3.7 HAZARDS AND HAZARDOUS MATERIALS

INTRODUCTION

This section addresses hazards associated with the proposed project that may potentially affect public health and safety or degrade the environment. This section summarizes the findings of a Phase I Environmental Site Assessment (ESA) prepared by The Reynolds Group in January 2012. This report is incorporated herein by this reference, and contained within **Appendix 3.7** of this Draft EIR.

ENVIRONMENTAL SETTING

Hazardous Materials Definition

This Draft EIR uses the definition given in Section 25501(o) of the California Health and Safety Code, which defines a "hazardous material" as:

> *Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous Materials" include, but are not limited to, hazardous substances, hazardous wastes, and any materials which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or environment.*

"Hazardous waste" is any hazardous material that is abandoned, discarded, or recycled, as defined by Sections 25117 and 25124 of the California Health and Safety Code. In addition, hazardous waste may occasionally be generated by actions that change the composition of previously nonhazardous materials. The criteria used to characterize a material as hazardous include ignitability, toxicity, corrosivity, reactivity, radioactivity, or bioactivity.

Project Site and Existing Uses

The project site is an irregularly shaped, nearly flat parcel of approximately 5.88 acres in the Civic Center Area of the City of Malibu. The project site is located at the northwest corner of the intersection of Civic Center Way and Cross Creek Road. Adjacent uses include a vacant parcel to the west, commercial uses to the east (Urban Outfitters, commercial office space), an equestrian facility (Sycamore Farm) to the north, and a commercial office and retail center to the south (Malibu Country Mart); a building housing a stormwater treatment system operated by the City of Malibu adjoins the project site along the southern boundary, within a public right-of-way. According to historic research undertaken and documented in the Phase I ESA, the vacant northwest portions of the project site have never been developed, while the

small paved portion of the project site on the east side of the parcel, off Cross Creek Road, was once used as a towing yard and a skateboard park. No known septic systems exist on the project site.

Additional uses near the project site include a GTE/Verizon Wireless maintenance facility, with a building and a surface parking lot, located immediately adjacent to the northeast corner of the project site (3705 Cross Creek Road). Located further to the north along Cross Creek Road is the neighborhood known as "Serra Retreat" (also sometimes called "Serra Canyon"). This area includes a community of 96 single-family residential properties and the Serra Retreat, a Catholic Retreat and Conference Center. Residents belong to the Serra Canyon Property Owners Association, which was formed to maintain the privately-owned portion of Cross Creek Road which serves the canyon community. Entry to the community is controlled by two guard-gated drives, one off PCH and the other on Cross Creek Road. Immediately to the west is the currently undeveloped parcel for the approved La Paz commercial development. The Los Angeles County Civic Center complex, which includes the Los Angeles County Public Library – Malibu Branch, and the Los Angeles County Superior Court West District office (which is now closed), is located immediately to the west of the La Paz project site. The Santa Monica Community College District (as the Lead Agency) is currently preparing an EIR for the demolition of the former Los Angeles County Sheriff's Station, also on the complex site, which was decommissioned in the early 1990s, and the construction of a new, two-story, above-grade, approximately 27,500-square-foot educational facility, including an approximately 5,700-square-foot Sheriff's substation and an Emergency Operations and Planning Center on the ground floor to serve the Malibu community. The City's 26-acre Legacy Park, a passive community park, which includes an element of the City's storm water treatment system, is located southwest of the project site, across Civic Center Way.

The Pacific Ocean is located 0.5 mile south of the site, lower Malibu Creek is 0.5 mile to the south and east and the base of the Santa Monica Mountains foothills are located 0.5 mile to the north across Malibu Canyon Road. Refer to **Figures 2.0-1, Project Vicinity, 2.0-2, Project Boundary,** and **2.0-3, Project Site**.

Primary access to the project site is provided from Civic Center Way via Pacific Coast Highway (PCH). Both streets are generally posted with speed limits of or operating at speeds of 40 to 55 miles per hour. PCH's travel lanes are bordered by wide paved shoulders. No sidewalks or formal bike paths exist along this segment of PCH. Civic Center Way runs along the southern boundary of the project site and is two-lanes in front of the project site. Cross Creek Road is two lanes with a dirt shoulder along the eastern boundary of the project site.

