adopted at the federal, state, and local levels, which are explained in the Regulatory Setting, would reduce cumulative impacts related to development of known or potentially contaminated sites to *less than significant*.

Impact C-HAZ-3: Cumulative Hazardous Materials in Building Components. Development of the Project and other foreseeable development could expose people to asbestos, lead, PCBs, or other hazardous materials in existing buildings that may be demolished, renovated, or rehabilitated if measures are not implemented to control unintentional or inadvertent releases. (LTS)

It is reasonable to assume that development of some projects could involve demolition of some structures or renovation and rehabilitation of others. If building demolition occurs where asbestos, lead-based paint, PCBs, or other hazardous materials are present, the projects would be required to comply with applicable federal, state, and local regulations, which are explained in the Regulatory Setting. Prior to issuance of a demolition permit, the City would be responsible for ensuring that the necessary investigations and remediation have been completed.

Hazardous materials incidents associated with demolition activities where asbestos, lead-based paint, PCBs, or other hazardous materials could be released would be site specific. As a result, associated health and safety risks would generally be limited to those individuals who use the materials or persons in the immediate vicinity of the materials. Furthermore, the likelihood of multiple incidents occurring concurrently and resulting in a cumulative impact would be minimal. Therefore, there would be no significant cumulative impact. Development of the Project would comply with all local, state, and federal regulations pertaining to the handling and disposal of hazardous materials that could be contained in buildings that are to be demolished. Implementation of Mitigation Measure HAZ-2.4 would also be required. Compliance with these regulations would reduce any potential Project impact to less than significant. Therefore, the Project's cumulative impact would also be *less than significant*.

Impact C-HAZ-4: Cumulative Impairment of Emergency Access or Emergency Plan Impacts. Development of the Project and other foreseeable development would not impair implementation of or interfere with an adopted emergency response or evacuation plan. (LTS)

New development would result in increased traffic throughout the city. Response times for emergency providers could be significantly affected because of congestion at intersections. Projects that are located far away from fire and police stations would be particularly affected. However, the Project is fairly close to Fire Station 6, and existing traffic preemption devices would ensure that response times would not be significantly affected.

Because details regarding the site plans of several foreseeable projects are unknown, it is possible that emergency access to these sites could be affected. However, during the design review process for the projects, the City would require appropriate measures to ensure that emergency access is not impeded and that adequate emergency access to the sites is included.

Adequate emergency access to the Project site would be provided. Furthermore, Project features (such as the Garwood Way connection) have the potential to improve emergency response times by providing additional access for emergency responders.

With existing traffic preemption devices located throughout the city and adequate emergency access to the Project site, implementation of the Project would not impede emergency access routes. The existing city grid system would continue to be maintained. The Project would not result in permanent road closures that would physically interfere with the City's EOP. Therefore, the impact would be ***less than significant***.

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