Following construction of the proposed project, vehicles would access the project site via two driveways: one driveway is planned on Civic Center Way near the west end of the project site opposite the Country Mart Shopping Center driveway and one driveway is planned on Cross Creek Road near the north end of

the project site. According to the City of Malibu's SEMS/NIMS Emergency Operations Plan 2012 (EOP) the project site is not located along any of the City's designated emergency evacuation routes.[1]

Sensitive receptors are identified as those individuals with fragile or immature immune systems who may have a special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the chronically ill, and children. While the location of all sensitive receptors cannot be determined, typically those buildings and facilities, i.e., schools, daycare centers, hospitals, and nursing homes that house these individuals, are used to define their potential location. Surrounding uses that would be considered sensitive receptors with respect to hazardous material exposure include the single-family residential uses located immediately to the north along Cross Creek Road, Webster Elementary School located approximately 0.8 mile northwest of the project site, the Gan Malibu Preschool located approximately 0.8 mile east of the project site and Malibu Presbyterian Church Preschool located approximately 1.2 miles northwest of the project site. There are some medical offices located in the commercial buildings to the south of the project site, however, they are not hospital or long term care facilities and as such are not considered sensitive receptors. It should be noted that Colin McEwen High School, formerly located in these buildings, is no longer in operation.[2]

Environmental Site Assessment

Site visits to perform a Phase I Environmental Site Assessment (Phase I ESA) were conducted on October 20, 2011 and December 8, 2011 by the Reynolds Group. The purpose of the Phase I ESA was to determine evidence of issues of environmental concern, consistent with the American Society for Testing Materials (ASTM) Standard E1527-05 (the current standard is E1527-13) and the US Environmental Protection Agency (US EPA) Region 9 Standard 40 CFR Part 312 for All Appropriate Inquiries (AAIs).[3]

At the time of the site visits, the project site consisted of areas of asphalt paving, bare soil, gravel, and vegetation mainly comprised of highly disturbed, non-native grassland; a cluster of mature trees is in the northwest corner of the site. A silo-type container formerly used to store grain was observed atop a small concrete pad near the existing trees; no odors or staining on or around the container were noted during the inspection. The area of the project site formerly used as the skateboard park along the east side, off Cross Creek Road, is paved with asphalt (approximately 6,000 square feet). A dirt and gravel road

---

1 City of Malibu SEMS/NIMS Emergency Operations Plan 2012, website: https://www.malibucity.org/DocumentCenter/View/68, accessed March 17, 2014.

2 A search for the California Secretary of State, Business Entity Detail indicates that their status as a California Corporation has been suspended. Website: http://kepler.sos.ca.gov/, accessed March 18, 2014.

3 The new standard (E1527-13) does not change any thresholds; rather it simplifies definitions and mandates agency file review of vapor migration. This information was provided by The Reynolds Group on January 7, 2015.

running north-south along the west side of the project site is accessed from a gateway on Civic Center Way and extends north to the former skateboard park area. Chain-link fencing surrounds the majority of the project site. Refer to **Figure 3.7-1, Property Plot Plan.**

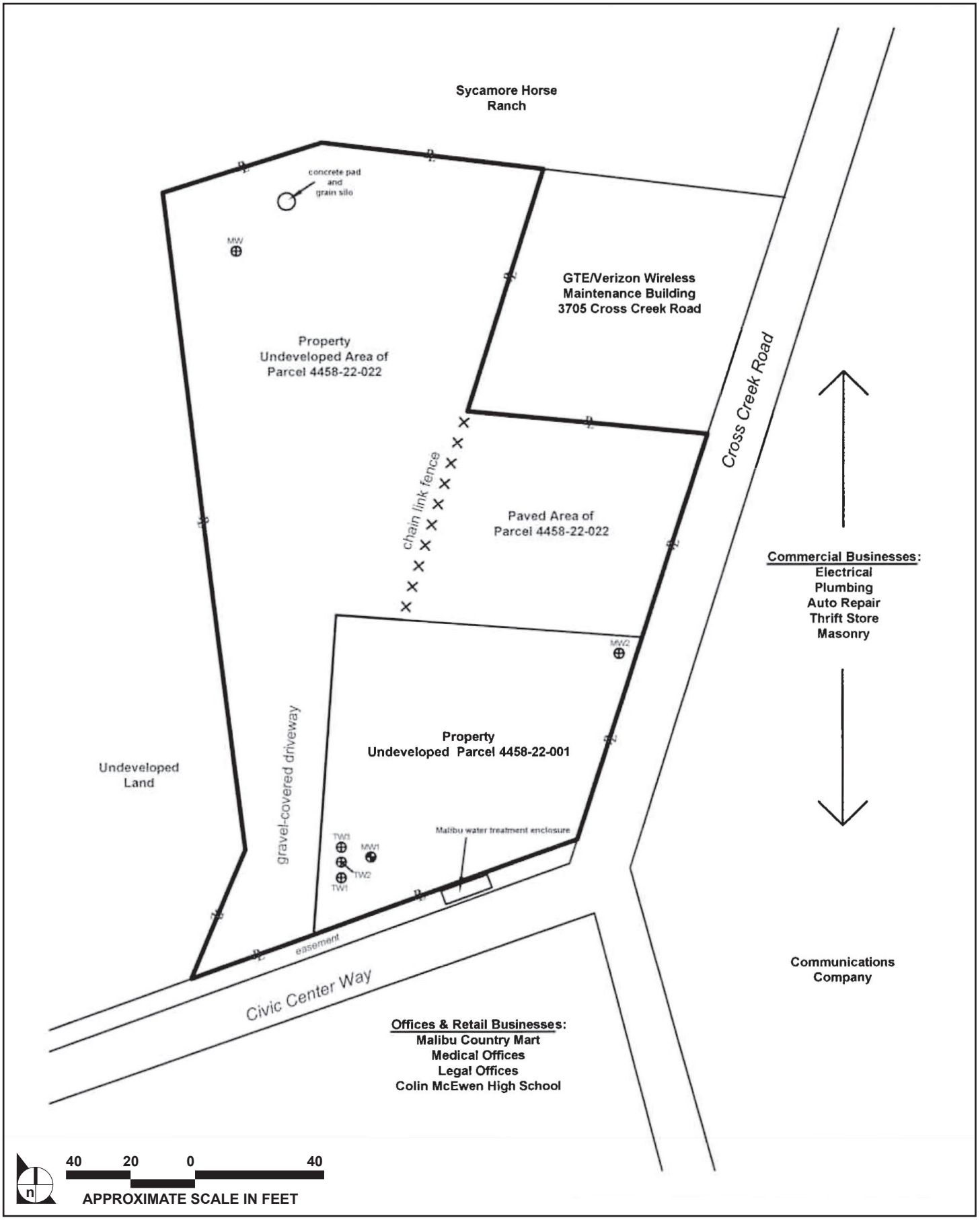
No evidence of underground storage tanks (USTs) was detected during the inspection. According to historic records, one 500-gallon gasoline underground storage tank (UST) formerly existed near the northwest comer of the project site. The tank was removed in 1997, no gasoline constituents were detected in soil samples collected during the removal, and the case has been issued regulatory closure with the Los Angeles County Department of Public Works (LADPW). As such, the former 500-gallon UST is not an issue of environmental concern.

As shown on **Figure 3.7-1, Property Plot Plan**, six former groundwater monitoring wells are scattered across the site. Well numbers MW1, MW2, and MW3 were the result of borings originally performed by Van Beveren & Butelo as part of their subsurface investigations in August 2007; their report states that following their investigations, boring sites 1, 2, and 4 were converted into groundwater monitoring wells.[4] An additional report, prepared by Van Beveren & Butelo calls out the locations of well numbers TW1, TW2, and TW3.[5] Laboratory tests conducted showed volatile organic compounds (VOCs) below laboratory detection limits in a groundwater samples collected from the wells on April 25, 2008, and metals concentrations, where present, were within normal background ranges. While the wells identified on the project site are considered a recognized environmental condition (REC) as defined by ASTM Standard E1527-05 and ASTM Standard E1527-13, no other research performed during the Phase I ESA suggested that groundwater beneath the project site is impacted. As such, the existing wells on the project site are not considered issues of environmental concern.

- No evidence of environmentally hazardous leaks, spills, or dumping was observed on the project site during the inspection.
- No electrical transformers were observed on the project site.
- No pungent or noxious air emissions were noted during the inspection.
- No ponds, other standing water, or wetlands were observed on the project site during the inspection.
- Other than the groundwater monitoring wells, no RECs were observed on the project site during the inspection.

4 Van Beveren & Butelo, Inc., *Report of Geotechnical Investigation, Proposed Papa Jack's Town Center*, August 7, 2007.

5 Van Beveren & Butelo, Inc., *Report of Hydrogeologic Investigation, Proposed Papa Jack's Town Center*, June 4, 2008.



SOURCE: The Reynolds Group, 2011

FIGURE **3.7-1**

Property Plot Plan

The inspection also included a visual assessment of the adjacent properties; no issues of environmental concern were noted as viewed from public right-of-ways.

Database Searches

The project site lies between a mixed commercial and residential area of the City of Malibu. An historical environmental database search in compliance with ASTM Standard EI527-00 and ASTM Standard is E1527-13 was conducted encompassing the project site and up to a 1 mile radius from the project site. The project site does not appear in any of the databases. A few cases of potential environmental concern were identified in the area within various databases. However, none of these cases are issues of actual environmental concern to the project site for reasons detailed in the Phase 1 ESA, including distance from the project site, regulatory closure, and down-gradient or cross-gradient locations.

Wildland Fire Hazard Potential

The Santa Monica Mountains are considered particularly susceptible to wildfires due to several factors including; climate patterns and weather conditions, fire adaptation of vegetation types, slope steepness, and frequency of fires caused by human activity. The Los Angeles County Fire Department (LACFD) and the California Department of Forestry and Fire Protection (CAL FIRE) both classify the entire City of Malibu as being in a critical fire hazard area, i.e., a Very High Fire Hazard Severity Zone (VHFHSZ). County Fire Code states that no building within a designated VHFHSZ shall be located more than 1,000 feet from a fire hydrant with the distance being measured along a route providing reasonable access.

The LACFD also requires a 300-foot fuel modification buffer around all habitable developments within high fire hazard areas. Fuel modification reduces the radiant and convective heat generated by wildfire, and provides valuable defensible space for firefighters to take an effective stand against an approaching fire front and firebrands (i.e., ember showers). When a wildfire occurs, the primary protection for life, property, and the environment comes from passive protection measures such as defensible space, fire resistive landscaping, and fire-resistive construction. The sum effect of passive protection measures substantially increases the effectiveness of fire suppression activities. Fire suppression generally includes a combined resource attack, which is a coordinated suppression effort including ground assets, aviation assets, passive fire protection measures, and command elements.

The project site lies between a mixed commercial and residential area of the City, i.e., commercial properties are adjacent to the project site to the east, west, and south, while the adjoining property to the north is residential. Residential areas are affected by wildland fire more than any other areas in the City. Houses that are nestled among the heavily vegetated canyons surrounded by a great deal of underbrush are especially vulnerable to fires.

Fire Services

The City is served by the LACFD, as well as CAL FIRE, if needed. There are four LACFD stations that could serve the project site. Their staffing and equipment are detailed in **Table 3.11.1-1, Fire Stations Serving the Project Site,** in **Section 3.11.1, Public Services - Fire Protection.**

Fire protection services for the project site would primarily be provided by Fire Station 88, but if necessary, the project site could be served by any or all of the fire stations listed in **Table 3.11.1-1**. In addition to these stations, in the event of major fires, the County has mutual aid agreements with CAL FIRE and nearby cities and counties throughout the state so that additional personnel and firefighting equipment can augment the LACFD. In the event of a large wildland fire these resources are almost always called upon, since local resources would not be sufficient to battle the blaze.

The City of Malibu's water supply is provided by the Metropolitan Water District of Southern California (MWD). Water infrastructure serving the vicinity of the project site is maintained by the Los Angeles County Department of Public Works, Waterworks District 29. Currently the City receives water through a 30-inch water main running along PCH and smaller water mains beneath Civic Center Way and Cross Creek Road. These mains range in size from 6 inches to 12 inches.

The required water supply for fire suppression varies with the type of development, life hazard, type and level of occupancy, and degree of fire hazard, based on such factors as building age or type of construction. This required water supply is termed the "fire flow" and measures the performance capacity of water lines to supply water with adequate pressure during emergencies. The LACFD fire flow requirements are based on the type of land use, size of structures, number of floors, building materials used, location and the presence of fire sprinklers, among other factors to meet the projected fire flow requirements, the LACFD is requiring that the proposed project install one public fire hydrant and three private fire hydrants on the project site. The required fire flow for the project hydrants is 2,000 gallons per minute (gpm) at 20 pounds per square inch (psi) for up to a 2-hour duration, over and above the maximum daily domestic demand, for the public fire hydrant and 2,500 gpm at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source, for the private fire hydrants.[6]

6 Los Angeles County Fire Department, Water System Requirements, correspondence dated September 14, 2010.

REGULATORY FRAMEWORK

Federal Regulations

A variety of laws and regulations governing the management and control of hazardous substances has been established at the federal level to protect the environment. These regulations fall under the jurisdiction of the US EPA and include the following principal laws:

The Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA" or "Superfund") creates national policy and procedures to identify and cleanup sites where hazardous substances have been released into the environment and provides the mechanisms by which these remedial actions are financed. Additionally, the Superfund Amendment and Reauthorization Act (SARA), which extended and amended CERCLA, required that due diligence be exercised in the investigation of past and current handling of hazardous substances prior to property sale.

The Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) was enacted in 1974 as the first step in regulating the potential health and environmental problems associated with solid hazardous and non-hazardous waste disposal.

The Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) enacted in 1976, regulates and controls harmful chemicals and toxic substances in commercial use, in particular PCBs.

The Federal Insecticide, Fungicide, and Rodenticide Act

The Act (as amended) controls the manufacture, use, and disposal of pesticides and herbicides.

The Hazardous and Solid Waste Act

The Hazardous and Solid Waste Act (HSWA) includes the 1984 amendments to RCRA to address gaps in the area of highly toxic wastes.

Title 29 Code of Federal Regulations (CFR), Park 1910

Title 29 contains the Occupational Safety and Health Administration (OSHA) requirements for workers at hazardous waste sites including emergency response, hazard communication, and personal protective equipment.

State Regulations

At the state level, California has developed hazardous waste regulations that are similar to the federal laws, but that are much more stringent in their application. The basic law established in California, similar to RCRA, is the Hazardous Waste Control Law (HWCL). More detailed information concerning the implementation of these requirements is given in Title 22 of California Code of Regulations (CCR), Chapter 230. The HWCL empowers the Department of Toxic Substances Control (DTSC), a division of the California Environmental Protection Agency (CAL EPA - formerly part of the Department of Health Services), to administer the state's hazardous waste program and implement the federal program in California. This law includes UST regulation to prevent groundwater contamination.

Fire and Resource Assessment Program

Government Code 51175-89 directs the California Department of Forestry and Fire Protection (CAL FIRE) to identify areas of very high fire hazard severity zones in local responsibility areas (LRA). Mapping of the areas, referred to as VHFHSZ, is based on data and models of potential fuels over a 30- to 50-year time horizon and their associated expected fire behavior, and expected burn probabilities to quantify the likelihood and nature of vegetation fire exposure (including firebrands) to buildings.

Other relevant state laws include the following:

- Proposition 65 focuses on carcinogenic or teratogenic contaminants and implements the state's community-right-to-know program.

Local Regulations

Los Angeles County Code

The Los Angeles County Fire Code establishes guidelines and requirements for fuel modification and clearance of brush and vegetative growth. Specifically, Fire Code Section 1117.2.1 requires the submittal of a fuel modification plan, a landscape plan, and an irrigation plan for the area within a proposed project's boundaries designated a VHFHSZ. The plan must be prepared by a registered landscape

architect, landscape designer, landscape contractor, or an individual with expertise acceptable to the forestry division of the fire department prior to any new construction.

The Weed Abatement Division of the Los Angeles County Department of Agricultural Commissioner has been given authority to create defensible space for unimproved properties. In accordance with Los Angeles County Fire Code (Section 317 et seq.), the Agricultural Commissioner may notify all owners of property affected that they must clear all flammable vegetation and other combustible growth or reduce the amount of fuel content for a distance greater than 30 feet, but not to exceed 200 feet.

City of Malibu Fire Code

The City of Malibu has adopted the Los Angeles County Fire Code, contained in Title 32 of the Los Angeles County Code. The City of Malibu Fire Code includes regulations that require the identification of Fire Hazard Severity Zones and regulations for vegetation management and fuel modification. Fire Code Section 1117.2.1 requires that a fuel modification plan, a landscape plan, and an irrigation plan be prepared prior to any subdivision of land or new construction in a VHFHSZ. As described previously in this section, all land in the City is designated a VHFHSZ.

Ordinance No. 299 of the City of Malibu

Ordinance No. 299 of the City of Malibu required the Los Angeles County Fire Chief to designate all land in the City as VHFHSZ, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. Properties in VHFHSZ are subject to more stringent Building Code requirements. In summary, these code provisions address roofing and siding materials, window glazing, exterior doors, the protection of openings and unenclosed underfloor areas, and accessory structures.

City of Malibu General Plan

The safety and health element of the City of Malibu General Plan includes goals and policies intended to minimize risks due to fire hazards. Safety Implementation Measure 4 is intended to "establish programs and guidelines for fire-safe landscaping including buffers comprised of fire resistant vegetation between residential areas and open space areas and encourage use of fire-safe landscaping principles which emphasize plant species with low fuel volumes." Other implementation measures include coordination between the City and LACFD and measures regarding emergency response.

City of Malibu Local Coastal Program Land Use Plan

General policies 4.45 through 4.54 of the City of Malibu Local Coastal Program (LCP) Land Use Plan are intended to minimize risks due to fire hazards. They include siting and design guidelines and requirements for developments adjacent to parkland. This also requires adequate access and water supply for fire protection personnel and specific brush clearance methods. The LCP Land Use Plan also requires submittal of a fuel modification plan prior to approval for any project that requires fuel modification.

City of Malibu LCP Local Implementation Plan

Chapter 9 of the City of Malibu LCP Local Implementation Plan contains provisions intended to ensure that new development minimizes risks to life and property in areas of high geologic, flood, and fire hazard. Development standards, permit and application requirements, and other measures are provided to implement the LCP Local Implementation Plan.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

The following thresholds for determining the significance of impacts related to hazards and hazardous materials are contained in the environmental checklist form contained in Appendix G of the most recent update of the *California Environmental Quality Act (CEQA) Statutes and Guidelines*. Impacts related to hazards and hazardous materials are considered significant if the proposed project would:

- 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 and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or 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 located within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.
- Impair implementation of 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 whether wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Impact Analysis

Threshold 3.7.1 Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Construction

Construction of the proposed project would involve the use of those hazardous materials that are typically necessary for construction of commercial development (i.e., paints, building materials, cleaners, fuel for construction equipment, etc.). Therefore, construction of the proposed project would involve routine transport, use, and disposal of these types of hazardous materials throughout the duration of construction activities. Furthermore, the transport, use, and disposal of construction-related hazardous materials would occur in conformance with all applicable local, state, and federal regulations governing such activities. For example, the proposed project would be required to implement standard best management practices (BMPs) set forth by the City and the Regional Water Quality Control Board (RWQCB) which would ensure that wastes generated during the construction process are disposed of properly. Refer to **Section 3.8, Hydrology and Water Quality**, for further discussion of BMPs related to potential construction impacts. Therefore, the proposed project would not create a significant impact related to routine transport, use, or disposal of hazardous materials during construction and impacts would be less than significant.

Operation

The proposed project consists of the development of commercial retail uses (a grocery store, restaurants, and shops) and a related surface parking lot with landscaping. Due to the retail nature of the proposed project, a variety of products would be transported to and exist on-site to be used and offered for sale. Such products would only be considered hazardous if used inappropriately or if exposed to unfavorable conditions. The types of potentially hazardous materials associated with operation of the proposed project include solvents, cleaning products, fertilizers, and pesticides that are packaged and stored for consumer sales. Furthermore, materials would be used for facility upkeep that could be considered

hazardous if used inappropriately. Such materials include cleaning solvents used for janitorial purposes, materials used for landscaping, and materials used for maintenance. Examples of such materials could include but are not limited to cleaning solvents, pesticides and herbicides for landscaping, and painting supplies. However, all potentially hazardous materials transported, stored, offered for sale, or used on-site for daily upkeep would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. With compliance with existing local, state, and federal regulations, the transport, storage, and sale of these materials would not pose a significant hazard to the public or the environment. Therefore, project impacts related to this issue would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant

Threshold 3.7.2 **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.**

As discussed under **Threshold 3.7.1**, compliance with federal, state, and local laws and regulations relating to transport, storage, disposal and sale of hazardous materials would minimize any potential for accidental release or upset of hazardous materials, and impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant

Threshold 3.7.3 **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.**

The proposed project is a commercial retail development which will comply with all local, state and federal standards, regulations, and good housekeeping practices; it is not anticipated to emit any hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste during

construction or operation. Further, as previously discussed, there are no existing or proposed schools within 0.25 mile of the project site. Impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.7.4 **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment.**

As previously discussed, as part of the Phase I ESA, an historical environmental database search in compliance with ASTM Standard EI527-00 and ASTM Standard E1527-13 was conducted encompassing the project site and up to a 1-mile radius from the project site. The project site does not appear in any of the databases. A few cases were identified in the area within various databases. However, none of these cases are issues of environmental concern to the project site for reasons detailed in the Phase I ESA, including distance from the project site, regulatory closure, and down-gradient or cross-gradient locations. Impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.7.5 **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.**

The nearest airport to the project site is Santa Monica Municipal Airport located approximately 16.2 miles to the southeast. Other airports in the general area include Los Angeles International Airport, located approximately 19.9 miles to the southeast and Bob Hope (Burbank) Airport, located approximately 34.2 miles to the northeast. The project site is not located within 2 miles of a public airport or within the

boundaries of an airport land use plan and would not result in a safety hazard for people residing or working in the project area. Therefore, no impact would occur.

Mitigation Measures

No mitigation measures are required.

Residual Impact

No impact would occur.

Threshold 3.7.6 **For a project located within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.**

As discussed above (**Threshold 3.7-5**) the project site is not located within 2 miles of a public airport or within the boundaries of an airport land use plan, nor are there any private airstrips in the vicinity of the project site. Implementations of the proposed project would not result in a safety hazard for people residing or working in the project area due to the proximity of a private airstrip. Therefore, no impact would occur.

Mitigation Measures

No mitigation measures are required.

Residual Impact

No impact would occur.

Threshold 3.7.7 **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.**

According to the EOP, in the project vicinity Malibu Canyon Road and PCH are the designated disaster routes.[7] Disaster routes function as primary thoroughfares for the movement of emergency response traffic and access to critical facilities. Although the project site is situated in the vicinity of these streets, neither the construction nor the operation of the project would require or result in modifications to any of these roadways that would impact emergency traffic. Construction of the project could temporarily interfere with local and on-site emergency response. Local streets adjacent to the project site would be

7 City of Malibu SEMS/NIMS Emergency Operations Plan 2012, website: https://www.malibucity.org/DocumentCenter/View/68, accessed March 17, 2014.

used for construction traffic; however, construction traffic would conform to all local access standards to allow adequate emergency access. The majority of construction activities for the project would be confined to the site, except for infrastructure improvements, which may require some work in adjacent street rights-of-way. The required use of flag personnel during these periods would minimize traffic obstruction and delays. While the proposed project is anticipated to affect vehicle/capacity ratios and the level of service of roadways in the project vicinity, with proposed mitigation, the proposed project would have less than significant impacts to area traffic both on a project and cumulative level (refer to **Section 3.13, Transportation and Traffic**). Further, increases in traffic would not greatly affect emergency vehicles since the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. This impact is not considered significant since emergency response times would not be substantially affected, and given the availability of alternative routes within the street pattern in the area surrounding the project site.

Therefore, construction and operation of the project is not anticipated to significantly impair implementation of, or physically interfere with, any adopted or on-site emergency response or evacuation plans or a local, state, or federal agency's emergency evacuation plan, and the project would have a less than significant impact with respect to these issues.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.7.8 **Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including whether wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.**

As previously acknowledged, the City, and therefore the project site, is located within a VHFHSZ. All project construction would be in compliance with the goals, policies, and implementation measures and codes of the LACFD; the City's General Plan Safety Element; the LCP; the Department of Public Works, Building and Safety Division; and VHFHSZ building codes and requirements. Examples of protective building construction measures include Fuel Modification Zones; development with specific building materials, such as fire-retardant roofing; and the installation of fire sprinkler systems in all five buildings, and the provision of fire-safe landscaping, including the provision of a "living wall" along the northern

property line.[8] The proposed project would comply with all applicable code and regulatory measures, as well as implement **Mitigation Measures 3.11-1-1** through **3.11-1-7** set forth in **Section 3.11.1, Public Services – Fire Protection**. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant following compliance with all applicable measures.

Cumulative Impacts

Development of the proposed project in combination with the related projects has the potential to increase, to some degree, the risks associated with the use and potential accidental release of hazardous materials in the project area, as well as the intensification of use in a VHFHSZ. However, as discussed above, impacts related to hazards, hazardous materials and the intensification of use in a VHFHSZ as a result of the proposed project would be less than significant.

With respect to other sites in the area, the potential presence of hazards or hazardous substances would require evaluation on a case-by-case basis, in conjunction with the development proposals for each of these properties. Further, compliance with all applicable local, state, and federal codes and regulations regarding the transport and/or use of hazardous materials would further reduce impacts associated with the development of the related projects. The proposed project would not contribute to a cumulatively significant impact with respect to hazards, hazardous materials. As a result, cumulative impacts with respect to hazards, hazardous materials would be less than significant.

Increased vehicle traffic generated at buildout of the proposed project and the related projects could adversely affect the operating condition of the local roadway network. Increased cumulative traffic could slow fire response times in a VHFHSZ. Mitigation measures for cumulative traffic impacts are provided in **Section 3.13 Traffic, Circulation, and Parking**, of this EIR. Upon implementation of these measures, no significant impacts on fire protection services would occur when compared with accepted response time criteria. Further, increases in traffic would not greatly affect emergency vehicles since the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using their sirens to

8 In Germany, fire insurance premiums are lower on buildings with green (living) roofs and walls, which lower fire risk. Horticulture Week, *'Living Walls and Green Roofs - Turning Clients Green'* Gavin McEwan, May 7, 2010, website: http://www.hortweek.com/news/1001319/Living-walls-green-roofs---turning-clients-green/, accessed March 26, 2014.

clear a path of travel or driving in the lanes of opposing traffic. This impact is not considered cumulatively significant since emergency response times would not be substantially affected, and given the availability of alternative routes for emergency vehicles within the street pattern in the Civic Center Area.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.